

own. That is why we need to restore the Constitution's intended separation of powers.

This legislation would do just that. It would prevent any Federal regulation from taking effect until Congress votes on it. In essence, it transforms the Federal regulators into Federal advisors—suggesting regulations that Congress may or may not approve.

Last year, Congress enacted the Congressional Review Act, which permitted Congress to review major Federal regulations. That was an important first step. This legislation we are introducing today goes a step beyond that—it requires Congress to approve all federal regulations. If Congress does not approve, the regulators cannot regulate.

Mr. President, this bill is an important tool to return accountability to the regulatory process. This is about cutting Government and renewing the basic principle of our democracy—that the people, through their elected representatives, control the Government, and not the other way around.

I am proud to be an original cosponsor of this legislation, and I urge all of my colleagues to support it.●

By Mr. MOYNIHAN (for himself and Mr. BYRD):

S. 434. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Finance.

#### THE STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

● Mr. MOYNIHAN. Mr. President, today I am introducing legislation to prohibit the use of tax-exempt financing for professional sports stadiums, the Stop Tax-exempt Arena Debt Issuance Act [STADIA], with one modification.

The bill I introduce today is identical to S. 122, the previously introduced version of the STADIA bill, in all respects save one. The new version, rather than generally applying to bonds issued on or after the date of first committee action, as specified in S. 122, will be effective generally for bonds issued on or after the date of enactment.

On February 27, during the floor debate regarding the reinstatement of the airport and airway trust fund taxes, the senior Senator from Pennsylvania, Senator SPECTER, raised an objection to the majority leader's request that the aviation tax bill be taken up and passed. Senator SPECTER's objection was based on his concerns about the effective date of S. 122. In view of the importance of the aviation tax legislation, which is critical to the funding of air safety measures, I agreed to revised the effective date of my bill. Senator SPECTER then withdrew his objection to passage of the aviation tax legislation, which the Senate proceeded to pass by unanimous consent.●

#### ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 66

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 114

At the request of Mr. INOUE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 222

At the request of Mr. DOMENICI, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 368

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 368, a bill to prohibit the use of Federal funds for human cloning research.

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Kansas [Mr. BROWNBACK], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

#### SENATE RESOLUTION 59

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Delaware [Mr. BIDEN], the Senator from Connecticut [Mr. DODD], the Senator from Califor-

nia [Mrs. BOXER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. CONRAD], the Senator from Georgia [Mr. CLELAND], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. DEWINE], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Delaware [Mr. ROTH], the Senator from North Dakota [Mr. DORGAN], the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUE], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. REED], the Senator from Nevada [Mr. REID], the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 59, a resolution designating the month of March of each year as "Irish American Heritage Month."

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 417, a bill "to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002," S. 416, a bill "to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency," and S. 186, a bill "to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States and for other purposes," has been postponed.

The hearing was scheduled to take place on Tuesday, March 18, 1997, at

9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC, and will be reschedule later.

For further information, please call Karen Hunsicker, counsel (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 2:30 p.m. in room 106 of the Dirksen Senate Building with the Committee of Banking, Housing, and Urban Affairs to conduct a joint oversight hearing on Indian housing programs operated by the Department of Housing and Urban Development [HUD].

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 12, 1997, at 2 p.m. on universal service.

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

##### COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 12, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Scientific Discoveries in Cloning: Challenges for public policy, during the session of the Senate on Wednesday, March 12, 1997, at 9:30 a.m.

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

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 12, 1997 beginning at 9:30 a.m. until business is completed, to hold an oversight hearing on the operations of the Smithsonian Institution, the Woodrow Wilson Center for International Scholars, and the John F. Kennedy Center for the Performing Arts.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to

meet during the session of the Senate on Wednesday, March 12, 1997 at 9 a.m. to hold an open hearing on the Nomination of Anthony Lake to be Director of Central Intelligence.

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

##### SUBCOMMITTEE ON AIRLAND FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces be authorized to meet on Wednesday, March 12, 1997, at 10 a.m. in open session, to receive testimony on the Defense authorization request for fiscal year 1998 and the future years Defense Program.

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

##### SUBCOMMITTEE ON PERSONNEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 12, 1997, at 2 p.m. in open session, to receive testimony on Department of Defense policies pertaining to military compensation and quality of life programs in review of the Defense authorization request for fiscal year 1998 and the future years Defense program.

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

##### SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 10 a.m. to hold a hearing.

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

##### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 12, 1997 to receive testimony on U.S. National Security Space Programs and Policies and the Department of Defense budget request for fiscal year 1998 and the future years Defense program.

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

##### SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 1 p.m. to hold a briefing, and at 2 p.m. to hold a hearing.

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

#### ADDITIONAL STATEMENTS

##### REVERSAL RATE OF THE NINTH CIRCUIT COURT OF APPEALS

• Mr. KYL. Mr. President, I rise to make a few remarks concerning the Ninth Circuit Court of Appeals and the Senate's role in confirming judges.

The ninth circuit is enormous. It spans nine states and two territories covering 1.4 million square miles. It serves a population of more than 45 million people; the next largest, the sixth circuit, serves fewer than 29 million people, and every other Federal circuit serves fewer than 24 million. By 2010, the Census Bureau estimates that the population of the ninth circuit will be more than 63 million—a 40-percent increase in just 15 years. Given the demographic trends in our country, it is clear that the population of the States in the ninth circuit, and thus the caseload of the Federal judiciary sitting in those States, will continue to increase at a rate significantly ahead of most other regions of the country.

To serve its enormous population, the ninth circuit already has 28 judgeships, making it by far the largest circuit—and, in fact, larger than the first U.S. Senate. The next largest circuit, the fifth circuit, has 17 judgeships, while the first circuit has six and the seventh and eighth each have 11. The average number of judgeships in the Federal circuits other than the ninth is 12.6. Further, the ninth circuit has requested an additional nine judgeships, which would take it to 37 active judges, in addition to senior judges.

Unfortunately, too often the decisions reached by this circuit have had to be reversed on appeal. According to statistics published in the National Law Journal, in the last six terms of the U.S. Supreme Court—from the 1990-91 term to the 1995-96 term—the Supreme Court reversal rate for the ninth circuit was 73 percent, 69 of 94 cases were reversed. The average reversal rate for the other circuits was 61 percent, 268 of 442. And so far this term, the high court has overturned 10 of the 11 ninth circuit cases it has reviewed. Since circuit judges are simply supposed to apply the law enunciated by the Supreme Court, the obvious question is why the ninth circuit gets it wrong almost three-fourths of the time the Supreme Court reviews its decisions.

Consider, for example, the 11 decisions handed down by the Supreme Court on February 18 and 19. Three of the eleven decisions reviewed ninth circuit cases. In all three cases, the ninth circuit was in conflict with other circuits. In fact, in one case, the ninth circuit disagreed with five other circuits. In all three cases, the Supreme Court unanimously reversed the ninth circuit.

Such decisive reversals are not an aberration. Most recently, on March 3, in a unanimous decision by Justice Ginsburg, the Supreme Court reversed an