

percent vacancy rate. No one was happier than I that the Senate was able to make progress in 1998 toward reducing the vacancy rate. I praised Senator HATCH for his effort. Unfortunately, the vacancies have since grown again.

During Republican control it has taken two-year periods for the Senate to match the one-year total of 101 judges confirmed in 1994, when we were on course to end the vacancies gap. Nominees like Judge Helene White, Barry Goode, Judge Legrome Davis, and J. Rich Leonard, deserve to be treated with dignity and dispatch—not delayed for two and three years. We are still seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan. They are left to twist in the wind. All of this despite the fact that, by all objective accounts and studies, the judges that President Clinton has appointed are a moderate group of judges, rendering moderate decisions, and certainly including far fewer ideologues than were nominated during the Reagan Administration.

With respect to the Senate's treatment of nominees who are women or minorities, I remain vigilant. I have said that I do not regard Senator HATCH as a biased person. I have also been outspoken in my concern about the manner in which we are failing to consider qualified minority and women nominees over the last several years. From Margaret Morrow, Margaret McKeown and Sonia Sotomayor, through Richard Paez and Marsha Berzon, and including Judge James Beatty, Jr., Judge James Wynn, Roger Gregory, Enrique Moreno and all the other qualified women and minority nominees who have been delayed and opposed over the last several years, I have spoken out. The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice Ronnie White to be a Federal District Court Judge in Missouri.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit in the history of that Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified Afri-

can-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters at the NAACP Convention. We should respond not be misunderstanding or mischaracterizing what he said, but instead taking action on these well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

I ask unanimous consent that an article for the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 12, 2000]

'RACIAL DIVISION' CHARGE IS UNTRUE

In "Senate Isn't Guilty of Racism In Confirming Judges," Sen. Orrin Hatch states that in recent weeks the president has "nominated numerous minorities for federal judgeships without consulting home-state senators" (editorial page, Sept. 5). This is simply untrue. The administration has adhered to its practice of consulting with home-state senators prior to nominating judicial candidates, and it did so with the two nominees Sen. Hatch mentioned by name.

One of those, Roger Gregory, an accomplished African-American attorney from Virginia, was nominated for the Fourth Circuit at the end of June. Sen. Hatch says the president moved a judgeship from North Carolina to Virginia in order to make the nomination, but the seat for which Mr. Gregory was nominated has not been filed before, nor allocated to any particular state in the Fourth Circuit. Moreover, Roger Gregory has the strong support of both of his home-state senators (who were indeed consulted prior to nomination). Democratic Sen. Chuck Robb recommended Mr. Gregory to the president and has been working tirelessly on Mr. Gregory's behalf. Republican Sen. John Warner has joined Sen. Robb in requesting that Sen. Hatch give Mr. Gregory a hearing.

The Fourth Circuit, which hears cases from Maryland, North Carolina, South Carolina, Virginia and West Virginia, has the largest African-American population of any circuit in the country. Yet it has never had an African-American judge. It is extraordinary to suggest that the president's nomination of a highly qualified candidate who

has the support of both home-state senators is part of some effort to "generate racial divisions." Rather than make such claims, the Republican leadership should demonstrate its color-blind bipartisanship by promptly confirming Roger Gregory.

Indeed, the Senate has a great deal more work to do on judges. Sen. Hatch states that in 1994 the administration had argued that a "7.4%" vacancy rate in the judiciary was equivalent to full employment. Using that figure, he suggests that the administration has no basis for complaining about vacancies, because the vacancy rate is now close to that level. But the figure cited by the administration in 1994 was actually 4.7%. To attain even this modest goal, the Senate would need to reduce judicial vacancies to 40. That is, the Senate would need to confirm an additional 24 nominees this year. We look forward to working with the Senate Republicans to achieve this goal.

BETH NOLAN,
Counsel to the President,
The White House.

Washington.

FAST AND SIMPLE SHORTCUT TAX ACT

Mr. GREGG. Mr. President, I rise today as an original cosponsor of this innovative and much-needed piece of legislation, the Fair and Simple Shortcut Tax (FASST) Act, which would streamline the process of paying federal taxes for millions of Americans. I am very pleased to join Senator DORGAN in introducing this important legislation.

The current Federal tax code is a tangle of requirements, deductions, credits, and other regulations that only a few lawyers and accountants fully understand. Still, we expect the average American citizen, under penalty of law, to have a complete grasp of all their tax obligations and to pay them in full and on time. The complexity of the current tax code has made it a burden to pay one's tax obligations. This burden must be alleviated.

The good news is that we can do something to simplify the tax code for the millions of Americans who do not have complicated investment or corporate income and for whom paying taxes should be as easy and painless as possible. The FASST Act offers a voluntary tax plan which would simplify the filing process for millions of Americans. It also provides much needed tax relief through the elimination of the marriage penalty, a tax which actually punishes people for getting married.

The FASST Act would provide a single, low tax rate of 15 percent for taxpayers who earn up to \$100,000 per year in wages and receive no more than \$5,000 in income from capital gains, interest, and dividends. A taxpayer who chooses to participate in this program would not receive a tax return, nor would he have to pay the federal government on April 15th because too little in taxes was deducted from his payroll. Instead, the employee would elect

to fill out a modified W-4 form at work whereby his employer would withdraw the exact tax obligation at the single low rate of 15 percent. What a relief it would be for those folks who qualify to be free from the yearly burden of trying to decipher the federal tax code.

Taxpayers who elect to participate in this program would still benefit from the current standard tax deduction, as well as personal exemptions, child care credits, the Earned Income Tax Credit and a deduction for home mortgage interest expenses and property taxes. Thus, employees would experience the best of both worlds—the current tax system's generous deduction and credit system for working families, as well as a simplified tax system. This bill also provides generous savings incentives by exempting up to \$5,000 of all interest, dividends and capital income from taxes.

Taxpayers who do not participate in the FASST program would also benefit from provisions in the FASST Act. First, this act reduces the marriage penalty, and provides an exemption from the Alternative Minimum Tax for many sole proprietors and small businesses. In addition, all taxpayers would be eligible to receive a 50 percent credit for up to \$200 in tax preparer expenses if they file their taxes electronically. And again, there is a substantial incentive for savings and investment as up to \$500 of dividend and interest income is exempt for individuals. The FASST Act is good for all taxpayers.

I believe that the FASST Act provides much needed reform to our tax system. Our current federal tax code is immense, complex, and confusing. It has become a burden on the American taxpayer. The FASST Act takes a much-needed first step toward providing a simpler, friendlier means of collecting taxes from our hard-working citizens. I am pleased to join with my fellow Senators from North Dakota and Illinois in introducing the Fast and Simple Shortcut Tax Act today.

VICTIMS OF GUN VIOLENCE

Mr. LEVIN. Mr. President, for the last several months, many of us here in the Senate have been urging our colleagues to pass sensible gun laws. Each year, more than 30,000 Americans are killed by gunfire (an average of 10 children and adolescents and 74 adult Americans each day) and until we act, thousands more will be lost to gun violence.

Those of us who are committed to this issue have pledged to read the names of some of those who have lost their lives to gun violence in the past year.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 21, 1999:

Colden Hurt, 28, Baltimore, MD;
Troy Jones, 32, Washington, DC;
Billy Peaks, 23, Chicago, IL;
Roland Shepard, 56, Philadelphia, PA;

Charles Walker, 17, St. Louis, MO;
Omar Williams, 24, Memphis, TN;
Jessie Williamson, 42, Memphis, TN.

We cannot allow such senseless gun violence to continue. The deaths of these people are a painful reminder to all of us that we need to enact sensible gun legislation today.

OBJECTION TO CHANGES IN FALSE CLAIMS ACT

Mr. GRASSLEY. I rise today to notify my colleagues that I have notified the Majority Leader that I will object to any changes to the False Claims Act whether in bill or amendment form.

VISA WAIVER PILOT PROGRAM

Mr. LEAHY. Mr. President, I rise today to urge the majority to lift its hold on H.R. 3767, which would permanently authorize the visa waiver pilot program. I am a cosponsor of the Senate version of this legislation, which will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing residents of some of our most important allies to travel to the United States for up to 90 days without obtaining a visa, and in allowing American citizens to travel to those countries without visas. Countries must meet a number of requirements to participate in the program, including having extraordinarily low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

The visa waiver pilot program expired on April 30. The House passed legislation to make the program permanent before that deadline. But the Senate failed to meet this deadline, and the Administration was forced to extend it administratively. Since then, the Senate has missed deadline after deadline, and has had to rely on the grace of the Administration for this program—which is relied upon by thousands of American travelers every year—to continue.

Every Democratic Senator has cleared this bill. But the majority has refused to clear it, even five months after it passed the House and the statutory authorization for this program expired. Earlier in the year, some members had substantive concerns about the bill. Those have been rectified. I am unaware of any remaining substantive objections to this legislation, and it is now well past time to pass it. Passing it will not require any floor debate or roll call vote. It simply requires Senators to life their holds.

This is a bill that benefits American travelers from every State and the tourism industry in every State. It is not a Democratic bill or a Republican bill. It is not a regional bill. It is simply a good, common-sense bill that deserves the Senate's support. There has been too much stalling on this bill already—we should act today.

RENAMING OF THE STATE DEPARTMENT HEADQUARTERS IN HONOR OF PRESIDENT HARRY S TRUMAN

Mr. ASHCROFT. Mr. President, tomorrow will be a special day for the State of Missouri. Tomorrow, President Clinton and Secretary of State Madeleine Albright will hold a ceremony to officially rename the U.S. State Department Headquarters as The Harry S Truman Federal Building.

I am pleased to have played a role in the renaming of the State Department in honor of one of Missouri's most famous sons—President Truman. Last spring, I introduced a bill, S. 2416, to designate the headquarters for the Department of State, as the "Harry S. Truman Federal Building". The House's companion legislation, H.R. 3639, sponsored by Missouri Congressmen IKE SKELTON and ROY BLUNT, passed the Senate on June 8th and was signed by the President on June 20, 2000. Secretary of State Albright was supportive of this effort from the beginning, and I thank her. In addition, I would like to thank the Senators who cosponsored this bill, Senators BOND, BOXER, BYRD, DEWINE, HAGEL, MOYNIHAN, ROBERTS, and WARNER.

Born in Lamar, Missouri, Harry S Truman was a farmer, a national guardsman, a World War I veteran, a local postmaster, a road overseer, and a small business owner before turning to politics. Through these traditional experiences, he gained the courage, honesty, and dedication to freedom required of a great leader. Joining the Senate in 1935, Truman fought against government waste and saved the U.S. Government \$15 billion as Chairman of the Senate War Investigating committee. Ten years later, Harry S Truman became Franklin D. Roosevelt's Vice President. Four short months later, Truman assumed the presidency after Roosevelt's untimely death, and remarked to reporters: "I felt like the moon, the stars, and all the planets had fallen on me." Although Truman might have felt unprepared, he rose to the challenge with typical Missourian resolve and changed the face of history. President Truman went on to become one of the most influential presidents of the modern era. His leadership and character, especially in the area of foreign policy, have earned him well-deserved praise and respect throughout the world. The life, character, and freedom-loving values of this great Missourian are honored by countless millions.