

free Barbara Williams and requires that she pay still more lawyers' fees, Congress adds to her burden, or as she testified, expands the "cloud" cast over her head.

Mr. President, I submit that holding these non-controversial, practical and entirely beneficial bills hostage to an ideological fight over the Superfund program is not in the public interest. I am very disappointed that for the sixth year in a row, we withheld action on legislation that could provide enormous benefits to the public. This is what gives government a bad name. •

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

• Mr. HOLLINGS. Mr. President, I rise today to express my disappointment that S. 1802, the reauthorization of the Surface Transportation Board (Board), failed to pass the Senate. I have spoken out in favor of the Board on many occasions. I want to reemphasize today my commitment to seeing that the Board will be in business for a long time and will be given the resources that it needs to continue its vital work.

The Board is the independent economic regulatory agency that oversees the Nation's rail and surface transportation industries. A healthy transportation system is critical to sustaining a vibrant and growing economy. Under the able and forward-looking leadership of Linda Morgan, the Board's Chairman, who was with us on the Commerce Committee for many years, the Board has worked to ensure that the transportation system is both healthy and responsive. Although it was established to be principally an adjudicatory body, the Board has reached out to the transportation community in an unprecedented way. It has handled the crisis in the West appropriately, letting the private sector work it out where possible, but intervening when necessary. It has initiated proceedings at the request of Senator MCCAIN and Senator HUTCHISON to review the status of access and competition in the railroad industry, and its actions have produced a mix of government action and private-sector solutions. With its staff of 135, it puts out more work than much larger agencies, issuing well-reasoned, thoughtful, and balanced decisions in tough, contentious cases. Just recently, in the Conrail acquisition case, the Board issued one such decision that is good for my State, and for the Nation.

But the Board is stretched thin. It needs to train new people to replace the many employees who are likely to retire soon. And next year, it will continue to expend resources monitoring the implementation of the Conrail acquisition and the rest of the rail network. The Board needs adequate resources to do the hard work that we expect it to do.

Because we need the Board, and because the Board has done a fine job, I

am here today supporting a clean reauthorization bill. I supported the Staggers Act when it was passed, and I think in large part it has been a success.

I know that there is some concern about how our transportation system ought to look, and that there are many important issues on the table right now. Several of those issues are being handled by the Board, in connection with its competition and access hearings. I am confident that the Board will do the right thing with the issues before it.

However, some of the tougher issues that have not yet been resolved—for example, the substantially more open access that some shippers want—are not for the Board. They are for us, and they are real. But the fact that the railroads and those who use the system have a lot of ground to cover on these legislative issues should not hold up the Board's reauthorization. Legislative change is our job. The Board, working with the law we gave it, has done its job. I want to thank the Board in general, and Chairman Morgan in particular, who has my unqualified support, for a job well done. The Nation needs agencies like the Board and public servants like Chairman Morgan. •

TRIBUTE TO FORMER STATE REPRESENTATIVE PERRY BULLARD

• Mr. LEVIN. Mr. President, I rise to speak of the untimely death of former Michigan State Representative Perry Bullard.

Perry Bullard had a sharp mind, and a tongue to match. He has been called outspoken and abrasive. But what he really was was a passionate legislator. He had a fundamental belief in democracy, and the protection of individual liberties. He served in the Michigan House of Representatives for 20 years, rising to the position of Chairman of the House Judiciary Committee. His commitment to the rights of individuals in a democracy and the rights of individuals to access their government are evidenced by the bills he sponsored which have become law. He wrote the Michigan Open Meeting Act, the state Freedom of Information Act, the Whistleblower Protections Act and the Polygraph Protections Act. He was behind the passage of the state's Statutory Will Act, which created a fill-in-the-blank will form that allows people to write their own wills. Equally important to the bills he passed were the bills he stopped. He prevented passage of legislation to loosen requirements for police wiretaps, and to allow for police entering homes without a warrant. Perry Bullard was a liberal, and unabashedly so. He believed that being liberal meant protecting liberty. For him protecting liberty meant putting the interests of the public ahead of those of the state. He will be missed and our hearts go out to his wife, Kelly.

Mr. President I ask my Senate colleagues to join me in honoring the memory of a passionate legislator, Perry Bullard. •

BILL LANN LEE

• Mrs. BOXER. Mr. President, I want to express my deep disappointment and sadness that the Senate has failed to act on the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights at the Department of Justice.

Bill Lann Lee's nomination was sent to the Senate in July, 1997. I had the honor of introducing him to the Judiciary Committee, and I have spoken to the Senate numerous times to urge his confirmation. In my travels throughout my home state of California, I have heard over and over from his supporters, "please make sure Bill Lann Lee gets confirmed."

I cannot explain why the Senate failed to act on this eminently qualified nominee. I can only guess that an eminently qualified candidate fell victim to partisan politics. Mr. Lee has served for 10 months as the Acting Assistant Attorney General for Civil Rights because the Judiciary Committee refused to report the nomination. The Committee did not act because it did not wish the full Senate to vote—because the majority of that Committee knew that Bill Lann Lee would be confirmed if a vote were taken.

If any member of this body does not wish to confirm one of the President's nominees, then he or she should have the courage to vote that nominee down. But that did not happen.

In all this time, one thing is certain; those who know Mr. Lee, and those who are aware of his record, know Mr. Bill Lann Lee is the best person for the position of Assistant Attorney General for Civil Rights at the Department of Justice. Unfortunately, this nomination has been held back by a few senators who oppose Mr. Lee as head of the Civil Rights Division because, oddly enough, Mr. Lee believes strongly in civil rights.

I want the record to be clear about Bill Lann Lee, his personal history and his professional credentials, both of which make him the perfect candidate to be Assistant Attorney General for Civil Rights.

Bill Lann Lee was born in Harlem, the son of hardworking, patriotic, immigrant parents who came to this country because they believed America was the land of opportunity. His father, William Lee, not only spoke of this, but also showed his son by example, that a penniless immigrant who works hard in this country can make a better life for himself and for his family. Many of us know the senior Lee was a laundryman in New York, who faced daily unspeakable discrimination. What some of my colleagues may not know is that the senior Lee volunteered in the U.S. Army Air Force during World War II. He fought overseas for America and all that America

stands for, and he advanced to corporal, where as an Army soldier, he was treated just like everyone else.

Bill Lann Lee took to heart these lessons of hard work and dedication to America's values. He attended the renowned Bronx High School of Science. He went on to attend Yale on a scholarship and graduated Phi Beta Kappa and magna cum laude. He received his law degree from Columbia University Law school.

Attending school, Mr. Lee was one of the most formally dressed students. He frequently wore white dress shirts to class, while his classmates wore sweatshirts with college logos. When I think of the reason why Bill Lann Lee wore white dress shirts every day, tears well up in my eyes.

Bill Lee, who came from poverty, wore white dress shirts because these were the shirts left behind at his parents' laundry business. Bill Lee wore the clothes that were forgotten by others. He wore the clothes that his parents toiled over, despite the cramped conditions in their tiny laundry, despite the fact they all ate their meals amidst piles of dirty laundry. All this in hopes that one day their children would make something of themselves—an immigrant's dream—the American dream. And Bill Lann Lee wore those white dress shirts with pride, to save money for his family, to save money for his education, all this in hopes that one day he would fulfill that dream, and make something of himself.

Mr. Lee spent most of his 24-year legal career with the NAACP Legal Defense and Educational Fund, which was founded by the late Supreme Court Justice, Thurgood Marshall. Lee left the Legal Defense Fund in 1983 and worked for the Center for Law in the Public Interest, but eventually returned to the Legal Defense Fund in 1988.

During the course of his career, Mr. Lee showed his ability to build consensus and coalitions, fostering negotiations and settlements even as he litigated contentious civil rights cases. An example of this is a case alleging that Vons Grocery Stores' hiring practices kept women and minorities locked in entry-level jobs. Lee's skill to seek a settlement resulted in the praise of Vons' general counsel because the court decree expressly stated Vons was not required to meet quotas or hire unqualified individuals, but that Vons must show a good faith effort for hiring and promoting qualified minority employees.

While Bill Lee's record speaks volumes, many have felt they wanted to add a few words.

In a letter to Erskine Bowles, Mayor Richard Riordan of Los Angeles explained that Mr. Lee was opposing counsel in an important civil rights case (Labor/Community Strategy Center v. Los Angeles County Metropolitan Transportation Authority) which was ultimately settled. Mayor Riordan writes, "The work of my opponents

rarely evoke my praise, but the negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise." Mayor Riordan believes Mr. Lee to have a stellar track record as a civil rights litigator, and in closing, writes: "Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court."

Additionally, former U.S. Senator Hiram Fong, a Republican from Hawaii, lends his support to Mr. Lee. Senator Fong, who served in the U.S. Senate for 17 years and was on the Judiciary Committee, states "I am herewith heartily endorsing the nomination of Bill Lann Lee to the position of Assistant United States Attorney General for Civil Rights . . . His record shows that he is an exceptional litigator with over 20 years experience with civil rights issues."

Also, William Murphy, District Attorney for Staten Island, New York, wrote on behalf of the National District Attorneys Association in strong support for Bill Lee. Mr. Murphy writes "I believe that as the Assistant Attorney General for Civil Rights, he will remain fully cognizant of the need and expectations of the people of the United States to be provided effective, efficient and fair law enforcement services. I am convinced that he will do his utmost to insuring that honest and hardworking police officers are not tarnished by the acts of a few miscreants."

Even Kenneth Klein, the lead attorney on the opposing legal team on the Los Angeles County Metropolitan Transportation Authority case, wrote a letter of support for Mr. Lee. Mr. Klein, a former prosecutor, writes: "Notwithstanding the significant disparity between Mr. Lee's political philosophy and my own, I cannot think of a better candidate to fill the position of Assistant Attorney General for Civil Rights than Bill Lann Lee."

Mr. President, again, I deeply regret that the Senate did not have the chance to vote on this nomination. I know that Bill Lann Lee would have been confirmed by a wide margin. I am sorry that those senators who disagreed with the President and his nominees to express that disagreement in the form of a vote.

Mr. President, I ask that these letters of support be printed in the RECORD.

The letters follow:

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF LOS ANGELES,
OFFICE OF THE MAYOR,
Los Angeles, CA, March 20, 1997.

Re: Bill Lann Lee, candidate for Assistant Attorney General, Civil Rights Division, United States Department of Justice.

ERSKINE BOWLES
Chief of Staff, Office of the President, The White House, Washington, DC.

DEAR MR. BOWLES: I am writing to support the appointment of Bill Lann Lee to the

United States Department of Justice position of Assistant Attorney General, Civil Rights Division. Throughout his distinguished career as a civil rights lawyer, Mr. Lee has worked to advance the civil rights progress of the nation and of our richly diverse city of Los Angeles.

In my opinion, Bill Lee is an astute lawyer who is superbly qualified to enforce our national civil rights laws. Mr. Lee's candidacy offers the president an excellent opportunity to reaffirm his strong support of women's rights and civil rights laws.

Mr. Lee first became known to me as opposing counsel in an important civil rights case concerning poor bus riders in Los Angeles. As Mayor, I took a leading role in settling that case. The work of my opponents rarely evoke my praise, but the negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise.

I know that his expertise is the result of working twenty-two years in the "All Star" leagues of civil rights litigators. His track record is nationally renowned and speaks for itself. Beyond the many victories, what makes his work special is that he has represented clients from every background, including poor whites, women and children suffering from lead poisoning. His admirable ability to win the trust of so many communities is evident in the broad coalition of civil rights and women's rights experts who are backing his candidacy for this position.

Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court.

Mr. Lee is an outstanding citizen of Los Angeles. He has my enthusiastic support and strongest recommendation for the position of Assistant Attorney General for Civil Rights.

Sincerely,

RICHARD J. RIORDAN,
Mayor.

FINANCE ENTERPRISES, LTD.,
Honolulu, HI, August 25, 1997.

To the Members of the Committee on the Judiciary,
U.S. Senate,
Washington, DC.

GENTLEMEN: As one who has served in the United States Senate from the State of Hawaii for seventeen years and as a former member of the Senate Judiciary Committee, I am herewith heartily endorsing the nomination of Bill Lann Lee to the position of Assistant United States Attorney General for Civil Rights.

Mr. Lee has had a very distinguished career in public service especially in matters pertaining to civil rights discrimination.

I have been deeply impressed by Mr. Lee's efforts in behalf of the poor, children, minorities, women and others who seek a more just and fair society. He is able and well qualified for the position he seeks. His record shows that he is an exceptional litigator with over 20 years experience with civil rights issues.

I respectfully request that Mr. Bill Lann Lee's nomination be given an early hearing and that he be given the Committee's endorsement.

With warmest aloha,
Sincerely,

HIRAM L. FONG
U.S. Senator, Retired.

NATIONAL DISTRICT ATTORNEYS
ASSOCIATION,

Alexandria, VA, October 3, 1997.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN HATCH: I strongly support the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights for the Department of Justice.

Through his work as a Civil Rights attorney, Bill Lann Lee is, I believe, well versed in the problems confronting law enforcement at the community level and in particular in the problems facing our police departments in regard to their relationships with the communities they serve. Crucial to his success as Assistant Attorney General will be his ability to minimize destructive conflict between state, local and federal resources to achieve the goal of bringing peace and harmony to our communities.

In my discussion with him on his goals in his nominative role, Mr. Lee has indicated his strong dedication to seeking out nonconfrontational and alternative methods of resolving the festering problems besetting our police. Moreover, he recognizes that many complaints are without merit and based in perception rather than fact. He is eminently aware that he must make a viable and continual contribution to fostering a stronger working relationships between law enforcement and all segments of our communities to achieve the goal of ending both actual and perceptions of police misconduct.

During our discussions we also addressed how best to accomplish the investigative efforts, involving both local and federal interests, in cases involving police misconduct. He has pledged to work with local leaders to develop protocols to combine efforts to ensure effective use of assets, a fuller development of the pertinent facts and a timelier resolution. This alone would be a lasting contribution if brought to fruition.

I believe that as the Assistant Attorney General for Civil Rights, he will remain fully cognizant of the need and expectations of the people of the United States to be provided effective, efficient and fair law enforcement services. I am convinced that he will do his utmost to insuring that honest and hard-working police officers are not tarnished by the acts of a few miscreants.

Thank you for considering my perspective in considering this important appointment.

Sincerely,

WILLIAM L. MURPHY,
District Attorney, Richmond County, NY

RIORDAN & MCKINZIE,
Los Angeles, CA, September 19, 1997.

Re: Bill Lann Lee

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee,
Washington, DC.

DEAR SENATOR HATCH: I am aware of the fact that the Senate Judiciary Committee is considering the nomination of Bill Lann Lee for the post of Assistant Attorney General for Civil Rights. As the lead attorney representing the Los Angeles County Metropolitan Transportation Authority in the case of *Labor/Community Strategy Center, et al. v. Los Angeles County Metropolitan Transportation Authority* (the "LACMTA litigation"), I came to know Bill Lann Lee quite well. We clashed on many issues during the course of that litigation. However, I have nothing but the highest regard for Mr. Lann Lee as an attorney and as a gentleman.

Additionally, as a former prosecutor, it is my belief that the Assistant Attorney General for Civil Rights must be an individual who is pragmatic. During the course of the LACMTA litigation, we were able to work

with Mr. Lee to reach compromises on a number of substantial issues—the most important of which was the Consent Decree that resolved the litigation. Were it not for Mr. Lee's pragmatic approach, the parties would never have been able to resolve their differences.

Notwithstanding the significant disparity between Mr. Lee's political philosophy and my own, I cannot think of a better candidate to fill the position of Assistant Attorney General for Civil Rights than Bill Lann Lee.

Sincerely,

KENNETH KLEIN,
of Riordan & McKinzie.●

THE JOURNAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Journal of Proceedings be approved to date.

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

RICKY RAY HEMOPHILIA RELIEF FUND ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 707, H.R. 1023.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1023) to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act, would authorize the establishment of a fund from which compassionate payments would be made to people with hemophilia who contracted HIV/AIDS through tainted blood products during the early 1980s. These people were victimized by the failure of the federal government to safeguard these blood products—failures included inadequate measures to screen out high-risk donors and long-delayed recalls of blood products known to pose an elevated risk of infection. During the time period specified in the legislation, approximately 7,200 victims were infected. Each victim—or the victim's family—would receive a single \$100,000 payment. The total authorization is \$750,000, which would have to be separately appropriated. The relief fund sunsets after 5 years. H.R. 1023 passed the House without objection on the suspension calendar in May. Similar legislation in the Senate (S. 358), which I sponsored, has 62 bipartisan cosponsors.

Mr. JEFFORDS. I rise to make remarks concerning the Ricky Ray Hemophilia Relief Fund Act to provide compassionate payments to hemophiliac victims of the blood supply cri-

sis of the 1980s. The House passed the bill last May; unfortunately the Senate may not be able to pass a bill this year. The tragedy of the blood supply's infection has brought unbearable pain to families all over the country. I have heard from hundreds of these individuals and families over the past months, and I had hoped this bill would bring some closure to the grief of thousands of families who have suffered because of the blood crisis of the 1980s.

I am saddened, however, that the bill that passed the House acknowledged fewer than half the victims of the blood supply crisis. Along with Senators WARNER and FAIRCLOTH, I have fought to include victims of transfusion-associated AIDS in the bill this year. They are victims of the same blood supply crisis and are just as deserving of acknowledgment and compassion from the federal government.

I cannot overstate my disappointment, and I can only imagine their pain. This is a group of people that has suffered a great tragedy. In their minds, in the minds of the hemophiliac community, and in the minds of members who have advocated for the Ricky Ray bill, the federal government played a role in the tragedy. It would be bad enough for the federal government to never step forward and acknowledge the tragedy, but passing a bill without them would have been the worst kind of affront. We would have acknowledged the tragedy, but ignored the distress it has brought to this particular community.

With commitment from a few of my key colleagues that we would pass a bill for transfusion-associated AIDS cases next year, I supported passage of H.R. 1023. I want to take this opportunity to discuss some of the background of the bill and the reasons that I have fought so hard to include the transfusion-associated AIDS community in the Ricky Ray bill this year.

While financial need and simple compassion for the tragedy suffered may be two reasons of many to pass this bill, these reasons alone cannot justify government payments to victims of the blood supply. The bill is heavily rooted in the belief that in the early to mid-1980s the government failed to protect users of the blood supply. The record that has been built in the Senate in floor speeches and in testimony provided at the Labor Committee hearing reflects this reason above all others for passing this bill.

Last October the Senate Committee on Labor and Human Resources held a hearing on "HIV/AIDS: Recent Developments and Future Opportunities." A good portion of that hearing was devoted to a discussion on the blood crisis of the 1980s, resulting in the HIV infection of thousands of Americans who trusted that the blood or blood products with which they were treated was safe. Witnesses at the hearing included John Williams, the father of a child who contracted HIV from the clotting factor and died at the age of 18, and