

amendments to the Bankruptcy Reform Act and then proceed to a vote on final passage.

With that, I yield the floor.

Mr. HATCH. Mr. President, enough is enough. Hard-working American people are being denied common-sense legislation that they overwhelmingly support, because some on the Democratic side are insisting on votes relating to the politically charged issues of abortions and guns. At some point, I would hope that this will stop, and we can move ahead with the people's agenda, instead of trying to win political points.

We have been on the bankruptcy bill for two weeks now. The Democrats demanded the ability to have votes on other politically motivated, non-relevant issues. We debated and had a vote on minimum wage. We have agreed to or voted on 31 Democrat amendments. These are amendments in addition to the Grassley-Torricelli package amendment which included numerous other provisions insisted upon by the Democrats.

This is a fair, bipartisan bill, drafted jointly by Senators GRASSLEY, TORRICELLI, BIDEN and SESSIONS. This legislation was developed in a fair and inclusive manner. With the more than 31 amendments, plus additional amendments jointly developed by Republicans and Democrats, such as the Grassley-Torricelli healthcare amendment, the Hatch-Torricelli domestic and child support amendment, the Hatch-Dodd amendment on protecting educational savings accounts, among many others, this is a much improved bill that provides unprecedented consumer protections, while preserving the bankruptcy system for those who truly need it. What also is included in this bill are unprecedented consumer disclosures that are not even bankruptcy related, but are banking law amendments which Senators TORRICELLI and GRASSLEY have taken the leadership to develop, and I commend them for that.

Mr. President, throughout the process of consideration of this bill, at both the drafting stage, at the Committee level, and here on the floor, we have worked hard to address any concerns any member has with the bill. Senators GRASSLEY, LOTT and I have been more than patient and cooperative. It is apparent, however, that efforts were underway to defeat this important legislation this year by insisting on extraneous political agenda items, regardless of all the progress we made.

We are open to further debate. But this bill, which the Minority had said would only take two days to complete, was on the floor for two weeks. They did not agree to a time limit for debate, but it is now clear why that was.

I hope we can get the cooperation of the Minority to drop their remaining politically-motivated items and pass legislation early next year that provides meaningful and much-needed reform to the bankruptcy system. Ramp-

ant bankruptcy filings are a big problem, and last year over 1.4 million Americans filed for bankruptcy. In the same year, about \$45 billion in consumer debt was erased in personal bankruptcies. Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. This is our opportunity to do something about it. I would hope that my colleagues would take the time over these next few months and consider the desires of the American public. Let's do what is right and pass this important legislation early next year. Thank you.

Mr. LOTT. Mr. President, let me observe one of the problems we had in not being able to complete it even this week. While the sponsors of some of the amendments had indicated—or maybe all the amendments—indicated a willingness to have limited time agreements, we had, I know, at least a couple of Senators on this side who were not willing to agree to limit the time, therefore possibly tying up half a day or a day one a couple of these amendments.

We may still be able to work out something where we could have a short time agreed to on both sides and get a vote after the first of the year. But you reach a point, in the final days of a session, where motions are such that you just cannot get that kind of agreement.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, the second session of the 106th Congress will convene, then, at 12 noon on Monday, January 24. We do not yet have absolute certainty that there will be a State of the Union Address the next night, although it is preliminary indicated. I believe that is the date we would expect to have a State of the Union Address; that is, Tuesday, the 25th. That could be postponed upon a request from the White House, but we will need to be back and in business in order to be here for that date.

So there will be a need for a live quorum to establish the beginning of the second session on Monday. A period of morning business will commence for the remainder of that day. And this 12 noon cloture vote on Tuesday, January 25, would be the first vote of the second session of the 106th Congress.

Again, I thank my colleagues for their continued cooperation and wish everyone a safe and happy holiday season.

Let me say, too, we have a number of bills that are in conference now. I had an opportunity to discuss the schedule for next year, or some of the bills for next year, with the President. We have a number of bills that are in a position where we could get early agreement out of conference, including the trade bill on which we worked so hard. We spent 2 weeks getting that out for Africa and CBI. We could have maybe even done it this week but we had so many things we were working on we could not get that completed.

We have the FAA reauthorization bill that good work has been done on, and a series of bills, including the juvenile justice bill, which we hope we can get early in the session next year. So we will continue to work on that.

I understand we are about ready to do a series of energy bills.

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

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, we have cleared a number of nominations on the Executive Calendar. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 228, 273, 292, 326, 327, 329, 331, 332, 333, 366, 377, 394, 404, 405, 406, and all nominations in the Coast Guard on the Secretary's desk.

I further ask consent that the HELP Committee be discharged from further consideration of the following nominations, and the Senate proceed to their consideration, en bloc: Magdalena Jacobsen, Francis Duggan, Ernest DuBester, and John Truesdale.

I further ask consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session, and that the Senator from Vermont be notified that Judge Linn is in this list for confirmation.

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

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF ENERGY

Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

#### DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

#### THE JUDICIARY

Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

#### UNITED STATES INSTITUTE OF PEACE

Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2004. (Reappointment)

## DEPARTMENT OF LABOR

Irasema Garza, of Maryland, to be Director of the Women's Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Anthony Musick, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

## DEPARTMENT OF STATE

Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs).

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan M. Wachter, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

## DEPARTMENT OF COMMERCE

Linda J. Bilmes, of California, to be an Assistant Secretary of Commerce.

Linda J. Bilmes, of California, to be Chief Financial Officer, Department of Commerce.

## UNITED STATES INTERNATIONAL TRADE COMMISSION

Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE COAST GUARD

Coast Guard nomination of Richard B. Gaines, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 12, 1999.

Coast Guard nominations beginning Peter K. Oittinen, and ending Joseph P. Sargent, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1999.

## NATIONAL LABOR RELATIONS BOARD

John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2003.

## NATIONAL MEDIATION BOARD

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2000.

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Mr. MURKOWSKI. Mr. President, today is a uniquely historic day. One hundred and thirty six years ago, Abraham Lincoln gave the Gettysburg Address. 80 years ago today, the United States Senate rejected the ill-conceived League of Nations. And 30 years ago, the second manned Apollo capsule landed on the moon and two more Americans walked on the surface of the moon.

But for the family of Deanna Tanner Okun, this is a singular day. For the

United States Senate has just confirmed her Presidential nomination to be a Commissioner on the International Trade Commission. (ITC). I would note that it has taken Deanna barely nine days to go from nomination to confirmation. That could be close to a Senate record.

One of the reasons that Deanna's nomination has sped through so quickly is because the Chairman of the Senate Finance Committee, BILL ROTH, and the Ranking Member, PAT MOYNIHAN were willing to put in the work to hold a confirmation hearing barely six days after Deanna was nominated. I greatly appreciate their work in expediting that hearing.

But most importantly, I believe the primary reason Deanna's confirmation has gone so smoothly is because of the universal admiration and respect that Senators and professional staff hold for her. Deanna is simply a consummate professional and I know that the Senate's loss will be offset by the tremendous gain that is being achieved today by the ITC. today. I know the Commission will never be the same once Deanna is sworn in.

Mr. President, I have been privileged to have worked with Deanna for more than five years. I cannot imagine anyone who is more qualified to become a Commissioner on the International Trade Commission. Not only is Deanna remarkably bright, she is one of the most thorough and conscientious individuals I have ever met.

She is fully versed in all aspects of international trade matters and an expert on U.S. foreign policy issues. No one can doubt her intellectual and professional capacity to serve as a Commissioner.

Mr. President, I want to repeat some of my prepared remarks for Deanna's confirmation hearing.

But I want to tell the United States Senate a little about Deanna, the person. she is a remarkably affable and charming individual who, no matter what the pressures—whether negotiating in a markup of a trade bill or working under the time constraints of a hearing on spying at U.S. weapons laboratories—Deanna never loses her professionalism. She always gets the job done.

In the years that she has worked on my staff, she has had to deal with some of the most difficult and tough Senate staffers in the leadership and on many committees. I know that every single one of those staff people have universal respect and admiration for the work Deanna does and the charm she brings to the job. That is a singular feat that few other Senate staffers can claim.

Finally, Mr. President, I would note that three years ago, Deanna changed her work schedule from five days a week to four days a week. She did this because she wanted to spend more time raising her two beautiful daughters, Kelsi and Rachel. I can unhesitatingly tell you that in those four days at work, she produces what other staffers

could maybe produce in five, more likely six days. She is truly remarkable as a mother and as a professional staffer.

She is a stellar person and I know that her husband Bob and her parents take great pride in her confirmation.

It is difficult to lose Deanna after all these years. I will miss her, but I know that the world trade community will greatly benefit from her appointment to the Commission.

Thank you, Mr. President and to Deanna, I wish you the best of success in your new position.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I did not want to speak until that was done. I thank the distinguished majority leader and the distinguished Democratic leader. Both of them are dear friends of mine with whom I have served for many, many years.

I thank them for their consideration, especially of Calendar No. 292. That is not simply a number on the calendar. It represents a very real person. Richard Linn is an extraordinary man, extraordinary husband, extraordinary father, and wonderful brother. He will do a great job and be an outstanding judge. I thank both leaders for their help and their consideration.

Mr. HATCH. Mr. President, I rise today to report on the success that the Senate has enjoyed this session in performing its constitutional advice and consent duties with respect to judicial nominees. The Judiciary Committee and the Senate have maintained a low vacancy rate in the federal Judiciary, reached an agreement to have votes on certain controversial nominees, and maintained a fair and principled confirmations process.

At the end of the last Congress, the Judiciary Committee and the Senate had reduced the number of vacancies in the federal Judiciary to 50—the lowest vacancy level since the expansion of the Judiciary in 1990. Indeed, in his January 1999 report on the state of the federal Judiciary, Chief Justice Rehnquist applauded the work of the Senate in bringing the vacancy number to such a low level, stating: "I am pleased to report on the progress made in 1998 by the Senate and the President in the appointment and confirmation of judges to the federal bench. . . ."

This session, despite partisan rhetoric, the Senate has maintained a low vacancy rate. The Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average of 39 confirmations for the first sessions of the past 5 Congresses when vacancy rates were generally much higher. In total, the Senate has confirmed 338 of President Clinton's judicial nominees since he took office in 1993.

In addition, the Committee reported 22 Executive Branch nominees to the Senate floor this Session. The Senate has confirmed all of these nominees,

bringing the total number of confirmations for President Clinton's non-judicial nominees for which the Committee has jurisdiction to 277 since 1993.

After all of these confirmations, we have reduced the number of judicial vacancies to 56—very close to the lowest number of vacancies since the expansion of the Judiciary in 1990. Indeed, the number of vacancies at the end of this Session of Congress is 7 less than the 63 vacancies that existed when Congress adjourned in 1994 when Bill Clinton was President and the Democrats controlled the Judiciary Committee. Moreover, we were able to create 9 new district court judgeships for a few districts in which the caseloads are very high.

In addition, the Committee reported two controversial nominees—Marsha Berzon and Richard Paez—to the Senate floor this Session. And Senator LOTT worked in a bipartisan manner with Senator DASCHLE to reach an agreement to vote on these controversial nominees and other nominees by March 15, 2000.

A controversial nominee will, of course, move more slowly than other nominees because it takes longer to garner a consensus to support such a nominee. And, depending on the nature of the controversy, the Committee may have to conduct an even more exacting examination of that nominee's credentials and respect for the rule of law. Nonetheless, a controversial nominee will be treated with the utmost respect and fairness. The more controversial a nominee, however, the more crucial the support of the nominee's home state senators and home state grass roots organizations.

It was deeply disturbing that earlier this year some implied or expressly alleged that the Senate's treatment of certain nominees differed based on their race or gender. Indeed, a so-called independent group claimed that the Senate treated female and minorities nominees less favorably than white male nominees.

After a flurry of rhetoric, however, the facts began to surface. First, the so-called independent group—Citizens for Independent Courts—was discovered to have prepared its report with the assistance of the Democratic, but not Republican, Judiciary Committee staff. Second, a close review of the report revealed that for noncontroversial nominees who were confirmed, there was little if any difference between the timing of confirmation for minority nominees and nonminority nominees in 1997 and 1998. Only when the President appointed a controversial female or minority nominee who was not confirmed did a disparity arise. Third, in 1991 and 1992, when George Bush was President, the Democratically controlled Senate confirmed female and minority nominees at a far slower pace than white male nominees. Fourth, this year, over 50% of the nominees that the Judiciary Committee reported to the full Senate have been women and minorities. Fi-

nally, even the Democratic former chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the committee, under my chairmanship, examines and approves judicial nominees "has not a single thing to do with gender or race."

As chairman of the Judiciary Committee, I take the constitutional duties of advice and consent and the responsibility for maintaining the institutional dignity of the Senate very seriously. Although the President has occasionally nominated controversial candidates, under my tenure as chairman, not one nominee has suffered a public attack on his, or her, character by this committee. Not one nominee has had his, or her, confidential background information leaked to the public by a member of this committee. And not one nominee has been examined for anything other than his, or her, integrity, competence, temperament, and respect for the rule of law.

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well. As the first session of the 106th Congress comes to an end, the federal Judiciary is once again sufficiently staffed to perform its function under Article III of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will not return to legislative session.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress, first session, remain in status quo, notwithstanding the November 19, 1999 adjournment of the Senate, and the provisions of rule XXXI, paragraph 6 of the standing rules of the Senate.

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

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

#### SHARED APPRECIATION AGREEMENTS

Mr. BURNS. Mr. President, shared appreciation agreements have the potential to cause hundreds of farm foreclosures across the nation, and especially in my home state of Montana.

Ten years ago, a large number of farmers signed these agreements. At that time they were under the impression that they would be required to pay these back at the end of ten years, at a reasonable rate of redemption.

However, that has not proved to be the case. The appraisals being conducted by the Farm Service Agency are showing increased values of ridiculous proportions. By all standards, one would expect the value to have decreased. Farm prices are the lowest they have been in years, and there does not seem to be a quick recovery forthcoming. Farmers cannot possibly be expected to pay back a value twice the amount they originally wrote down. Especially in light of the current market situation, I believe something must be done about the way these appraisals are conducted.

USDA is attempting to fix the problem with proposed rules and regulations but farmers need help with these agreements now. The USDA has published several regulations addressing the issue but the comment period will further drag out the process. I am fearful that in the meantime more farmers will be forced into foreclosure.

My bill mandates by legislation these important regulations. It will exclude capital investments from the increase in appreciation and allow farmers to take out a loan at the "Homestead Rate," which is the government's cost of borrowing.

Farmers should not be penalized for attempting to better their operations. Nor can they be expected to delay capital improvements so that they will not be penalized. It will be necessary for most of these agricultural producers to take out an additional loan during these hard times. It is important that the interest rate on that loan will accommodate their needs. The government's current cost of borrowing equals about 6.25 percent, far less than the original 9 percent farmers and ranchers were paying.

I look forward to working with members in other states to alleviate the financial burdens imposed by shared appreciation agreements. I hope that we may move this through the legislative process quickly to provide help as soon as possible to our farmers.

#### TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

Mr. KENNEDY. Mr. President, biomedical research is making great strides in providing new treatments for a wide range of diseases. Thousands of talented scientists across the country are making new discoveries about the fundamental mechanisms of health and disease. Yet the talents of these researchers are often undermined by a lack of adequate facilities and equipment to conduct their crucial work.

Numerous authoritative studies have demonstrated that medical research laboratories are critically in need of reconstruction and repair. The National Science Foundation found that