

we have to tell the people what good poetry is, and stuff like this is good enough for their support or something else is good enough for their support. You would think we would learn that the central government is not the place to direct investment, whether it be in art or whether it be in industry.

There are different cultures, there are different ways to do government. There are different ways to allocate resources. One way is to have central planning, to have the Government make the decisions, encourage or allocate the resources on its own. That is a way which was tried for a long time.

Communism was a system which said we will do central planning. We will not trust the marketplace. We will not trust the judgment that people will reach on their own. We will trust the central planners, the superior intellects of Government to make those decisions. We will ask them to decide how many potatoes are grown and how many cars are made and how many TV's are made, and with the superior wisdom of centralized government, we can tell the people how things are and it will all be better.

I love the joke Ronald Reagan used to tell about the guy going to buy a car.

The guy said, "You have to wait 10 years for your car but on the 12th day of February, 10 years from now, in the morning, we are going to deliver your car to you."

The guy said, "Oh, no, you can't deliver the car on the 12th day of February 10 years from now."

The car salesman says, "Why not?"

He says, "Well, the plumber is coming then."

The whole point is planned allocation of resources by central government is a failure, an abject failure.

Yet we have people come to the floor of the Senate and say people really do not know the good art from the bad art, what to support, what not to support, and they need the Government to come look and be the Good Housekeeping Seal of Approval. We cannot trust the private marketplace, the will of the people, the understanding of the people to allocate the resources that they ought to put or want to put into art. We have to confiscate resources from them and then we have to use those resources as some sort of gold stock. This is what you must support, you ought to support this, this is great.

Well, if you put the Good Housekeeping Seal of Approval on material that emphasizes, above all else, racial, sexual, and cultural differences, in the words of Jan Breslauer, the art critic, what we have is the Government telling us what is good and telling us that all these things that divide us are good and the things that unite us are not worthy of funding.

In my judgment, I think we should have learned something. We should have learned that when the Founders of this great country considered this question, they voted overwhelmingly

not to have the Federal Government involved in subsidies for the arts. This is not new. This idea came into being in Lyndon Johnson's plan for a Great Society. We know how the governmentalism of the Great Society has been so eminently successful in other areas—such as attempting to deal with poverty. We see there are more children on poverty now than there were when the so-called Great Society began. And in an attempt to deal with situations where there were children being born to parents who would not be parents—there were no families there, really—we have seen that problem exacerbated and intensified rather than assuaged or reduced. Here we have one of the Great Society programs and here is another one that says we know best from Government.

In the area of the Great Society, as it relates to the welfare program, we have that figured out that the central government should not have a sort of a Good Housekeeping Seal of Approval. We have abandoned the old Federal approach that says there is a way you are going to do this and this is the way, the truth, and I guess it would not be the light, would it? The Federal Government's welfare program, we found out, was a failed program.

I yield to the Chair, if there is an item that needs to be brought to my attention.

The PRESIDING OFFICER. Under a previous order, the hour of 12:15 having arrived, the Senate is to conduct a cloture vote.

Mr. ASHCROFT. I ask unanimous consent for 1 more minute in which to conclude my remarks.

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

Mr. ASHCROFT. I thank the Chair. It is clear to me that the National Endowment for the Arts takes resources from taxpayers to spend in a way that the Government thinks it can spend better than taxpayers. Even art critics indicate that that taking has not only a bad effect on people, it divides them, seeks to separate them, but it has a corrosive effect on the arts. I believe that having the Government establish values that it tries to impose on people is a denial of the genius of America, which is when the American people impose their values on Government, not when the Government imposes its values on the people. The so-called Good Housekeeping Seal of Approval theory of support for the National Endowment for the Arts reveals the bankruptcy of the concept of Government telling people what they should believe and what they should value.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Since the Senator from Missouri has taken all the time, I ask unanimous consent that I may have an additional 60 seconds before the vote to make some comments.

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

Mrs. BOXER. I thank Senators for their indulgence. I do not have the time to lay out all the reforms that we have made in the National Endowment for the Arts, nor to give you the details on how every single dollar that my colleague talked about is leveraged by \$12 in every community across this great country of ours, because the arts, just as they are in the military, preserve our culture. We spend twice as much on military bands as we do on the National Endowment for the Arts. If the military bands make a mistake and play a song that we don't think is appropriate, we don't stop funding the military bands, because they are a very important part of our culture. If a postman acts wrong and is obnoxious, we don't stop delivering the mail.

So I think it is very important that when we go back to this debate—and I think right now it won't be for a couple of days—that we lay out all of the reforms that have been made and all of the wonderful programs, such as the Youth Symphony, the ballet, and all the things we do with the arts, and have a fair debate.

I thank the Chair, and I yield the floor.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 105, S. 830, the FDA reform bill:

Trent Lott, James M. Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher S. Bond, Strom Thurmond, Judd Gregg, Don Nickles, and Paul Coverdell.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 830, the FDA Administration Modernization and Accountability Act, shall be brought to a close?

The yeas and nays are required under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. FORD. I announce that the Senator from West Virginia [Mr. BYRD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—94

Abraham	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wyden
Faircloth	Lieberman	
Feingold	Lott	

NAYS—4

Akaka	Reed
Kennedy	Wellstone

NOT VOTING—2

Byrd	D'Amato
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The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

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

NOMINATION OF GENERAL SHELTON

Mr. WYDEN. Mr. President, I have asked for this time to notify my colleagues that I no longer intend to object to the U.S. Senate proceeding to the nomination of General Shelton to be Chairman of the Joint Chiefs of Staff.

Last Thursday morning, I announced publicly that I would object to the Senate proceeding to General Shelton's nomination. My colleague from Oregon, Senator SMITH, supported me in this effort. We did so not out of any reservation about the general's qualifications but because he is about to become the Nation's top ranking military officer.

Mr. President, General Shelton is in a position to assure that the military—and in this case the Air Force—respond to rather than ignore the requests of the Congress and our constituents. It is not too much to ask that the Nation's top general help us address the con-

cerns of the widows of the American airmen who have died serving our country. What they have wanted is simply to have the Air Force explain the reasons for the crash of a C-130 off the coast of California last November that killed 10 airmen on board. In April of this year, the Air Force informed the widows and families that the cause of the crash was engine failure due to fuel starvation. No further explanation was offered at that time. When the widows and families sought further explanation, they were told that the case was closed. Later that month, they came to me, and asked if we could help. I approached my colleague, Senator SMITH. And, at every step of the way, Senator SMITH has been exceptionally helpful in our joint efforts to work to make sure that the Air Force would provide the loved ones of these airmen an answer to what happened in this tragedy. The families, my colleagues, have a right to know.

We asked that an independent group be allowed to review the file. We asked that information about the crash be made available to the families. We asked that the Air Force give the National Transportation Safety Board's aviation experts access to the file.

The denying of the request to provide the National Transportation Safety Board access to the files was especially difficult for Senator SMITH and I to understand, because in the interim the Air Force had allowed a private contractor to look at these materials. On September 10, the National Transportation Safety Board informed us that, based on the limited data available, the Board was unable to determine whether the Air Force had conducted a thorough investigation.

Having exhausted all other avenues to get this critically needed information for Oregon families, it was my hope that we could command some attention at higher levels of the military by appealing to the soon-to-be most senior officer. General Shelton's staff responded quickly. The Air Force has now proposed an agreement with the National Transportation Safety Board that should provide us the information we seek. It is a solid agreement and we wish to thank the Air Force for the prompt response to this case.

The agreement between the Air Force and the National Transportation Safety Board is supported by the widows and the Oregon families, and provides for a joint, high-level review of the accident involving King-56 and other C-130 incidents. The agreement calls for the team to issue a preliminary report within 90 days. It is our hope the full participation of the National Transportation Safety Board in a manner that assures its independence of action will finally get the families and the widows the answers they have awaited for so long.

I want to yield to my colleague, Senator SMITH. Before I do, I thank the chairman of the Armed Services Committee, Senator THURMOND, and Sen-

ator MCCAIN, his colleague, and Senator LEVIN, for assisting Senator SMITH and me. In yielding to my colleague, I again express my appreciation and thanks for the opportunity to work together on this matter in a bipartisan way.

Mr. President, I yield the remainder of my time to my colleague from Oregon, Senator SMITH.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank my colleague, Senator WYDEN, for yielding. I publicly commend my senior colleague from Oregon, with whom it has been my great pleasure to stand on this issue and ask for justice for our State. I want to point out a very pivotal role that Senator STROM THURMOND played in breaking a logjam, if you will, for the State of Oregon. For a very long time now, Senator WYDEN and I have been trying to get answers from the Air Force for widows and orphans, literally, as to why their loved ones, these airmen, perished in this tragic accident. For one reason or another, we were stalled and put off at every turn.

It was Senator THURMOND who, when he heard of Senator WYDEN's hold on this nomination—and, frankly, my encouragement of that—that he intervened in our behalf. I acknowledge it. I thank him. He asked me to go immediately with him to the cloakroom where we got on the phone with the Chief of Staff of the U.S. Air Force.

We laid out the terms of a deal that will include a new investigation into C-130 air transports generally, and this one in particular. It was promised to Oregon's families, that these widows and orphans would be given the information they need as to why this accident occurred. It was promised that a member of the National Transportation Safety Board would be a part of this investigative team. And I think that is important for the Air Force that has, in my State, lost some credibility. I thank the Air Force for their promise to provide to our State, and this issue generally, the kind of investigation that was conducted for Commerce Secretary Ron Brown, who perished in an accident in Bosnia.

So, I thank the Air Force for responding. I regret it took this level of intervention, but I compliment my senior colleague for his leadership on this. I have been proud to stand with him. I am grateful to Senator THURMOND. I am thankful the Air Force has come around to help us on this issue. I only hope that out of all of this will come information that will protect our men in the Air Force who fly C-130 air transports from this ever occurring again to anyone else.

With that, I encourage my colleagues in the Senate to vote for the confirmation of the Chairman of the Joint Chiefs of Staff and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.