

professionalism and respect for the individuals involved, in particular, the elected officials and citizenry of Louisiana. The reputation and integrity of the Bureau make it the most appropriate source for such assistance. We anticipate that a memorandum of understanding regarding the deployment of these detailees will need to be signed between your office(s) and the Committee. We are prepared to execute that document immediately.

We greatly appreciate your assistance in this regard.

Sincerely,

WENDELL H. FORD,
Ranking Member.
JOHN WARNER,
Chairman.

Mr. WARNER. Mr. President, this past Wednesday, May 21, I met with the Deputy Attorney General, Seth Waxman, and the Deputy Director of the FBI, William Esposito, and later spoke by telephone with the Director, Louis Freeh. The Deputy Attorney General has advised me this morning that our request for FBI investigators has been approved.

The arrangements between the Rules Committee and the Department of Justice parallel those between the Justice Department and the Governmental Affairs Committee. As detailees, the FBI investigators will report jointly, through Committee staff, to myself and the ranking member.

In addition, two accounting specialists, including a Certified Public Accountant, will be detailed to the Committee from the General Accounting Office to assist in the review and assessment of a considerable volume of election documents. This important phase of the investigation will begin next week.

Finally, Senator FORD and I have agreed on the issuance of the first round of subpoenas to State officials for numerous election documents.

I close this sequential report to the Senate with the same two statements I have made in the past. First, there has been no allegation, thus far, in this case of any illegal actions on the part of Senator LANDRIEU.

Second, the goal of this investigation is to fulfill the Senate's duty under the U.S. Constitution, article I, section 5. Pursuant to this duty the Senate Committee on Rules and Administration authorized this investigation to: determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities, or other errors, in the aggregate, affected the outcome of the election for U.S. Senator in the State of Louisiana in 1996.

As developments occur, of such significance as to inform Senators, I will promptly speak on the floor.

CAMPAIGN FINANCE HEARINGS

Mr. WARNER. Mr. President, I am pleased to announce today that the Committee on Rules and Administration will be holding two additional hearings on the issue of campaign finance reform after the short recess.

On June 18, we will be honored to have as witnesses two of our former colleagues, Vice-President Walter Mondale and Senator Nancy Kassebaum-Baker. They will be speaking on their work as cochair of a committee formed by President Clinton to generate public support for campaign finance reform. We anticipate that the other witnesses will concentrate on the difficult legal and policy issues involved with regulation of issue advocacy and independent expenditures. These two phenomena grew sharply in importance in 1996 and deserve a thorough review by the Committee.

The other hearing, scheduled for June 25, will address the issue of whether certain campaign contributions are indeed voluntary. I plan to focus on union dues and Senator NICKLES' Paycheck Protection Act, which would require a union member to affirmatively give the union permission to use his or her dues' money for partisan political activity and would make sure that no person is compelled to contribute to a campaign without their consent.

It is my understanding that Senator FORD, the ranking minority member, will invite witnesses to discuss political activity by corporations and tax-exempt organizations, and the effect of such activity on the shareholders and donors to these organizations.

VIRGINIA CHAMBER OF COMMERCE BI-ANNUAL DINNER

Mr. WARNER. Mr. President, the Congress, being an integral part of the greater metropolitan Washington area, will soon enact legislation impacting this area, from law enforcement to economic growth. Through my years in the Senate I have worked with community leaders from Virginia as well as Maryland and the District of Columbia.

John "Till" Hazel, Jr., is one with whom I have had a long personal friendship—as did our fathers, both medical doctors.

But transcending friendship, we have had our full measure of agreements, and disagreements, on issues affecting this area.

This month the State of Virginia Chamber of Commerce honored "Till" Hazel by inviting him to give his report on the State of the Union of this greater metropolitan area.

I was present as the audience received with great respect his strong, outspoken, message.

Since it bears on our present and future responsibility as an integral part, and voice, of this area, I ask unanimous consent that his statement be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY JOHN T. HAZEL, JR., VIRGINIA CHAMBER OF COMMERCE CONGRESSIONAL DINNER, MAY 8, 1997

It is a personal privilege and great honor to address this distinguished gathering of po-

litical and business leaders and, particularly, to share with you observations and concerns regarding Virginia's position in the national and international economy as we hurtle toward the 21st century.

Virginians are a proud people, we have a wonderful geographic location, and a history and tradition of conservative and prudent leadership commitment to our citizens. However, that tradition cannot allow complacency which is at times the excuse for lack of vision and often the enemy of prosperity.

My focus today is upon the future of Virginia and what we must do to assure a high level of prosperity in a knowledge driven economy. Change, at the pace we are experiencing it, challenges us all with deciding what to keep and what to discard. We face great opportunities if we choose wisely and great hazards if we do not.

Reference to history and tradition is for the purpose of perspective. We cannot prosper if we live in the past. It is the future to which we must look. No day is complete without reference in print or electronic media of economic competition on a global basis. No state nor locality is isolated from economic competition. We must develop a realistic data base and an exciting vision for the future with an emphasis upon growth and prosperity. Current data is not encouraging.

Despite vigorous efforts by Governor Allen and development agencies, net job growth in the first six years of the 90s has been only half of net job growth in the 80s. Projections regarding the future do not suggest a return to the robust job growth of the 80s without vigorous new efforts. Indeed, if the technology sector largely based in Northern Virginia is removed from the data, job growth in Virginia thus far in the 90s is zero or perhaps negative.

The lack of robust job growth is particularly troubling since the population of Virginia has increased by more than one million people since 1980. Measured against the national average, Virginia is no better than average in the United States in job growth and, indeed, for the past several years has been below the national average—ranking 33rd in the nation. Personal income growth has tracked job growth causing the income of the average Virginia family to be only approximately equal to the national average with personal income growth ranking only 29th in the nation.

EDS, a major national corporation with heavy employment in Virginia, represents that lack of skilled workers has affected its employment base and economic health. There are many other similar examples. Eighteen thousand technology-based jobs are unfilled in Virginia while employment in absolute terms is only at or below the national average.

Virginia no longer competes for job growth simply with its sister states. A recent conversation with the CEO of a concern with global operations suggests that Ph.Ds in Pacific Rim countries can be found for a lifetime training cost of \$100,000 versus \$1,000,000 in the United States, and engineers can be hired who do very satisfactory work which is then exported to the United States from Bangladesh at 20% of the cost of an engineer in the United States.

Certainly, we as Virginians do and must aspire to be the best. It is abundantly clear that we are barely average in the critical areas of job growth and individual income. We, as business and political leaders, cannot fail to lead our citizens to achieve the very best.

Where must we look to correct this mediocre or less than mediocre performance? The answer is investment and reinvestment in essential infrastructure. Education, transportation and our financial base.

Education today is best described as K-L. L does not refer to law school but to K thru Life. To compete successfully at the national and international level, education must never end. Training and retraining are the keys to our economic future. With 18,000 technology jobs in Virginia unfilled because of lack of trained employees, the problem is immediate, clear and compelling.

But when we review the commitment of Virginia to education, we find that legislative studies have identified a \$6.2 billion immediate need to enhance local schools. A need without suggested solution. Virginia ranks only 43rd in higher education support, and simply to equal the southern states average will require a commitment of an additional \$200 million per year indefinitely for operating requirements only. Virginia had achieved in the 80s a slow and steady pace toward a modest level of quality and funding in its institutions of higher education. Unfortunately, the depression of the early 90s and the requirements of a balanced budget caused the political system to withdraw in excess of \$100 million per year from higher education with an invitation to the individual institutions to increase tuition in lieu of an increase in state taxes. This was done and the budget successfully balanced from the pocketbook of students and their parents without an increase in taxes. The predictable result in Virginia public tuition is among the very highest in the nation.

As the economic crisis ended, funding for higher education in Virginia continued to be restricted. The average investment per thousand dollars of individual income dropped from \$12 in 1979 to \$6.76 today—a drop of 44% in funding. This decrease means that Virginia's record for financial support for higher education is one of the worst in the nation. The results are evident in every direction. The belt tightening of the universities, despite serious restructuring efforts, has reached harmful proportions.

The president of one of Virginia's leading institutions recently testified that in offering faculty positions to sustain excellence in a core discipline, 11 of 12 offers were rejected on the basis of inadequate compensation. The same is not true with priorities elsewhere. Indeed, we seem to have no limit to what we are willing to pay for athletic excellence, but payment for academic excellence is demeaned and ignored.

Technology is much talked about and little funded.

The community college system—a cornerstone of work force training and retraining—has been forced to reduce worker access and increase tuition for programs which are fundamental to preparation for skilled jobs.

In recent years, capital improvements have been paid for largely by debt. Now debt increases are frozen to sustain Virginia's bond rating and no provision made for critical capital improvements.

In Virginia, a state with a proud heritage from the days of the Founding Fathers, support of higher education now ranks at the low end of the nation. Thomas Jefferson believed that higher education should be available "within a day's ride of all Virginians" and founded a university of which we are all proud, but today, with the demand for quality education perhaps more critical to the prosperity of Virginians than ever before, political and business leadership refuses to recognize effectively the need. As the economy of Virginia converts from mining, manufacturing and agriculture, the principal asset of the citizens of Virginia is their intellectual power and skill. Intellectual skill must be enhanced and nurtured. As Governors Godwin, Holton and Baliles made clear in their landmark statement of January 1995:

"Now is the time to make critical key investments in Virginia's future. We believe

the place to start is by reaffirming public support for our unique system of higher education. . . ."

The transportation infrastructure of Virginia continues to service more citizens with vastly more miles of travel than ever before without recognition of additional funding requirements. As gas mileage increases, highway revenues by mile decrease.

Principal deficiencies impact the entire state. Hampton Roads has identified approximately \$20 billion in transportation improvements necessary. Bridges and tunnels are very expensive, but the need cannot be denied.

Virginia requires an upgrade of I-81 now carrying three times the truck traffic for which it was designed and without any financial plan for improvement. Roanoke and Richmond have demonstrated needs of several billion dollars each if their commerce is to continue to move freely.

Northern Virginia shares with the Washington region national recognition as the second worst gridlock in the nation. There are clearly demonstrated multi-billion dollar requirements. The total of state transportation requirements over the next twenty years is an absolute minimum of \$35 billion and could range upward to over \$50 billion by Virginia Department of Highway estimates. Despite these needs, the Highway Department can only identify \$12 billion of likely available funds and that number is seriously suspect as maintenance requirements erode construction funds.

Traffic gridlock is frequently equaled only by political gridlock in resolving problems. Within a few miles of this hall, we endure an infamous example of political gridlock. In 1945, the US Army Corps of Engineers constructed a dozen bridges across the Rhine River under hostile fire. The political system at Federal and State levels has been gridlocked in discussions regarding replacement of the Woodrow Wilson bridge for ten years already and is still without an action plan for construction. Some years ago the life of the bridge was determined to be 9 years. By my calculations we have 7 years, 4 months and 20 minutes before it collapses into the River. But have no fear, further down the River even the downsized Army Corps of Engineers at Ft. Belvoir should be able to erect a pontoon crossing to save us from the fruits of political gridlock.

Finally, in reviewing the infrastructure in Virginia, we must look to the fiscal situation, and it is grim. Philosophically, Virginia was a few short years ago a no debt state—one of the few in the nation. How different today. The fastest growing item in the Virginia budget is debt service.

During the 90s to balance the budget, a series of emergency measures were utilized. There was a pledge to citizens who voted for the lottery that proceeds would be only for capital construction. Yet now lottery proceeds exceeding \$300 million annually are a vital part of the general fund despite that commitment. In addition to the transfer of lottery funds to the general fund, a series of single shot annual measures have been utilized to balance the budget. The most onerous being increased tuition.

Perhaps the most dramatic example of the current problem was the recent discussion of what new lottery game could be adopted to provide additional revenue for the general fund without encouraging addictive gambling. I never knew until the General Assembly discussion that some lottery games were addictive and some were not. In any event, a new lottery game and the fortuitous settlement of the litigation allowed the state to eke out a balanced budget last Session.

Virginia has a serious structural deficit in state finances. General fund revenues do not

cover expenses. It is politically convenient to ignore the deficit, and it is policy apparently on a non-partisan basis to continue to promise no tax increases and talk tax cuts without reference to financing commitments, expenditures, income and investment in our future.

Where is Virginia as we look forward to the future—a future which should be founded upon optimism, enthusiasm and strength? The people of Virginia are intelligent, committed, and have high level of work ethic and integrity. Mr. Jefferson, as did other Founding Fathers, believed that an informed public was fundamental to prosperity, health and enjoyment in the democratic system.

Unfortunately, the difficulty in today's world is in assuring an informed public. Virginians have indicated in overwhelming numbers at all levels an awareness that higher education is the key to individual prosperity and a desire to have a transportation system that functions. Yet we are, at the political level, unwilling to make it clear what the needs are and how they will be paid for. Business has failed to demand political accountability and politicians have failed to inform.

We are in the early stages of yet another political campaign in which the prevailing political wisdom apparently is directed at ignoring needs and, thus, the costs.

In higher education, there is a determined effort to reduce costs by reducing the number of students to be educated which is simply to deny access to education to a significant number of citizens. There are those who sponsor denying education to those who are "below average"—a shocking thought when contemplated seriously. There is a suggestion that faculties are commodities and quality in a faculty is not related to quality in the educational product.

There is a complete denial essentially by silence of the urgent and compelling needs of transportation.

Business leadership must demand that candidates for any office be required to address in specifics what programs they intend to dismantle, and what new commitments they are unwilling to make. Thus far, we have been treated to denial. The people of Virginia deserve better. We need leadership which will understand the need for reinvestment and new investment in Virginia's future—who will understand that we are part of an international economy in a knowledge driven world of technology and that the only competitive edge we have is our infrastructure.

While my comments have focused principally on higher education, transportation and fiscal needs which are the fundamentals, if other areas of the infrastructure are not enhanced the capability of Virginia to compete is further weakened.

Without investment and reinvestment, we cannot expect to be competitive as we enter the next century. No business leader can fail to invest in the future. Why should our great state be denied investment in the future? We cannot allow Virginia to be weakened at this time of intense global competition by denial of problems and refusal to debate the issues because the solutions may be politically uncomfortable. Virginia has the capacity for investment. We lack the political will.

The citizens of Virginia are entitled to be informed and to decide whether we should settle for mediocrity in job growth, in education, in transportation and in our financial base. We cannot accept a political leadership which denies Virginians the tools necessary for future prosperity.

Our goals must be a system of higher education among the best in the country. Not a quibble over 43rd or 44th. A K-12 system which prepares graduates for accelerated

learning and successful participation in the workplace, a first class system of transportation, and a financial structure with bipartisan support that addresses with political honesty funding requirements.

Virginia must create a competitive position in global markets in the new century with an unrestricted commitment to excellence in providing our citizens with the tools of prosperity in a world of intense competition.

JUDICIARY VACANCIES

Mr. HATCH. Mr. President, I wish to take just a few minutes on judges, because I want to make two basically important points on judges.

At the outset, first, the current vacancy levels are not the product of some alleged Republican stall on judges.

Second, the Senate's constitutional advise-and-consent responsibility should not be reduced to a mere numbers game.

At the end of the last session, we had 65 judge vacancies. Last year, we had 21 judges nominated. We put through 17. We would have put through four more except for Democratic objections to their own judges—not to the judges, but to putting them forward, because one Democrat was not getting the judges that he wanted.

Let me just elaborate for a minute or two on those two points.

Mr. President, this is not a numbers game. Let me make an important point, which is this. Federal judges should not be confirmed as part of a numbers game or to reduce the vacancy rate to a particular level.

While I plan to oversee a fair and principled confirmation process, as I always have, I want to emphasize that the primary criteria in this process is not how many vacancies need to be filled, but whether President Clinton's, or whoever the President is, whether their nominees are qualified to serve on the bench and will not, upon receiving their judicial commission, spend a lifetime, a career, rendering politically motivated activist decisions.

The Senate has an obligation to the American people to thoroughly review the records of all nominees it receives to ensure that they are capable and qualified to serve as Federal judges. These are lifetime appointments with lifetime full benefits after they retire. Frankly, the record of activism demonstrated by so many of the Clinton judges and nominees calls for more vigilance in reviewing these nominees.

The current vacancies are not the result of a Republican stall. I think that is another point that has been widely distorted in recent weeks. The argument is that the Republicans are somehow stalling these judges. The facts show rather clearly that the current vacancies are not the result of Republican stall tactics.

First of all, at the end of the last Congress there were 65 vacancies. Today there are 100, 74 of which have not even had a recommended nominee.

I have been here a long time, but I have never heard we had to confirm people who were not even nominated.

There are 26; and we now have put through 5. We have four more that we put out of the committee yesterday, who I believe will go through quite soon. And we will have another markup of judges perhaps a week after we get back.

Let me just make this point so that we can resolve some of these problems.

These vacancies were caused by a record level of resignations in the past few months.

During President Clinton's first 4 years, we confirmed 202 judges. That is a near record high and nearly one-quarter of the entire Federal bench.

By the close of last Congress, there were only 65 vacancies. This is virtually identical to the number of vacancies under the Democratic chairman in the previous Congress. The Department of Justice itself stated that this level of vacancies represents virtual full employment in the Federal courts. So last Congress we were more than fair to President Clinton in his judicial nominees. We reduced the vacancy level to the level which the Justice Department itself considers virtual full employment.

But since the election last fall, 35 judges have either resigned or taken senior status. That is a dramatic number in such a short period, which has led to the current level of 100 vacancies.

Now, current vacancy rates are not an unprecedented crisis. Let me just point that out by saying there has only been a 5 percent increase in the vacancy rate. Keep in mind that 63 vacancies, a vacancy rate just over 7 percent, is considered virtual full employment, and 100 vacancies is a vacancy rate just over 12 percent. How can a 5 percent rise in the vacancy rate convert "full employment" into a "crisis."

The Democratic Senate left a much higher vacancy rate under President Bush. But compare today's 100 vacancies to that under a Democratic Senate during President Bush's Presidency.

In May 1991—the same time we are at right now—there were 148 vacancies. That is during President Bush's tenure. In May of 1992, again in President Bush's tenure, there were 117 vacancies. So that 148 and 117, respectively, is more than we have right now.

Now, I find it interesting that at that time I do not recall reading a single article or watching a single interview on judicial vacancies. So, in short, I think it is quite unfair and, frankly, inaccurate to report that the Republican Congress has created a vacancy crisis in the courts.

Now, I might add that judicial emergencies simply mean that the seat has been unfilled for a certain period of time. In reality, though, many of them are far from emergencies. Indeed, of the 24 alleged judicial emergencies, the administration has not even put up a nominee for 11 of those seats. How do

you blame the Congress for that? As for the others, I think you will find a number of the relevant districts do not, in fact, have an overburdensome caseload, and, in fact, some of the senior judges are suggesting that we reexamine the number of judges in their area and reduce them because they do not need them. It costs at least \$1 million a year for every judge in this country, and there are well over 800.

All of this being said, I feel very strongly we must do our best to reduce the vacancies in the Federal courts. Frankly, there are limits to what we can do, especially with what the administration has done so far. The fact of the matter is that, excluding two brand new nominees whose paperwork we have not yet received and cannot process because we have not yet received it, there are only 26 nominees for these 100 vacancies, meaning 74 vacancies are without nominees. Of these 26, 8 have already had hearings and are either on the Senate floor or about to be reported out of committee. So we are moving on nominees, and we will continue to move.

The problem, however, is that many of the remaining 18 nominees who have not yet had committee action are in one way or another problematic or controversial. All but a few of them were carried over from the last Congress, and I can assure you that there is a reason why the Senate confirmed 202 other nominees but not them. If and when the administration sends us qualified, noncontroversial nominees, they will be processed fairly and promptly, and I am trying to process these controversial nominees to the extent that we can and certainly am trying to do so fairly and promptly.

Take Mr. Alan Gold from Florida, for example. He was nominated in February of this year. We completed his paperwork and review in March and April. He had a hearing 2 weeks ago and was reported out of the committee yesterday, just to give an illustration.

When the administration sends us problematic nominees, it takes much more time and it is much more difficult to process them, and the administration knows this. I think my colleagues on the other side know this. If all we are left with are judges whom we are not ready to move, I will not compromise our advise-and-consent constitutional function, I will not compromise it simply because the White House has not sent up qualified nominees. As I said at the outset, the Senate's advise-and-consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a very serious matter and it should be treated as such.

Now, we have had a lot of complaining and yelling and screaming about this, but to be honest with you, we are much better than a number of prior Congresses where Democrats had control of the Judiciary Committee and when they had control of the floor as