

device industry is happier with the FDA than at any time in the history of the 20 years, 23 years, of medical device legislation. Happier that there has been a dramatic improvement in approval timeframes, important improvement in terms of safety. We are taking that excellent record and risking it with this particular provision. It does not make sense.

This makes absolutely no sense at all. We strongly believe that this provision has to be altered or changed. We have missed the opportunity to do that on this particular legislation, but we will have further opportunities to do so in the near future.

It is amazing to me, as we went through consideration and as we were able to make progress on so many other items while advancing public health, but the medical device industry does not want to deal with this one. They felt they had the votes. They had them this afternoon. But this is a long road. It is a long road, the completion of this whole process, and we are going to fight every step of the way. We have seen a variety of different options that would attend the kind of concerns that the medical device industry has put expressed, which we and the FDA and the administration were prepared to deal with, but the device industry is unprepared and unwilling to do so.

So if they are unwilling, we are unwilling at least to roll over. There are a variety of different procedures which we will have to resort to in order to make sure that this threat to the public health of the American people does not go forward over the objections of those who are in the best position and do represent the patients and the consumers.

By accepting this change in the protections available to the American public at this time, we are not saying that the health of the American people is going to be advanced. If this particular provision remains unchanged, a provision which effectively handcuffs the FDA, it is the bottom line of the medical device companies that will be enhanced. And ethical companies and the protection of the American people will suffer.

That makes absolutely no sense. It is basically and fundamentally wrong, and we will continue the battle ahead.

APPROPRIATIONS "TRIGGER"

Mr. COCHRAN. Madam President, as chairman of the Appropriations Subcommittee with funding jurisdiction for the Food and Drug Administration, I am compelled to state my opposition to the appropriations mandate in this bill. While this bill reauthorizes prescription drug user fees for the next 5 years, it also states that the FDA cannot assess those fees unless the appropriation for FDA salaries and expenses is at least equal to the appropriation for fiscal year 1997, adjusted for inflation.

The Appropriations Subcommittee will continue to balance the needs and requirements of all agencies and activi-

ties under its jurisdiction within the total amounts available for discretionary appropriations. Any member of the Senate who disagrees with the committee's recommendations is free to seek to change the allocation of resources proposed in the bill.

However, annual appropriations decisions should not be predetermined by the establishment of arbitrary appropriations "floors" and "ceilings" in authorization bills. In this particular case, the bill seeks to dictate that FDA's salaries and expenses appropriation be "held harmless" against inflation—that for each of the next five fiscal years, the appropriations be at least equal to the current appropriations level, adjusted for inflation. If not, FDA cannot assess prescription drug user fees.

Madam President, I am certain that each agency and program which receives appropriations would like to secure a similar protection against inflation. However, this is unrealistic in the current budget environment and inconsistent with the levels available for discretionary appropriations under the bipartisan budget agreement.

Industry paid fees are expected to supplement rather than supplant FDA spending for drug approvals. For this reason, I understand the industry's desire to make sure that FDA maintains its current level of effort relative to the drug approval process. However, as I indicated, it is unreasonable to attempt to guarantee FDA protection against inflation at the possible expense of other programs and activities. It would be difficult for me as chairman of the Appropriations Subcommittee of jurisdiction to predict what agency or program restructuring might occur over the next 5 fiscal years, what a program or agency's future resource requirements might be, or the fiscal constraints the subcommittee might face in each future year.

Mr. President, it could be that the minimum mandated appropriations level in this bill is met in each of those years. However, it is just as likely that it would not be. The Appropriations Committee will continue to do its work by considering the needs of every program and agency within its jurisdiction within the total resources available to it. It will not feel constrained to meet the proposed appropriations "trigger" for the collection of prescription drug user fees if it remains in this bill.

I do not think it is the intent of the Labor and Human Resources Committee or the Senate to set an arbitrary mandate that might result in a situation during the course of the next 5 years where these fees may not be collected. I believe this would undermine the existing drug approval process and run counter to the interests of the federal government, the industry, and the American public. The issues and concerns I raise are similar to those expressed by Senators GREGG and

MCCONNELL in the additional views they incorporated in the committee's report accompanying S. 830.

Madam President, I am hopeful that the committee take this issue seriously and will work in conference to remove this appropriations mandate and possible impediment to the continued success of the Prescription Drug User Fee Act.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, I am prepared to yield the remainder of our time this evening.

Mr. JEFFORDS. Madam President, we are not prepared to at this time, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MILITARY AIR CRASHES

Mr. DASCHLE. Madam President, on Friday afternoon of last week, I was shocked and saddened to learn that a B-1B bomber had crashed near Alzada, MT, during a routine training mission over the Powder River military operations area. The bomber was assigned to Ellsworth Air Force Base in South Dakota, and all four crew members aboard the aircraft were killed.

I wish to extend my deepest sympathies to the families of those courageous individuals. They died in the service of their country, and I know my colleagues join me in honoring their memory and their sacrifice.

The B-1 accident was the sixth military air crash in 7 days. Although there is no apparent connection between the accidents, Secretary of Defense William Cohen rightly asked the Air Force and the other branches of the Armed Forces to implement a 24-hour safety stand down to allow those who fly and maintain U.S. military aircraft to focus on safety.

Despite the rash of accidents that occurred in recent days, the past year has been a relatively safe year for the Department of Defense.

Fifty-five military aviation accidents occurred this year compared to 67 last year, 69 in 1995, and 86 in 1994. Although this appears to be a good trend, the Pentagon must strive to improve its safety record even further, and they are doing that.

I commend Secretary Cohen for implementing a safety stand down and am confident it will yield positive results.

If it helps to prevent just one crash or the loss of just one life, the safety review will be well worth the effort.

As Secretary Cohen recently said, "The lives of our aircrews and passengers are very precious, and each loss is a great tragedy."

As the Air Combat Command, the Air Force and other branches of the Armed Forces study safety this week, I hope all of us will take a moment to reflect on those committed and dedicated individuals who lost their lives in military crashes in recent days. I would like to take a moment to review the exceptional lives of those four service members from Ellsworth Air Force Base who died in the tragic accident last week.

Col. Anthony Beat was born in Willard, OH, in 1951. He graduated from Ohio State University in 1973 and earned his commission through the Air Force Reserve Officer Training Corps the same year.

During his long tenure in the Air Force, Tony served in a number of capacities. He was a B-52 copilot, aircraft commander and instructor pilot. He was also assigned to the Bases and Units Division in the Strategic Air Command headquarters. Most recently, he served as the vice commander of the 28th Bomb Wing at Ellsworth Air Force Base.

My staff and I had worked closely with Colonel Beat on a number of issues during his tenure as vice commander. His expertise and many accomplishments had a profound impact on Ellsworth Air Force Base.

Colonel Beat was a member of the Ellsworth Black Hills Chapel and enjoyed jogging, hunting, and fishing. He is survived by his wife, Dolores Ann, and their son, James Allen.

Maj. Clay Culver grew up in Memphis, TN, and graduated from the Memphis State University in 1981. Since earning his commission in 1983, Major Culver was an Advanced Electronic Warfare Systems instructor in the 453d Flying Training Squadron, an assistant operations officer, and defensive systems officer instructor.

Most recently, he served as an assistant operations officer and weapons systems officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

Major Culver is survived by his wife, Cynthia; a daughter, Ann; and son, Parker. Mrs. Culver said recently her husband "was doing the right thing, and it was a very honorable way to go."

Maj. Kirk Cakerice was born in 1954 in Eldora, IA. He graduated from the University of Northern Iowa in 1977 and married Myra Van Sickle the same year.

Kirk earned his commission in 1982 and served in a number of assignments including B-1B Aircraft Commander, instructor of B-1B Aircraft Commanders, and cadet squadron commander at the U.S. Air Force Academy in Colorado Springs. Most recently, he served as an assistant operations offi-

cer in the 37th Bomb Squadron at Ellsworth Air Force Base.

A longtime friend of Major Cakerice said Kirk was the "prototypical Iowa boy." He "grew up in smalltown Iowa, tremendous sense of humor, very talented at sports, could learn something quickly and do it."

Major Cakerice was a member of the Canyon Lake United Methodist Church in Rapid City, SD. He is survived by his wife, Myra; son, Brett; and daughter, Kendra.

Capt. Gary Everett, who was engaged to be married, was the youngest of the four who died in the B-1B crash on Friday. He was born in Brooklyn, NY, in 1962 and grew up near Louisville, KY.

His parents, three brothers, and one sister still live in Kentucky.

Gary graduated from the University of Louisville with a degree in physics in 1986 and earned his commission through the Officers Training School 2 years later. He served as B-1B Defensive Systems Officer in the 34th Bomb Squadron and as a weapons systems officer in the 37th Bomb Squadron at Ellsworth Air Force Base.

Gary had many interests outside the Air Force, including an online service called RapidNet that he founded with two partners in Rapid City. Gary's sister-in-law, Karen Everett, said "Gary was a hero to all his younger cousins. He was a wonderful role model for all his achievements, in starting his own business, and for his emphasis on how important education is."

Captain Everett is survived by his parents, Joseph and Dorothy Everett, of Glasgow, KY; three brothers, James, Joe, and William; one sister, Carol Ann Johnson; and his fiancée, Karen Tallent of Rapid City, SD.

Mr. President, we suffered a tragic loss on Friday. Col. Tony Beat, Maj. Clay Culver, Maj. Kirk Cakerice, and Capt. Gary Everett served nobly, and they will be deeply missed. Their commitment and dedication to their families, the Air Force, and our country will not be forgotten.

Like many in South Dakota and throughout the country, my thoughts and prayers are with the families of those who lost their loved ones in this terrible tragedy. And we think of them now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator LEAHY, how long will you go?

Mr. LEAHY. Madam President, I am sorry, I did not see the Senator from New Mexico. Under our normal practice in these kind of times we tend to go back and forth, so obviously the Senator from New Mexico would proceed.

Mr. DOMENICI. I have a few remarks regarding the IRS and the National Federation of Independent Businesses.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

NFIB CAMPAIGN TO ABOLISH THE IRS CODE BY 2000

Mr. DOMENICI. Madam President, in 1990 Senator Nunn and I cochaired the Strengthening of America Commission which among its recommendations, called for abolishing the current income tax code, and replacing it with a progressive consumption-based income tax code that would encourage savings and investment.

The National Federation of Independent Business is in Independence, MO, today starting a nationwide petition drive that encourages all small business owners to sign a petition calling upon the President and Congress to abolish the IRS Code as of December 31, 2000 and to replace it with a simpler, fairer tax code which will reward work and savings.

I intend to sign this petition and encourage all of my colleagues to do likewise.

NFIB is launching the petition drive in Independence MO, home of President Harry Truman, who said, "The Buck stops here." NFIB is telling the American public that "the code stops here."

NFIB could have started their campaign in the town of Truth or Consequences, New Mexico. When dealing with the IRS, "tell the truth or pay the consequences" could be their motto.

But things have gone wrong. Compliance has become lax or nasty.

Despite a \$7 billion in annual budget and 106,000 employees the IRS failed to collect an estimated \$200 billion of taxes a year.

Tax collection is as nasty as it is lax.

In New Mexico, there is a sense of frustration among people trying to comply. Taxpayers receive computer generated letters. The letter is either a short, brutish demand for more money or an incomplete and unclear request for more documentation. The letters usually include no phone number, and no contact person. Now, that is actually from my staff working with constituents. The letters usually include no phone numbers and no contact person.

The letter strikes fear. The message is clear—TRUTH or PAY the consequences. But the letter usually fails to explain what truth, in the form of additional documentation, is needed to avoid the consequences.

In New Mexico, my home State, the IRS letter could originate in Phoenix, AZ, Ogden, UT, Albuquerque, NM, or Dallas, TX. When constituents fail to figure out the point-of-origin themselves they come to my office. It takes a professional case worker at least 2 days just to track down the IRS office handling the case of a New Mexico resident.

I know that the National Commission on Restructuring the IRS has issued its report and that Senators GRASSLEY and KERRY have turned the recommendations into legislation that takes a top-down approach giving the IRS commissioner a longer term and more flexibility.