

The assistant legislative clerk called the roll.

Mr. NICKLES: I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD: I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

I further announce that the Senator from Nevada (Mr. BRYAN), is absent due to illness.

I also announce that the Senator from Nevada (Mr. REID), is absent attending a funeral.

I further announce that if present and voting, the Senator from Nevada (Mr. BRYAN), would vote "no."

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—42

Abraham	Faircloth	Kyl
Allard	Frist	Lott
Ashcroft	Gorton	McCain
Bond	Gramm	McConnell
Brownback	Grams	Murkowski
Burns	Grassley	Nickles
Coats	Gregg	Roberts
Cochran	Hagel	Santorum
Coverdell	Hatch	Sessions
Craig	Helms	Shelby
D'Amato	Hutchinson	Smith (NH)
DeWine	Hutchison	Stevens
Domenici	Inhofe	Thomas
Enzi	Kempthorne	Thompson

NAYS—54

Akaka	Feingold	Lugar
Baucus	Feinstein	Mack
Bennett	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihn
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bumpers	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Johnson	Roth
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Smith (OR)
Collins	Kerry	Snowe
Conrad	Kohl	Specter
Daschle	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Lieberman	Wyden

NOT VOTING—4

Bryan	Reid
Levin	Warner

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate resume consideration in executive session to debate the nomination of Frederica Massiah-Jackson.

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

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mr. LOTT. Now, Mr. President, we are working on an agreement with re-

gard to this nomination—we still have to clear it with Senators on both sides of the aisle—that would allow us to announce some action in regard to this nomination within the next couple of hours, we hope certainly in the early afternoon, and then it would be our intent to go to the Morrow nomination. We have been working on a time agreement, and we will enter a request as to exactly when that would be debated and for how long. It is our intent to have a vote on that nomination at a reasonable hour this afternoon—not tonight.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. Yes, I yield.

Mrs. BOXER. Several Senators on both sides of the aisle have been trying to get a time certain for the Morrow nomination. I wonder if the distinguished majority leader would consider offering a unanimous consent request so we can at least know how to plan our day? We have already thought it was happening this morning.

Mr. LOTT. We would like to be able to do that. I think the best way to get a unanimous consent agreement is to continue to work with Senators on all sides. My intent would be that we enter into an agreement to begin as early as possible and to get a vote not later than 6 o'clock. If for some reason we could not get that agreement, then we would have to have that vote tomorrow morning, but I believe we can work with the interested Senators on both sides and get this agreement worked out. As soon as we do, hopefully even by noon, we will enter the request. I think it would be something everybody will be comfortable with.

Mr. SPECTER. If the distinguished majority leader would yield to me, there have been discussions about a time. There are 4 hours. I was just discussing with our distinguished colleague from Missouri—I see he has left the floor so I will say nothing further. I hoped we might set that vote for 2:30, but I will let it ride.

Mr. LOTT. I don't think we can do it that early, but we will work with everybody here in the next few minutes. If we could get it done right away, we will do it, but certainly we want to do it this morning if at all possible.

I will continue to consult with the Democratic leader, and we will make that request soon.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

THE PRESIDENT'S PROPOSED BUDGET

Mr. FEINGOLD. Mr. President, I rise today to offer some initial comments on the President's proposed budget for fiscal year 1999. As with any budget, there will be occasion to discuss and debate the many individual provisions it contains. I have already heard some legitimate concerns voiced about some of the provisions from both sides of the aisle, and I very much look forward to working with my colleagues on the Budget Committee to fashion what I hope will be the second consecutive bipartisan budget agreement.

Despite the many issues surrounding individual provisions, though, we have to acknowledge what a historic moment this is. The President's budget is historic. For the first time in 30 years, a President has submitted a unified budget that actually balances. That is an achievement worth noting and noting again. While many of us believe we have a way to go before we can talk about having a genuine balance, it is fitting to pause for a moment to acknowledge the tremendous progress that has been made.

The President's proposal also marks the end of one budget era and, I think, really the beginning of a transition period that may require changing some of our budget rules, and I will have more to say on that subject in the coming weeks. It is also worth remembering how far we have come and how we reached this important benchmark. First and foremost was the 1993 deficit reduction package. That was one of the toughest votes I think many of us have ever taken in this legislative body. It wasn't pleasant and it wasn't supposed to be pleasant. As we have found, there just is no painless solution to the deficit, and we had to take a different kind of step. In fact, Mr. President, it was the very toughness of that 1993 package that told me it was worth supporting. Let me also say that last year's bipartisan budget agreement also contributed to the effort. I repeat my admiration for the work done by the chairman of the Budget Committee, the Senator from New Mexico, Mr. DOMENICI, and also the ranking member, the Senator from New Jersey, Mr. LAUTENBERG, who worked so hard to make that agreement possible.

Mr. President, I wish that agreement had gone further. As I have noted on other occasions, I really wish we had refrained from enacting that fiscally irresponsible tax package last year. If we had, the unified budget would have actually reach balance earlier. Nevertheless, both of those efforts helped bring us to where we are today and all concerned deserve praise.

Mr. President, in addition to the notable accomplishment of submitting a balanced unified budget, the President also cautioned Congress not to spend the unified budget surplus that is projected, but instead to use those funds to protect Social Security. I think this is one of the better statements we have had in a long time with regard to not only fiscal responsibility, but also our responsibility to future generations that hope to obtain the benefits of the Social Security for which they have already been paying.

The President's admonition in this regard may have been just as important as his achievement in proposing a balanced unified budget. The President is absolutely right in urging that any unified budget surpluses not be spent. But while I strongly agree with his sentiment, I approach this issue from a little different perspective. Again, there are many of us who do not view the unified budget as the appropriate measure of our Nation's budget. In particular, I want to acknowledge two of my colleagues on the Budget Committee, the Senator from South Carolina, Mr. HOLLINGS and the Senator from North Dakota, Mr. CONRAD, for their consistent warnings on this issue of how we calculate and determine and speak about what is really a balanced budget.

Mr. President, the unified budget is not the budget which should guide our policy decisions. The projected surpluses in the unified budget are not real. In fact, far from surpluses, what we really have are continuing on-budget deficits masked, in part, by Social Security revenues. Now, this distinction is absolutely critical. The very word "surplus" connotes that there is some extra amount of money or bonus around. One definition of the word surplus is, "something more than, or in excess of, what is needed or required."

Mr. President, the projected unified budget is not more than or in excess of what is needed or required. Those funds are required. Those funds are spoken for. In this regard, I take just slight exception to the President's characterization that we should use the surplus to protect Social Security. Some could infer from his comments that the President has chosen, from various alternatives, the best or most prudent option for using surplus funds. I am afraid people will look at it that way and, certainly, from the perspective of the unified budget, it is arguably the best and most prudent option, if we really had surpluses. But, Mr. President, those of us who see the unified budget as merely an accounting convenience do not believe this is an alternative or an option. To repeat, Mr. President, those revenues are already spoken for. They were raised by Social Security for future use.

Mr. President, we have various trust funds in our budget, but Social Security is unlike most other trust funds, and it is unlike the others in this respect: It is by law "off budget."

It was taken off budget for this very reason; namely, the decision by Congress to forward fund Social Security by raising additional revenues in the near term to ensure the long-term solvency of the program.

Mr. President, I urge all of my colleagues to choose their use of the word "surplus" very carefully. The problem with the use of the word, or the overuse of the word, is that it encourages a way of thinking which may jeopardize not only the work that we have accomplished over the past 5 years but also the additional work that must be done to put our Nation on a firm financial footing.

The use of this term improperly encourages the kind of "business as usual" policies that promise immediate gratification while putting off tough budget-cutting decisions until later.

Mr. President, it is kind of like buying an expensive Valentine's Day gift for your sweetheart and then charging it to her credit card.

That is not the way to do business. That is hardly an honest approach to budgeting either.

Mr. President, the challenge before us now is to move quickly toward eliminating the on-budget deficit, balancing the budget without using Social Security trust funds, and in so doing to begin the very important process of bringing down and paying down our national debt.

Mr. President, we have to play it straight with the American people. We need to give them an honest balanced budget.

I very much hope this body will act to put us on that path this year, and I very much look forward to working with other members of the Budget Committee to ensure that we really do reach an honest balanced budget.

Mr. President, I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Thank you, Mr. President.

UNANIMOUS-CONSENT AGREE-
MENT—NOMINATION OF MAR-
GARET MORROW

Ms. SNOWE. Mr. President, as in executive session, I ask unanimous consent that at 1 p.m. today the Senate proceed to executive session to consider the nomination of Margaret Morrow and a vote occur at 6 p.m. this evening with the time equally divided between Senators HATCH and ASHCROFT or their designees.

This request has been cleared by the minority.

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

ORDER OF BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed as if in morning business, and I ask for up to 30

minutes to be equally divided between myself and the Senator from Maine, Senator COLLINS.

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

Ms. SNOWE. Thank you, Mr. President.

THE ICE STORM OF 1998

Ms. SNOWE. Mr. President, I am pleased to join my colleague, Senator COLLINS, to discuss the unprecedented and historic storm in the State of Maine several weeks ago.

Mr. President, every once in a while—maybe only once every 100 years or more—an event happens that truly tests the strength of a people and the depth of their spirit. It is an event that strips away comforts and security and pretense and reveals for all to see the true nature of those whose lives it has in its grip. In my home State—the State of Maine—that event began on January 5 and is now known as the Great Ice Storm of 1998.

As shown here in this photograph, you can see the ice that covers the streets with the trees over the car. It wasn't just one area of the State. This really replicated almost the entire State in terms of the devastation of this storm.

As you would imagine, we are no strangers to a little winter weather. But this storm was like nothing anyone had ever seen before. By the time five days of sleet and freezing rain had worked their misery on the state, Maine was under a sheet of ice more than two inches thick, and Mainers suddenly found themselves without power, without heat, and facing a life more closely resembling one from 1898 than 1998.

The State was devastated by this unprecedented storm and many areas were described as resembling a "war zone." At its peak, the storm knocked out electrical power to an estimated 80 percent of Maine's households—and a week later, about 137,000 people were still without power. Schools and local governments ground to a halt. Over the weekend as the storm finally abated, over 3,000 people sought refuge in 197 shelters and two days later there were still over 2,000 Mainers staying in 111 shelters across the State. And in the end, all of Maine's 16 counties were declared federal disaster areas.

As you can see here, another sign that shows the kind of pleas that were made by residents all across this State, saying, "Power, please. Our transformer was taken away on Thursday." People lost their power for up to 2 and 3 weeks.

The Chairman of the historical committee of the American Meteorological Association, who also happens to be an associate professor of science, technology and society at Colby College in Waterville, MA, summed it up best: "So far this century there has been nothing like it . . . It will probably make the meteorological textbooks—as one of the biggest storms ever."