

There is no "notwithstanding clause" in the U.S. Constitution. When the U.S. Supreme Court renders one of its frequent 5-4 decisions, the minority has been known to grumble; however, stare decisis, the decision stands, and by and large the country just goes on to the next problem.

Several Canadian speakers patted themselves on the back in reference to the sanguinary American Civil War. To be sure, more than 400,000 people died before their time, and the result nowhere nearly approximated the end of history.

However the Civil War was as decisive as history gets: The abomination of human slavery ended. When I visit my grandchildren in Florida I do not go to a foreign country.

Well-intentioned monstrosities such as the Charlottetown accord are virtually unknown south of the border. One of my Manitoba political friends characterized it as "everybody shouting 'gimmie gimmie'" until nothing was left for the country.

The ability to respond to special-interest groups with a brusque no is not in the long run destructive of a country's civility and livability. When grievances are genuine, experience shows that the best compromise derives not from liberal guilt but from self-respect, with a fair offer of "thus far and no further."

A 19th-century American humorist told the story of the fellow who was so kind he amputated his dog's tail by inches. A cruel inability to solve problems is the obverse of mindless kind intent.

The usual disclaimer: This somewhat harsh analysis does not presume to offer advice to sovereign Canadians. The only point is that perhaps there is something to be said for the United States.●

TRIBUTE TO JOANNA CREECH

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dear friend whose service to Kentucky has been truly amazing. Joanna Creech, who was hired during my tenure as Jefferson County judge/executive 18 years ago, retired December 31 as a transcriber for Jefferson Fiscal Court.

Joanna's service to the fiscal court has been extraordinary. Although Joanna has been blind since the age of 15, she recorded nearly 500 sessions of court as her companion dog Fitz rested faithfully by her side.

Born in Leslie County, Joanna was educated at the Kentucky School for the Blind, where she met her first husband. Married twice and widowed twice, Joanna has three wonderful children. For years, she operated a musical instrument store in Louisville with her first husband, Robert Johnson. After he passed away in 1977, Joanna was hired at the Jefferson Fiscal Court under a Federal job program.

Known as a diligent and friendly perfectionist, Joanna has lamented in recent years that fiscal court meetings have grown "mundane." In a recent article in the Louisville Courier-Journal, she said, "It was so much more fun where they were at each other's throats."

In that article, the fiscal court clerk, Mary Bolton, said of Joanna, "She sees more with her ears than most people see with their eyes. Her perceptions are always on target."

After retirement, Joanna plans to spend more time with her family and volunteer as an instructor to the blind. An accomplished cook, she also plans to teach homemaking as well as Braille skills to blind students.

Mr. President, I would ask my colleagues to join me in paying tribute to an outstanding Kentuckian and dear friend, Joanna Creech. I wish her well in all her future endeavors. ●

ROGER ARPAN

● Mr. BURNS. Mr. President, it is not often these days that we hear good news. It is not often that we hear about people who some consider heroes. And when we do hear about heroes, they are usually sports figures who make millions or actors who have access to media attention.

But I recently heard about a Montanan that is neither an athlete, an actor, or any national figure. He has not saved lives or discovered a new drug. In fact, I would venture to bet that most people inside this beltway have never heard of him. And yet, he is a hero just the same.

His name is Roger Arpan, he is 39 years old and he lives in Alzada, MT. And recently he made such an impact on the life of a man in Alaska, that I received a letter commending him.

I would like to read a portion of this letter, because it spells out so clearly why Roger is worthy of our attention:

I met Roger by accident when my nephew and I were in the area in mid-October for an antelope hunt. We were on Highway 212 just north of Alzada when we spotted a nice herd of animals well off the road in a very large pasture. We knew it was private property and went to find the owner to ask permission to hunt.

After a bit of searching, we found a road that led to the ranch house. A man promptly came out of the house; his arms flaying in the air, his head was bobbing around and he was walking with an irregular gait. Soon he addressed us in a halting fashion. We asked if we could get permission to hunt, and he said, "Yes, but watch out for livestock, and if you are not successful, come back and I'll help you get some." He also said he would be working in a distant back field collecting rolls of hay and stacking them in the field.

We returned to the pasture and after laying some careful stalking strategy, we collected a fine buck antelope with 15½ inch horns. As a matter of courtesy, we returned to the ranch house to let the owners know of our success. This time Roger was out in the big hay field, but he drove across to meet us at the gate. There he was operating a large farm truck and trailer hauling hay and driving a tractor with a stacker, putting up the hay for winter feed all by himself. His body motions may have seemed erratic to me, but Roger was in complete control of himself and the equipment. I have farmed nearly all my life and understand the requirement for dexterity and alertness when operating heavy farm machinery. I could not restrain myself and had to express my admiration for Roger for his courage and determination in carrying out these farming activities despite obvious and severe physical limitations.

It was then that I learned that Roger Arpan was born with cerebral palsy and has suffered the ravages of this disease all his

life. His parents determined early on that if Roger was to have any kind of life, he had to learn to take care of himself.

Roger suffers every day, now somewhat less than in past years due to a new treatment, but the disease is chronic and will be with him all his life unless a cure is discovered. He carries on with courage and determination, motivated by the love and support of his family. He is disabled in his physical body but his mind is alert and he is out there working and making a contribution to his family and to society. Many people suffering disabilities far less acute than Roger's fall into despair and become burdens on society, but not this man.

Mr. President, I join with Wilson Gay, this man from Alaska, in saluting Roger Arpan. Though I would like to believe Roger is a typical Montanan, I know that he stands out. His strength, his courage, his determination, his strong character, and yes, even his success, make Roger a hero. Keep up the good work, Roger. I tip my hat to you.

INTRALATA TOLL DIALING PARITY

● Mr. BREAU. Mr. President, when the Senate debated S. 652, Senator LEAHY from Vermont and I proposed an important provision concerning the obligation of the Bell Operating Companies to provide dialing parity for intraLATA toll calls. That provision, which was accepted by the Senate, balanced the needs of competitors to have access to 1+dialing capabilities for intraLATA toll calls and the Bell Companies' need to have the opportunity to compete fairly for all long distance traffic.

As Senator LEAHY has already indicated, the conferees adopted that requirement. The Bell Operating Companies' obligations for providing dialing parity for intraLATA toll calls are contained in section 271(e)(2). It is important to recognize that the provisions in section 251(c)(3) do not impose any additional obligation to provide intraLATA toll dialing parity on the Bell Operating Companies. Section 251(c)(3) applies to BOCs only after they have been authorized to provide interLATA authority in a State.●

AGRICULTURAL MARKET TRANSITION ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. Madam President, as I understand it, there will be an amendment offered tonight by the Senators from Minnesota, Senator WELLSTONE and Senator Grams, with reference to the dairy compact provision—that will be the first amendment debated tomorrow—and then at approximately, what, 11 o'clock we have a series of votes to see where we are in the process.

Mr. DASCHLE. Was it the leader's intention to come in at 7:30 in the morning?

Mr. DOLE. Yes, 7:30 in the morning. We are looking for a presider.

Mr. DASCHLE. Just stay here a couple hours.

Mr. DOLE. We think maybe those we accommodate later in the day might be available in the morning.

Mr. DASCHLE. That is a good idea.

Mr. LEAHY. I do have an interest in the amendment being laid down. There will be no debate on that tonight?

Mr. DOLE. Right.

Mr. DASCHLE. Madam President, does the Senator object to Senator WELLSTONE discussing the amendment? It does not have to be—

Mr. LEAHY. I understand.

Madam President, I told the distinguished leader that my only concern is that this is an area where the distinguished Senator from Vermont, Mr. JEFFORDS, and I both want to speak in opposition. Because we are currently both in negotiations on something else, we would not be required to make any statement on it tonight, but we would have our time tomorrow. That is all.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, if the Senator would yield, to facilitate moving this along, I intend only to send this amendment to the desk.

Mr. DASCHLE. Madam President, if the Senator would just yield for a moment, let me just say with regard to this agreement, while the agreement calls for 15 amendments, that does not preclude Senators from working out amendments that may be accepted by the managers.

I hope that Senator LUGAR, in his normal fashion, who is very accommodating and able to work with both sides of the aisle very well, can do that on a number of these issues. It was with that understanding that we have this agreement. There could be a number of these issues that will not require a debate or a vote.

I hope throughout the day we could do that. But it is very important for Senators, at least on this side of the aisle, to come down to the floor in the early hours tomorrow morning so we can decide which ones can be accepted and which ones are going to need to be scheduled for votes. So there is no excuse if people have not come down by midmorning.

I hope that everybody can be here. We will be here, ready to go. I hope that everyone understands we are working under some constraints here, so the sooner they get here the better. And the more we can accommodate our managers in coming up with ways with which to offer these amendments that will allow them to accept them, we ought to do so.

Mr. DOLE. Madam President, if I could just add to that, in other words, we need another amendment ready at 8 o'clock. We need one at 8:30, and we need one at 9. They may not take 30 minutes. We need people available because we are trying to accommodate some of our colleagues in the afternoon.

So we will need to be accommodating to the managers, Senator LUGAR and Senator LEAHY, throughout the morning. So, hopefully, the staff, before we leave tonight, will have at least two or three lined up so there will not be any problem.

ORDERS FOR WEDNESDAY, FEBRUARY 7, 1996

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 7:30 a.m., Wednesday, February 7; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 1541, the farm bill.

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

PROGRAM

Mr. DOLE. Madam President, for the information of all Senators, the Senate will resume consideration of the farm bill tomorrow morning. Under the previous unanimous consent agreement, amendments will be offered throughout the day on Wednesday. Therefore, all Members can expect rollcall votes throughout tomorrow's session in order to complete action on the farm bill by 4:45 p.m.

I would be happy to yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AGRICULTURAL MARKET TRANSITION ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3442 TO AMENDMENT NO. 3184
(Purpose: To eliminate the provision granting consent to the Northeast Interstate Dairy Compact)

Mr. WELLSTONE. Madam President, I send an amendment to the desk on

behalf of Senator KOHL, Senator FEINGOLD, myself, Senator PRESSLER, Senator LAUTENBERG, Senator GRAMS, and Senator HATCH.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] for Mr. KOHL, for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. PRESSLER, Mr. LAUTENBERG, Mr. GRAMS, and Mr. HATCH, proposes an amendment numbered 3442 to amendment No. 3184.

Mr. WELLSTONE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 1-73, strike line 12 and all that follows through page 1-75, line 7.

Mr. DOLE. Madam President, is the Senator from Minnesota going to ask for the yeas and nays now?

Mr. WELLSTONE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

ADJOURNMENT UNTIL 7:30 A.M. TOMORROW

Mr. DOLE. Madam President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:29 p.m., adjourned until Wednesday, February 7, 1996, at 7:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 6, 1996:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

TERRY EVANS, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000, VICE WENDY W. LUERS, TERM EXPIRED.

DEPARTMENT OF DEFENSE

FRANKLIN D. KRAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOSEPH NYE.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

DANIEL GUTTMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001, VICE EDWIN G. FOULKE, JR., TERM EXPIRED.