

out to my family and to my family's family. And I see what good will come from his efforts and his desire and his hope and vision for the future.

Also, I want to say that I think he has worked very well with the majority leader. The majority leader has had some tremendous stress and strain. But had it not been for the cooperation and effort of the Democratic leader, the first session of the 105th Congress would not be ending on the high note that I believe it is.

I thank the Chair.

I suggest the absence of a quorum.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

#### THANKS TO SENATOR WENDELL FORD

Mr. DASCHLE. Mr. President, let me thank the Senator from Kentucky for his very generous comments. I am not worthy of his remarks. I appreciate very much the kindness that he has shown me in all the years that we have worked together but in particular the last three. I couldn't be a luckier leader than I am to have the ability to work as closely as I can and do with the distinguished minority whip. It has been a real joy for me.

This has not been an easy year for him. As the ranking member of the Rules Committee, he had to deal with a very, very contentious issue with the seating of Senator LANDRIEU.

He has had an array of challenges presented to him, and each and every time I had the confidence and the good fortune to know that he was going to successfully work through those challenges and difficulties with the kind of ability and tenacity and extraordinary work that he does so routinely.

So I thank him for his work. I thank him for his friendship and the tremendous effort that he has put forward in making our caucus what it is today. I truly believe that any leader is only as good as the team he has to work with. I have the good fortune to have, in my view, one of the best teams the Democratic caucus has ever had in leadership. And he is the preeminent example of what I am referring to. He is respected so widely and so enthusiastically that it goes without saying that when it comes to respect and when it comes to the extraordinary admiration that his colleagues have for him, Wendell Ford is in a class by himself.

#### THANKING THE STAFF

Mr. DASCHLE. Mr. President, let me also commend, as Senator FORD did, our floor staffs on both sides. The Senator has expressed his gratitude to my staff in the leader's office. I do so as well. They have just been remarkable all year long. But whether it is in the leader's office or here on the floor, it has made my job one that has been so much easier as a result of their efforts and their knowledge of the way our

process works. They bring to work each day an extensive experience but, more than experience, an attitude that I think epitomizes the kind of quality of people that we have.

So I thank our staff. I thank our leadership team. I thank the caucus. I am very grateful once more to celebrate what I consider to be good teamwork all the way around.

I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEMOCRATIC LEADERSHIP

Mr. DURBIN. Mr. President, I am completing my first year in the Senate. I will be the first to confess I have a lot to learn, but it has certainly been a rewarding experience serving in this great body. Having had the opportunity to serve 14 years in the House, I was no stranger to Capitol Hill, but this is a much different institution. The dynamic of 100 men and women working together as opposed to 435 is substantially different. I have been impressed with the volume of work that each Senator is asked to shoulder. I have also been very impressed with the leadership, and I join my colleague from Kentucky, Senator FORD, in noting the fine work of Senator DASCHLE as the Democratic minority leader. It is a tough job. He is lucky to have a good staff to have the energy and talent he brings to it. We are fortunate on the Democratic side to have him.

#### NOMINATION OF BILL LANN LEE

Mr. DURBIN. Mr. President, at this moment I would like to make reference to what happened in the Senate Judiciary Committee today relative to the nomination of Bill Lann Lee.

Bill Lann Lee is a Chinese-American who was designated by President Clinton to head the Civil Rights Division in the Department of Justice. It is probably one of the more controversial jobs in the Federal Government.

Civil rights, of course, throughout our history has evoked great emotion. Bill Lann Lee is a person, the son of Chinese immigrants, who came up the hard way, faced challenges which many of us have never faced, overcame them, and then devoted 23 years of his life serving with the NAACP Legal Defense Fund. It is interesting; he filed some 200 different civil rights lawsuits in his public career, settled all but six of them—settled all but six of them.

As the mayor of Los Angeles, a Republican, Richard Riordan, said, Bill Lann Lee is the mainstream of civil rights law. He is a person who looks for

practical and pragmatic solutions to civil rights challenges.

Mr. President, in my estimation, he is exactly the right person for this job, and I am glad the President nominated him. What happened to Bill Lann Lee today in the Judiciary Committee was a very sad situation for Bill Lann Lee. Unfortunately, he did not have the votes and had his name been called, he would not have been approved by the Senate Judiciary Committee and sent to the floor of the Senate for confirmation. So as a result, there was a parliamentary tangle, and when all was said and done very little was done after 2 or 3 hours of speeches.

It strikes me as sad that we have now reached a point in this debate over race and civil rights in this country where we are headed in the wrong direction. It is sad that the leaders of both political parties do not look for opportunities to bind the wounds of this country, wounds of several centuries over the issue of race, but instead continue to look for flash points, buzz words, bringing up issues like quotas and preferences and such.

Bill Lann Lee was asked directly, what is his position on quotas. He said, unequivocally, decisively, "I am against them." Bill Lann Lee said, "I am against quotas." But if you would listen to his critics in the Judiciary Committee today, you would think his answer was exactly the opposite. They won't accept yes for an answer. Bill Lann Lee said, "Yes, I am opposed to quotas," and yet they continue to badger him and say, oh, that isn't what he really means.

It is ironic, too, when they quizzed him about the important Supreme Court decisions in the area of civil rights, he gave what I thought were very cogent, thoughtful answers and complete to the best of his ability. In fact, his answers, as the New York Times reported this morning, were virtually identical to the answers of Seth Waxman, a man who sought the position of Solicitor General, who was well qualified for the job, and was approved by the Judiciary Committee and by the Senate without much of any kind of resistance. But along comes Bill Lann Lee, and for some reason, giving the same answers to the same questions, he is being rejected.

I said today in the Judiciary Committee that I wasn't certain that if Thurgood Marshall's name had been submitted today to head the Civil Rights Division, he could have made it through that committee. In fact, I will go beyond that; he could not have made it through that committee because, you see, Thurgood Marshall, who distinguished himself in the field of civil rights throughout his lifetime and went on to serve this country with distinction on the Supreme Court, was an activist, a man who actively pursued the cause of equal rights in America. And I have to tell you that the political sentiment in the Senate Judiciary Committee is not open to that sort of individual.

So now President Clinton faces a dilemma, what to do. After the Senate Judiciary Committee action today, or failure to act, should the President walk away from Bill Lann Lee and try to find some other for the job? I hope he doesn't. I hope he doesn't. I hope the President will appoint Bill Lann Lee, as he has the right to do, as a recess appointment to this job that will at least give him 1 year to serve in this position. He deserves it. And in that service he will prove to a lot of his detractors that he is up to the job.

In addition, I might add, if Bill Lann Lee won't make it in this position, if Republicans are opposed to him, I am afraid there isn't a person the President could send that they would approve because, you see, they are not looking for someone who represents the philosophy of the administration, the philosophy of the Department of Justice or the philosophy of the President. They are looking for someone who represents their Republican philosophy. But if I understand the Constitution in its basic form, the people of America spoke last November and said that Bill Clinton was to be the President. They endorsed his philosophy over Bob Dole and other candidates, and now when he tries to appoint people to positions to carry out that philosophy, they say, no, we are not going to let that happen.

That is a sad situation, sadder still when you think about how this has developed to a point where what was a bipartisan consensus on the issue of civil rights is starting to deteriorate very dramatically. Today in the committee only one Republican Senator, ARLEN SPECTER, of Pennsylvania, said he would vote for Bill Lann Lee. We needed one more out of the remaining nine, and we could not find them. So Bill Lann Lee's nomination languished.

What is sadder still is that this fine man and his beautiful family are now left with uncertainty about their future. When he could have been preparing to serve this Nation in an important capacity and make life better for so many people, his future is in doubt.

Those who argued that this is just a question of race looked beyond the issue of civil rights in its entirety.

The issue of civil rights goes beyond racial questions into questions involving gender, questions involving people with personal physical disabilities, questions of ethnic background. The Civil Rights Division makes us feel uncomfortable as Americans because time and again it forces us to focus our view on things we don't want to talk about. We don't want to talk about discrimination at a major corporation against African Americans. We don't want to talk about discrimination at a major city's police department against women. We don't want to talk about meetings of Federal law enforcement officials, as happened several years ago, where there were outright racist comments being made time and again.

Yet we must. Because if this Nation really stands for what we believe it does, if it is truly committed to equal rights, we have to face the reality that there are times when we have strayed from our goal.

Bill Lann Lee, I hope, will ultimately be confirmed by this Senate, I hope not only because he would be the highest ranking Asian American in the history of this country but also because, with his life, he has set out to prove that having been the son of Chinese immigrants, having been someone who is a recipient of an affirmative action program at Yale University and also at Colombia Law School, that he could prove himself to be up to the task.

I had a moment this evening, so I took out a card in my desk and wrote a personal note to him because I have been thinking about him a lot recently. I still remember his wife, his family. I especially remember his mother, his mother who is I am sure up in years but I won't even try to guess what her age might be. She was a woman who worked in a hand laundry in New York for years, and there she sat at a confirmation hearing seeing her son who used to run around this little hand laundry in New York now being nominated for one of the highest positions in the Federal Government. I am glad she got to see that nomination, but I am sorry that she had to witness what has happened since. She came to this country as an immigrant with hope. Her husband, who Bill Lee identified as his greatest inspiration in life, was a man who was totally committed to this country.

During World War II, at the age of 36 when he could have escaped the draft, he volunteered, went into the Army Air Corps and served with real distinction. When he came out he said to his sons, "It was the right thing to do. They treated me like I was an American—not a Chinaman living in America."

That lesson was not lost on Bill Lann Lee. It hasn't been lost on any of us. I sincerely hope that when we return, some of the rancor and some of the negative feelings have abated and that people will consider once again the need to look at this important nomination. If there needs to be a national debate on affirmative action, the debate should take place right here on the floor of this Chamber. Democrats and Republicans can argue the merits or demerits. They can talk about changes, as we should in any law. But to make this one man the focal point of this debate and to literally say that he cannot have an opportunity to serve because we as a nation are divided on the question, I think is fundamentally unfair.

So, as we adjourn and go off for another 10 or 11 weeks back in our districts and other places, back in our home States, I hope we will not forget that we have a responsibility when we return, a responsibility not just to Bill Lann Lee but to many others who hope that in a bipartisan fashion we can

continue to address the issue of civil rights in a civil manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REAL ESTATE SETTLEMENT PROCEDURES ACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 607, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 607) to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights with respect to private mortgage insurance which is required as a condition of entering into certain federally related mortgage loans and to provide for cancellation of such insurance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1637

(Purpose: To provide for a substitute and to amend the title.)

Mr. LOTT. Mr. President, Senator D'AMATO has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. D'AMATO, proposes an amendment numbered 1637.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1637) was agreed to.

The bill (H.R. 607), as amended, was read the third time and passed.

#### BOYS AND GIRLS CLUBS OF AMERICA FACILITIES ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on