

of it not working. The United States has been immune from that. Now is the time to have a tax cut, and the best kind is across-the-board to make sure that we are adding to the American economy an ingredient that is apt to keep us going at this formidable rate of sustained growth and jobs and prosperity. That means a tax cut now for the American people and for the future prosperity of our country.

In addition, I suggest that people ought to look at what the President proposed to do with this surplus. I am amazed. This surplus—which is taxpayers' money, that is in excess of Social Security—the President has now decided he knows precisely how to use it. Every bit of it is spent, I say to my friend, Senator THURMOND: New programs, new ideas, new needs, even some money for Medicare. And we have never heretofore put general taxpayers' money in Medicare. So he wants to spend it all and the taxpayers will get none of it back.

It seems to this Senator that that is a good issue to take to the public, to take to the people of this land. What do you want to do with this surplus? Do you want a bigger Government and spend more of it? Or spend all of it? Or do you want to give some of it back to the taxpayers who work hard in this land to make ends meet and truly, truly are the engines of this growth period we have had? Hard-working Americans caused this to happen. There is higher productivity because they are more skilled and their employers are using new equipment and new technology—higher productivity, more jobs.

Surplus means to me that taxpayers should get some benefit. We are going to work very hard to see to it that the people understand it and we have a real opportunity to help them if they will help us.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the distinguished Senator from New Mexico.

PROVIDING FOR THE INTRODUCTION OF LEGISLATION AND SUBMISSION OF STATEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that on Thursday and Friday it be in order for Senators to introduce legislation and to submit statements at the desk during the Senate's consideration of the articles of impeachment.

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

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 104-293, as amended by Public Law 105-277, announces the appointment of the following individuals to serve as members of the Commission to Assess the Organi-

zation of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction: M. D. B. Carlisle, of Washington, D.C. and Henry D. Sokolski, of Virginia.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-255, announces the appointment of the following individuals to serve as members of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development: Judy L. Johnson, of Mississippi and Elaine M. Mendoza, of Texas.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-277, announces the appointment of the following individuals to serve as members of the International Financial Institution Advisory Commission: Charles W. Calomiris, of New York and Edwin J. Feulner, Jr., of Virginia.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-277, announces the appointment of the following individuals to serve as members of the National Commission on Terrorism: Wayne A. Downing, of Colorado, Fred Ikle, of Maryland, and John F. Lewis, of New York.

The Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of William Keith Oubre, of Mississippi, to serve as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Robert H. Maxwell, of Mississippi.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105-83, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the National Council on the Arts.

FEDERAL NINTH CIRCUIT REORGANIZATION ACT OF 1999—S. 253

Statements on the bill, S. 2616, introduced on October 9, 1998, did not appear in the RECORD. The material follows:

By Mr. MURKOWSKI (for himself and Mr. GORTON):

S. 253. A bill to provide for the reorganization of the Ninth Circuit Court of Appeals, and for other purposes.

FEDERAL NINTH CIRCUIT REORGANIZATION ACT OF 1999

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by my distinguished colleague from Washington, Senator SLADE GORTON, in introducing legislation that will go far in improving the consistency, predictability and coherency of case law in the Ninth Circuit U.S. Court of Appeals.

Our bill, The Federal Ninth Circuit Reorganization Act of 1999, adopts the recommendations of a Congressionally-

mandated Commission that studied the alignment of the U.S. Court of Appeals. Retired Supreme Court Justice Byron R. White, chaired the scholarly Commission.

The Commission's Report, released last December, calls for a division of the Ninth Circuit into three regionally based adjudicative divisions—the Northern, Middle, and Southern. Each of these regional divisions would maintain a majority of its judges within its region. Each division would have exclusive jurisdiction over appeals from the judicial districts within its region. Further, each division would function as a semi-autonomous decisional unit. To resolve conflicts that may develop between regions, a Circuit Division for Conflict Correction would replace the current limited and ineffective en banc system. Lastly, the Circuit would remain intact as an administrative unit, functioning as it now does.

It is important to note that the Commission adopted the arguments that I and several other Senators have put forth to justify a complete division of the Ninth Circuit—Circuit population, record caseloads, and inconsistency in judicial decisions. However, the Commission rejected an administrative division because it believed it would "deprive the courts now in the Ninth Circuit of the administrative advantages afforded by the present circuit configuration and deprive the West and the Pacific seaboard of a means for maintaining uniform federal law in that area."

While I don't necessarily reach the same conclusion as the Commission (that an administrative division of the Ninth Circuit is not warranted), I strongly agree with the Committee's conclusion that the restructuring of the Ninth Circuit as proposed in the Commission's Report will "increase the consistency and coherence of the law, maximize the likelihood of genuine collegiality, establish an effective procedure for maintaining uniform decisional law within the circuit, and relate the appellate forum more closely to the region it serves."

Mr. President, swift Congressional action is needed. One need only look at the contours of the Ninth Circuit to see the need for this reorganization. Stretching from the Arctic Circle to the Mexican border, past the tropics of Hawaii and across the International Dateline to Guam and the Mariana Islands, by any means of measurement, the Ninth Circuit is the largest of all U.S. Circuit Courts of Appeal.

The Ninth Circuit serves a population of more than 49 million people, well over a third more than the next largest Circuit. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million—a 40 percent increase in just 13 years, which inevitably will create an even more daunting caseload.

Because of its massive size, there often results a decrease in the ability of judges to keep abreast of legal developments within the Ninth Circuit. This