air tight'' to be able to use a system that floods the space with a gas to extinguish an out-of-control blaze. This is certainly true in the case of inland tow boats.

Tug boats designed for ocean service such as the *Scandia*, if they are operated in a prudent and seamanlike manner, do have the requisite water and air tightness to use a fixed flooding fire suppression system to good advantage. Congress specifically required that the proposed regulations account for the variations within the commercial towing fleet.

My preference was to simply mandate a fire suppression system for ocean-going tugboats in this year's Coast Guard bill. After hearing the concerns raised by the Coast Guard and colleagues on the Commerce Committee, I will not pursue fire suppression changes this year. I look forward to the Coast Guard's new proposal on fire suppression, which is due for publication in January 1999. I expect it will be a marked improvement over the flawed October 1997 proposal.

In closing, I again thank my colleagues on the Commerce Committee for accommodating my concerns on this issue. I also want to thank the Coast Guard. They could have waited until section 311 became law before starting on the regional regulations. Instead, the Coast Guard, by proposing the regional regulations this very day, has accelerated the date when the Northeast will have the protection it deserves. Finally, I thank my longtime collaborator on oil spill issues, Senator JOSEPH LIEBERMAN of Connecticut, for his steadfast support in this effort.

DARE NOT SPURN RUSSIA

Mr. MOYNIHAN. Mr. President, the news from Russia remains grim. The Times reported on Saturday:

> Rocked by its worst harvest in 45 years and a plummeting ruble, Russia appealed today for relief aid from the European Union. It has also approached the United States and Canada for help.

Clearly Russia is in a perilous—one could say dangerous—state. The grain harvest is down almost 40 percent primarily because of a summer drought in the Volga River and Ural regions. And the financial crisis in Russia has only added to the problems. For example the Times also reports that because payment has not been made ''15 ships full of American frozen poultry have delayed unloading their cargo.''

What to do? For starters let's not repeat the mistakes of the past. Following the defeat of Germany in World War I, we failed to provide aid to the Weimar Republic as it attempted to sustain a democratic government. The resulting Nazi reign of terror was both devastating and unspeakable.

By contrast, following the defeat of the Nazis in World War II, we adopted the Marshall Plan to rebuild a democratic Germany. From 1948 to 1952, the United States gave almost $3 billion a year to fund the Marshall Plan. A comparable contribution in round numbers, given the current size of the United States economy, would be about $100 billion a year for five years.

Recognize that Russia, no less than Nazi Germany, is a defeated nation—the latter on the military battlefield, the former on the economic battlefield. To keep Russia on the road to democracy and economic reform will require economic aid perhaps on the scale of the Marshall Plan. When you consider what we have been through, a post cold war Marshall Plan does not seem excessive. Particularly since we were able to fund the Marshall Plan at the same time we were threatened by an empire that subscribed to the view that eventually the entire world would succumb to communism.

The singular truth is that we were utterly unprepared for the collapse of the Soviet Union. During the 1980s we began a defense build up which resulted in the largest debt the United States has ever known. When the Soviet Union did collapse, we felt broke and unable to launch the kind of economic assistance that we were able to do after World War II.

While we have provided some assistance, it falls far short of Russia's needs and lacks a coherent plan. Such a plan would include technical assistance on tax collections, operations of banks and stock exchanges, protection of property and individual rights to name just a few areas that a country with little or no experience with democracy and free markets might find helpful. Let me emphasize: without real short- and long-term financial assistance none of this technical assistance will be effective or, indeed, welcome.

But the United States cannot do it alone. What would make the countries of Central and Eastern Europe more secure than any military alliance would be membership in the European Union. Unfortunately, our Western European allies have not embraced their eastern neighbors in this way.

Ambassador Richard Holbrooke has explained that to a certain extent, expanding NATO served as a surrogate for EU enlargement. Roger Cohen reports Ambassador Holbrooke's remark in the International Herald Tribune:

> Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void.

We seem to have stumbled into a reflexive anti-Russian mode. The United States continues to act as though the Cold War is still the central reality of foreign policy, withal there has been a turnover and we now have the ball and it is time to move downfield. For instance, in a Times story on Sunday about the selection of a trans-Caucus oil pipeline, it was reported:

> The Administration favored the Baku-Ceyhan route because it would pass through only relatively friendly countries—Azerbaijan, Georgia and Turkey—and would bind them closer to the West; because it would pull Azerbaijan and Georgia out of the Russian shadow; and because it would not pass through either Russia or Iran, both of which have offered routes of their own.

Is ''binding'' Azerbaijan and Georgia closer to the West part of a flawed strategy of isolating Russia? We seem clearly headed in that direction with the expansion of NATO. And ignoring George F. Kennan, who lamented the Senate vote on NATO expansion in an interview with Thomas L. Friedman. Commenting on the Senate debate, Ambassador Kennan stated:

> I was particularly bothered by the references to Russia as a country dying to attack Western Europe. Don't people understand? Our differences in the cold war were with the Soviet Communist regime. And now we are turning our backs on the very people who mounted the greatest bloodless revolution in history to remove the Soviet Regime.

We would do well to remember these words.

LOW INCOME HOUSING TAX CREDIT

Mr. D'AMATO. Mr. President, about a year ago, the distinguished Senator from Florida, Senator GRAHAM, and I introduced legislation (S. 1252) to increase the amount of low-income housing tax credits allocated to each state to reflect inflation since 1986, and to index this amount to reflect future inflation. Today, we have 64 additional cosponsors. In this time when the conventional wisdom is that everything is supposed to be so partisan in Washington, it is a very good testament about the importance of the low-income housing tax credit that S. 1252 has garnered the bipartisan support of two-thirds of the Senate.

I guess we should not be surprised about this support. The housing credit has become an extraordinarily effective mechanism to encourage construction of affordable housing. Since its creation in 1986, the low-income housing tax credit has successfully expanded the supply of affordable housing and helped revitalize economically distressed areas throughout the United States. The credit has been responsible for almost 900,000 units of housing in the past decade. Nearly all new affordable housing today (98%) is constructed with the help of the credit. Without the credit, these units simply would not be available.

Credits are allocated to each of the states on a formula based on population: $1.25 multiplied by the number of people in the state. Each state must adopt an allocation plan based on housing needs in that particular state. Then private developers compete for allocation of the limited amount of tax credit. This creates an environment where each state can encourage the type and location of affordable housing it needs. And the competition for limited amounts of credit means that the Federal Government gets more and better

housing for each credit dollar. Effectively, the low income housing tax credit is a block grant to each state, and each state uses market competition to maximize the amount and quality of the housing.

In March, 1997, after an 18 month study of the program, the General Accounting Office reported on the many achievements of the program without finding any problems in need of legislative correction. In fact, the GAO study concluded that families living in housing built with the help of the credit had incomes that were lower than that required by statute.

Unfortunately, the amount of credit that can be allocated each year has not been adjusted since the program was created in 1986. If the credit had been indexed for inflation since it was first enacted, the per capita credit amount would be $1.85 this year.

Although building costs rise each year, as does the affordable housing needs of the nation, the federal government's most important and successful housing program is in effect being cut annually as a result of inflation. When the cap was first established, the credit would fund 115,000 units. Now it will fund between 75,000 and 80,000 units. Despite economic prosperity in recent years, the shortage in affordable housing has become more, not less, severe. According to HUD, the number of households with crisis-level rental housing needs exceeds 5 million.

I had hoped that we would have been able to see the enactment of S. 1252 this year. Twelve years of erosion in value of the credit should be enough. Unfortunately, it appears that this meritorious legislation will have to wait until next year. It is not often that we can find a proposal that is supported by a bipartisan two-thirds of the Senate, a majority of Republican governors, and a Democratic President. Given the need for additional affordable housing, the effectiveness of the credit, and its broad bipartisan support among elected officials at all levels of government, I am very hopeful that we will be able to make this legislation a priority tax item early next year when the new Congress convenes.

JUDICIAL NOMINATIONS BEING HELD HOSTAGE

Mr. LEAHY. Mr. President, there are currently 21 qualified nominees on the Senate calendar who have been reported favorably by the Judiciary Committee. Ten of those nominations would fill judicial emergency vacancies, which have been without a judge for over 18 months. We have been trying for days, weeks, months and in some cases years to get votes on these nominees.

The Majority Leader has yet to call up the nomination of Judge Richard Paez to the Ninth Circuit. That nomination was first received by the Senate back in January 1996, almost three years ago. His nomination was delayed at every stage and this is now the judicial nomination that has been pending the longest on the Senate Executive Calendar this year, seven months. Over the last few days the Majority Leader has repeatedly indicated that he would be calling up this nomination, but he has not done so.

I have heard rumors that some on the Republican side planned to filibuster this nomination. I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican Chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination. During this year's long-delayed debate on the confirmation of Margaret Morrow, Senator HATCH said: ''I think it is a travesty if we ever start getting into a game of filibustering judges.'' Well, it appears that travesty was successfully threatened by some on the Republican side of the aisle and kept the Majority Leader from fulfilling his commitment to call up the nomination for a confirmation vote.

Like the nomination of Bill Lann Lee to head the Civil Rights Division, it appears that some on the Republican side have decided to take the Paez nomination as a partisan trophy and to kill it—and to do so through obstruction and delay rather than allowing the Senate to vote up or down on the nomination.

Judge Paez and all 21 judicial nominations recommended to the Senate by the Judiciary Committee deserve better. They should be cleared for confirmation without further delay. I note that of the 21 judicial nominations on the Senate Executive Calendar, 19 were reported unanimously by the Senate Judiciary Committee over the last five months. Those judicial nominations which cannot be cleared by unanimous consent ought to be scheduled for debate and a confirmation vote without further delay.

Let me put this in perspective: Most Congresses end without any judicial nominations left on the Senate Executive Calendar. The Senate calendar is usually cleared of such nominations by a confirmations vote. Indeed the 99th, 101st, 102nd, and 103rd Congresses all ended without a single judicial nomination left on the Senate calendar. The Democratic Senate majority in the two Congresses of the Bush Administration ended both those Congresses, the 101st and 102nd, without a single judicial nomination on the calendar.

By contrast, the Republican Senate majority in the last Congress, the 104th, left an unprecedented seven judicial nominations on the Senate Executive Calendar at adjournment without Senate action. And today, this Senate still has 21 judicial nominations on its calendar. The goal should be to vote on all judicial nominations on the calendar. To leave as many as seven judicial nominations without action at the end of this Congress is shameful; to be toying with the prospect of 21 is irresponsible.

In his 1997 Year-End Report, Chief Justice Rehnquist focused again on the problem of ''too few judges and too much work.'' He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: ''Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994.'' He went on to note: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

That is good advice. That is what this Senate should do, take up these nominations and vote them up or vote them down. I believe that if the Senate were given an opportunity to have a fair vote on the merits of the nomination of Judge Richard Paez or Timothy Dyk or any of the 21 judicial nominations pending on the Senate Executive Calendar, they would be confirmed. Perhaps that is why we are not being allowed to vote.

The Chief Justice of the United States Supreme Court has called the number of judicial vacancies ''the most immediate problem we face in the federal judiciary.'' I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfil our constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are harming the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

We began this year with the criticism of the Chief Justice of the United States Supreme Court ringing in our ears: ''Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.'' Nonetheless, instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unjustified and anonymous ''holds'' become regular order.

To date, the Senate has actually been losing ground to normal attrition over the last two years. When Congress adjourned in 1996 there were 64 vacancies on the federal bench. In the last 24 months, another 87 vacancies have opened. And so, after the confirmation of 36 judges in 1997 and 48 so far this year, there has still been a net increase in judicial vacancies. The Senate has not even kept up with attrition. There are more vacancies in the federal judiciary today than when the Senate adjourned in 1996.

This is without regard to the Senate's refusal to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by