

Lugar  
Mack  
McCain  
McConnell  
Moseley-Braun  
Murkowski  
Murray  
Nickles

Robb  
Roberts  
Roth  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)

Snowe  
Specter  
Stevens  
Thomas  
Thompson  
Thurmond  
Torricelli  
Warner

#### NAYS—24

Baucus  
Boxer  
Breaux  
Bryan  
Campbell  
Cleland  
Coats  
Daschle

Durbin  
Feingold  
Feinstein  
Ford  
Glenn  
Harkin  
Inouye  
Kerrey

Landrieu  
Mikulski  
Moynihan  
Reed  
Reid  
Rockefeller  
Sarbanes  
Wyden

#### NOT VOTING—4

Conrad  
Dorgan

Grams  
Wellstone

The motion to lay on the table the amendment (No. 28, as modified) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. REID. I move to lay it on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 27

The PRESIDING OFFICER. The pending question is amendment 27, offered by the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise to ask for passage of the Thurmond-Hollings amendment to the pending Nuclear Waste Policy Act bill. The pending bill includes a prohibition against storing commercial spent nuclear fuel at the Hanford site in Washington State. This amendment would include an exemption for the Savannah River site and an adjoining site in Barnwell County, SC.

Mr. President, the purpose of the amendment is to level the playing field among all states, should the Department of Energy have to select an alternate interim storage site.

There are three sites under the jurisdiction of the Department of Energy which currently have facilities that might be capable of accepting spent nuclear fuel. They are the Hanford Nuclear Reservation in Washington, the Idaho National Environmental and Engineering Laboratory in Idaho, and the Savannah River site in South Carolina. Let me note that these facilities are near their capacity and would require many significant upgrades to take on a commercial mission.

The pending bill explicitly exempts the Hanford site from being selected for interim storage. The State of Idaho has a legally enforceable court order prohibiting importation of new wastes into the State. This leaves South Carolina as the only other State with facilities capable of accepting spent nuclear fuel.

Passage of the amendment is not intended to impact the overall success or failure of this legislation. It is only intended to ensure that if the Department finds that the Yucca Mountain facility is not suitable for spent fuel storage, that all States would then be placed on an equal footing for the

siting and construction of a new state-of-the-art storage facility.

Mr. President, I urge adoption of the amendment.

Mr. MURKOWSKI. I believe both sides are ready to accept the amendment by voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 27) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. REID. I move to lay it on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 26

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays on the Murkowski substitute.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. MURKOWSKI. I ask unanimous consent there now be a period of morning business until the hour of 1:30, with Senators permitted to speak for up to 5 minutes.

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

The Chair recognizes the Senator from New Mexico.

#### PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Bob Simon, who is on detail on my staff, be granted the privilege of the floor during the pendency of S. 104.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

Mr. LEAHY. Mr. President, I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 546 are lo-

cated in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. I ask unanimous consent to proceed for 1 minute.

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

#### FEDERAL JUDICIARY VACANCIES

Mr. LEAHY. Mr. President, we are now in April and we have been in session for 4 months. We have confirmed two Federal judges in 4 months. That is half a Federal judge a month. There are almost 100 vacancies in our Federal judiciary. That means that puts a strain on our Federal justice system. Cases cannot be heard because judges are not there. Prosecutors are forced to plea bargain in cases they do not want to. If you are a private litigant in a business or just an individual and you have suits you want heard, they cannot be heard.

The Chief Justice of the United States has said it is a crisis situation. It is.

Mr. President, I urge the leadership of this body to start moving forward and get some of the vacancies filled, take the judges that have already been nominated, get them confirmed, and show respect to the independent Federal judiciary of this country.

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I may be allowed to proceed as in morning business.

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

#### REMEMBERING THE HOLOCAUST

Mr. LIEBERMAN. Mr. President, this month we observe the 52d anniversary of the beginning of the end of World War II, and the liberation of victims of the Holocaust in Europe. Just 2 years ago, the 50th anniversary of the war's end, there were many ceremonies, memorials, books, articles, and television programs marking the events of 1945. Now, much of the world's attention seems focused on the coming millennium, and the beginning of the 21st century.

But we must not allow ourselves to forget those events of the 20th century that continue to shape our lives. And we must never allow humanity to forget the awful truth of the Holocaust, for if we do, we risk unleashing the horror of that time on the world once again. The act of remembrance becomes more difficult with each passing year, for there remain fewer and fewer eyewitnesses to history. Fewer survivors of the Holocaust remain. Fewer

liberators are alive to tell what they saw with their own eyes.

And so it falls upon us, the children of the survivors and the liberators, the victims and the witnesses, to carry this burden into the new century, to tell our own children all we know about the horrors visited upon the world a little more than five decades ago, and to pray that what is our history remains history.

Mr. President, a short while ago, a distinguished American statesman, Paul Wolfowitz, said, "Our goal, as we enter the 21st century, is to make sure that it does not repeat the 20th century," which is to say the two world wars, the cold war, and all that occurred within it.

Today, I wish to speak briefly about one event in the history of the Holocaust and World War II, and that is the liberation of Dachau, the anniversary of which falls less than 3 weeks from today. And I will do so in the words of the 42d Rainbow Infantry Division's "History of World War II," written shortly after the war's end:

That word, Dachau, is one which few men of the Rainbow will ever forget. They had heard of Nazi concentration camps and believed or half-believed the stories of the SS atrocities and brutalities conducted in them. Soon they were to see the most famous of all German horror prisons. The oldest such camp in Germany, its very name was feared. Men and women who entered those massive stone gates as prisoners never came out. Inside them was practiced systematic murder. Men who had seen friends die and witnessed all the horrors of war were to turn pale and sick at what they saw at Dachau . . .

As the first American entered the prison the 33,000 inmates went wild with joy and at the same time joined in the battle against the SS, some of whom had changed into prisoners striped uniform in an attempt to escape.

The first hysterical group to see the Americans rushed and were pushed into an electrified fence which surrounded the principal enclosure and several of them were killed. As the Americans entered the enclosure they rushed to them and tried to throw their arms around them. . . .

The men of the Second Battalion began moving through the camp. Everywhere they saw sights which filled them with horror.

Drawn up on sidings outside the camp itself they found 50 boxcars, each one filled with about 30 men who had either starved to death in these cars or had been killed by the machine guns of the guards when they tried to escape. . . .

In the camp itself there were bodies everywhere. The majority of the guards had fled the night before the Rainbowmen arrived, but before they left they had roamed through the camp killing important prisoners or persons against whom they bore a grudge. . . . Then the guards decided this method was too slow and they turned their machine guns on the inmates. Before they stopped and fled they had killed more than 2,000 in an orgy of murder. Inmates of the camp had gathered these bodies into piles, stacking them up like cordwood. . . .

Toward the end [of the war] . . . the Nazis had run out of coal and had no way to cremate the bodies, but still the business of murder by gas continued and hundreds of others died of starvation. These bodies the Rainbowmen found dumped into open graves or thrown into the moat until they dammed

the water. The stench of the camp was nauseating and in the huts in which the inmates lived the odor was overpowering. Beaten, tortured and starved by the guards, some of these people had become little more than animals. . . .

Dachau was a nightmare to all the men of the Division who saw it . . . but it was also a lesson. "Now I know why we are fighting," man after man said. "The Nazis who conceived such a place as that were madmen and those people who operated it were insane. We cannot live in the same world with them. . . ."

Mr. President, I have had the honor of meeting some of the veterans of the Rainbow Division, and they have always carried with them the terrible memory of Dachau. And yet, as heroic as their work in fighting the Nazis and liberating the victims of the Holocaust was, to a man they deny any special attention. Like so many men of their generation who did their duty, they simply say, "we had a job to do, and we did it." In so doing, they defended not only the security of the United States of America. They demonstrated that to be human was to be capable of great acts of courage and goodness, even in the face of unspeakable cowardice and evil.

Mr. President, I have had the honor of meeting several of the veterans of that Rainbow Division, and they have always carried with them terrible memories of Dachau. Yet, as heroic as their work in fighting Nazis and liberating the victims of the Holocaust was, to a man they denied any special attention. They pushed it aside like so many men in our generation who did their duty. They simply say over and over again, "We had a job to do and we did it." In so doing, they defended not only the security of the United States of America; they demonstrated that to be human was to be capable of great acts of courage and goodness, even in the face of unspeakable cowardice and evil.

Mr. President, in closing, I would like to make special mention of two people involved in this one story of the Holocaust and the liberation of Dachau. One is a constituent, Robert T. Kennedy, of Wallingford, CT, who at age 32 was drafted into the Army, in part because of his expertise in radio technology, and despite the fact he had a heart condition. Like so many others of his generation, he answered the call of duty, even though it meant leaving his wife, Beatrice, and 6-month-old son, Bobby, at home. Young Bob was nearly 3 when his dad finally returned from the war. Sergeant Kennedy was a member of the Rainbow Division, and he witnessed the horrors of Dachau. And he made sure to tell his children all about the concentration camp, even at an age when they could barely grasp its meaning. He spoke of the rage he and his fellow soldiers felt for those who made torture and murder a way of life, and he told of how the men of the Rainbow forced the civilian townspeople of Dachau to march up to the nearby camp and see for themselves what most, if not all, of them surely must

have known was occurring for so many years. Sergeant Kennedy passed away in 1976, but the memory of his service lives on in the hearts of his family.

Another person who was there, in that same dark corner of the Earth at the same moment in history as Sergeant Kennedy and the men of the Rainbow Division, was Ella Wieder, an inmate first at Auschwitz, and then at Dachau-Allach, a subcamp of Dachau also liberated at the end of April 1945. Apparently, it was her work as a slave laborer that, fortunately, stood in the way of her termination long enough for her to survive the Holocaust. After the war she returned to her native Czechoslovakia, and met Rabbi Samuel Freilich. They married, and soon thereafter gave birth to a daughter, Hadasah, who is my wife, and the mother of our child, Nana.

Mr. President, I tell this story with some feeling today particularly because for the last 17 years Sgt. Robert Kennedy's son, Jim Kennedy, has been my spokesman, my press secretary, my communications director, my muse, and, best of all, my friend.

Tomorrow, after these 17 years in the movement of life that is inevitable, Jim Kennedy, who for the first time is sitting by my side on the floor, is leaving the service of the U.S. Government, and, more particularly, work at my own office, to go on to a wonderful opportunity in the private sector in New York.

I cannot thank him enough, and I appreciate the opportunity to do so publicly, not just for the extraordinary eloquence and hard work that he has brought to our work together but to the profound sense of values carrying on the heroism of his father and his family that he has brought to his work with me, to his personal life, to his marriage, and to his fatherhood. I cannot thank him enough. I will miss him. But I wish him all of God's blessings in the years ahead.

I know that, though we will not be working together, our friendship will go on for as long as the Good Lord gives us the opportunity to be alive on this Earth.

Mr. President, life goes on, despite the efforts of the Nazis and so many others to snuff it out. With this tremendous yearning and quest to realize the rights that our Constitution and Declaration of Independence enshrines to life, liberty, and the pursuit of happiness we prevail. And with those rights, however, comes the responsibility of caring for the lives of others. That means remembering the past and its shameful secrets in a way that secures a more hopeful future. It means carrying forth the lessons of the 20th century into the 21st, and telling the stories of the heroes, like Sgt. Kennedy, and the villains of this time in hopes that future generations will never know the enormous terror that once ruled in the dismal environs of Dachau not so long ago. And it means being grateful to all those here at the

Senate, like Jim Kennedy who helped people like me give service to the public, and hopefully in that service make this a freer, better country and world.

I thank you, Mr. President, and I yield the floor.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I request 10 minutes as part of morning business.

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

#### TAX LIMITATION AMENDMENT

Mr. SMITH of Oregon. Mr. President, I rise today to join 19 of my colleagues as a cosponsor of the tax limitation amendment, a proposed amendment to the Constitution to require a two-thirds vote of the House and Senate to raise taxes.

I stand here as an elected representative of the State of Oregon. A State that last year added a three-fifths vote of its legislatures as an amendment to its State constitution in order to raise taxes.

This requirement stipulates that when Government seeks to raise taxes, to increase what it takes out of its citizens pocketbooks, there ought to be more than a narrow agreement—and, indeed there ought to be a broad consensus.

Oregonians believe that before there is to be an increase in taxes, there has to be a firm belief by a supermajority of its elected representatives that this is necessary. That is why we amended the State constitution to require just such a supermajority in 1996. Further, a two-thirds vote requirement fits with the spirit of the Federal Constitution. Supermajority voting requirements are found throughout the Constitution. Some people say to me, "Well, you don't need a supermajority voting requirement. We rule by majority in this country." But the truth is our Founding Fathers knew there were times when it had to be otherwise. That is why in articles I, II, V, VII, VIII, IX, and XXV there are supermajority voting requirements. These are applied to things like motions to consent to a treaty, to override a Presidential veto, or to vote in the case of a Presidential disability.

Further, the 16th amendment, which provided for the Federal income tax, had to be approved by a vote of two-thirds of Congress and three-fourths of the States. It is logical that an amendment to extend this tax burden would require a supermajority vote.

Our Founding Fathers saw reason to check the simple majorities used in deciding issues in a democracy. In the Federalist Papers, Hamilton, Madison, and Jay all cautioned that simple majorities can lead to mob rule.

Indeed, our Founding Fathers were particularly sensitive to protecting our

citizens from unjust taxation. Indeed, our break from Great Britain stems from a fight over unjust taxation.

Ours is a nation born out of a tax rebellion. And the spirit of that rebellion still beats in the heart of Americans.

Now some may say we don't need this amendment because the people can simply vote against lawmakers who keep increasing taxes.

In the Federalist Papers—Federalist 51—however, James Madison said: "A dependence on the people is no doubt the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions." And that's what this proposed amendment is: an auxiliary precaution against overtaxation.

I believe it is imperative, now that the balanced budget amendment has been defeated, that any action to increase taxes require a supermajority of both Houses. In my opinion, without this two-thirds rule, politicians too easily fall back on tax increases in order to balance the budget.

Really, there are just three options for balancing the budget: You can cut discretionary spending, cut entitlement spending, or you can raise taxes.

As for No. 1—there simply isn't enough discretionary funding to cut, in order to balance the budget.

As for No. 2—entitlement costs are spiraling out of control and each year the Clinton administration shows that it is unwilling even to educate the American people as to the hard choices that lie ahead.

This leaves No. 3—raising taxes—as the last option. And that option is the one I would like to see made more difficult to undertake. Yet at the moment it only takes a simple majority—50 plus 1 in the Senate—to raise taxes.

Indeed, the 1993 Clinton tax bill, the single largest tax increase in the Nation's history, passed by this slim margin of 50 Senators, plus the Vice President acting as President of the Senate.

As I have said, many States have already passed similar legislation to make it harder to take more in taxes out of the citizen's pocketbook. This legislation works on the State level. It is needed at the Federal level. And this fact is unmistakable.

In most of those States where a supermajority is required to raise taxes, taxes as a proportion of personal income have declined. In those States without the supermajority, taxes as a proportion of personal income have risen.

I think most Americans believe they are already paying too much in Federal income taxes. What some call tax day—April 15—is next week.

Let me take a moment and put things in perspective for you—how taxes have risen over the last few decades.

What we call tax freedom day—the day that the money you earn starts going into your own pocket and not the Government's, has changed. In 1950 it was April 3.

This year it will be sometime in mid-May.

In fact, today the average family pays more in taxes each year than it does in food, shelter, clothing and medical care combined.

Add up the taxes—local, State, and Federal—for most it takes half of what people make. Can't we in Government discharge our legitimate public obligations on such a percentage? I think we can, I think we should, and we must.

I want to see our Government balance its budget. But I also want to see this trend of increasing taxation come to an end. I believe that this tax limitation amendment is the surest way to do that.

And I urge my colleagues to support the tax limitation amendment.

Thank you, Mr. President. I yield the remainder of my time.

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

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

#### KICK BUTTS DAY

Mr. LAUTENBERG. Mr. President, today is the day known as Kick Butts Day. It is a day when kids all over the country will express their opposition to cigarette addiction and the dangers that it poses to health. They are resisting tobacco company efforts to target them as consumers and ensnare them in a lifetime of addiction.

That is why I want to spend a few minutes today to discuss the subject of the possible legislative settlement of claims against the tobacco industry. It has been suggested that perhaps the example set by Liggett & Myers, the company that agreed to reveal its innermost documents to tell the public at large everything that went on in the secret meetings of their company and other companies with whom they were working, has apparently been an inducement for other companies that think perhaps now that the pressure is on the tobacco industry maybe they can affect a settlement. Well, this is no time for that kind of thing.

On Tuesday of this week, I introduced the Tobacco Disclosure and Warning Act, which would require the tobacco companies to disclose the ingredients and the carcinogens in their products and place larger and clearer warning labels on their packs. These new labels would send a more effective message to kids about the dangers of smoking.

Yesterday, I spoke in the Chamber about the Joe Camel advertising campaign by R.J. Reynolds. This advertising campaign uses cartoons to market cigarettes to kids. Senators DURBIN, WELLSTONE, HARKIN, KENNEDY, MURRAY, and WYDEN have joined me in