

and only then should legislation carefully drawn based on input from the biomedical community be enacted.

Very truly yours,

WILLIAM L. RESPESS,
Senior Vice President.

LIGAND PHARMACEUTICALS,
San Diego, February 5, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of Ligand Pharmaceuticals Inc. asking that you oppose Senator Bond's Bill S. 1599 concerning human cloning. It is my understanding that this bill is to come up for a vote without hearings or mark-up. We believe that is an action that is too precipitous and could result in legislation which will adversely impact the biomedical industry.

I wrote to you on February 2, 1998 expressing opposition to the announcement by Dr. Richard Seed to engage in an effort to clone a human being. However, legislation or regulation to ban such activity must be carefully drawn so as not to inhibit legitimate research. Therefore, it is essential that hearings be held on any bill to permit testimony by scientists, representatives of the biomedical industry, and others potentially affected by such legislation to be heard on the specifics of any bill. This is not the time for a justifiable rush to judgment on Dr. Seed's announced intention to result in hastily conceived legislation which may do as much harm as good. Research on cloning and the use of cloning techniques are important to the progress of medical science. While Congress should move with deliberate speed, this is not the occasion to act outside of the usual congressional scheme of engaging in hearings before appropriate committees before taking action on matters of such import.

In my letter of February 2, 1998, I suggested that Congress first look to determine whether the FDA already has the authority to regulate in this area and, only if it is persuaded that the FDA lacks such authority, to undertake to draft legislation. I still believe that is the most appropriate process.

Very truly yours,

WILLIAM L. RESPESS,
Senior Vice President.

Mrs. FEINSTEIN. Mr. President, let me be very clear. Every letter that is coming in says: Stop, consider, proceed cautiously; this bill would be harmful; it would stop vital research. What is the rush, since the FDA has asserted jurisdiction and the scientific community has engaged in a moratorium? Why proceed like this in such haste, straight to the floor?

Only two letters have come in saying, proceed like this: One from the Christian Coalition, and the other one is from the National Right to Life Committee, two letters. The entire scientific community says, go slow, define your terms, know what you are doing.

Let me share with you what I understand this technology is. Let's say a somatic cell were taken out of my tissue. The nucleus of that cell is removed and is entered into an egg cell and fused. That cell, once fused, begins to divide and create more cells. The only way that cell can produce a human being is if it is put into a human uterus. Otherwise, it cannot produce a human being. We don't even know if it will produce a human being if it is put in a uterus.

There is only one known instance in an animal, Dolly, which now Science magazine has challenged in a major way. But what we do know is that those stem cells, because of their DNA, can clone tissue.

For example, a third-degree-burn patient who may reject a skin graft may some day get a skin graft made from his or her own cells and will not reject it. My husband, Bert Feinstein, died of colon cancer and liver cancer. What a miracle if those cells could have been used to come up with a cancer treatment that would have prevented his death. That is really where we are. That is what we hope for.

There are no definitions in the bill. We don't know what they call a somatic cell. We don't know what they call an embryo. The bill does not define oocyte. But the point is, we have to know, and these terms have to be spelled out in the legislation.

The bill says, if there is this stem tissue research, it is illegal, and the scientists have a 10-year sentence.

So what we are begging, imploring, respectfully asking the distinguished majority leader is, please, let's not proceed tomorrow. Let's observe the regular order. Let's go to committee. Let Senator KENNEDY and I have an opportunity to present our bill. Let's have the majority leader, Senators BOND and FRIST, whom I respect, have an opportunity to present their bill. Let's discuss it and see what is best. Then at least we have heard everybody with knowledge.

Let me be clear. I want a bill. I want a carefully crafted bill. I want this Congress to act to ban the cloning of human beings.

I thank the Chair. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak as if in morning business for 10 minutes.

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

Mr. GRAMS. Thank you very much.

FEDERAL SURPLUS PROPERTY IMPROVEMENT ACT OF 1998

Mr. GRAMS. Mr. President, I rise today to introduce the "Federal Surplus Property Improvement Act of 1998" and ask my colleagues for their support of this legislation.

Congressional oversight of our country's surplus personal property donation program may not be a topic of debate in the Senate, but it is of great importance to my constituents and the 70,000 recipients of surplus federal personal property in all of our states.

Members of Congress and state and local officials all have an obligation to see that the government distributes this property fairly and equitably, ensuring accountability to the taxpayers.

Too often, federal agencies forget that the owners of this property are

the American people—the federal government is merely its public custodian.

As my colleagues may know, once a piece of federal personal property such as a typewriter, chair or vehicle is declared "excess" by a federal agency, it is offered to other federal agencies for their use. If no other agency can utilize the property, it is donated to the states or other public agencies.

The current system of disposal is based on reforms signed into law by President Ford over twenty years ago.

The reforms to the Federal Property and Administrative Services Act of 1949 enacted in 1976 were based on concerns that as surplus property distribution programs multiplied, confusion and inefficiency on the part of the federal government grew as well.

Congress realized that the various state agencies and the General Services Administration should work together to ensure a fair and equitable allocation of surplus federal property to eligible recipients.

Under this new partnership, states would have a greater role over distribution, while GSA would guide the overall system on the federal side.

Mr. President, the 1976 reforms also broadened the pool of eligible recipients to include parks and recreation, conservation, public health and public safety.

Since then, each state agency for surplus property has worked with neighboring state agencies and GSA to provide the equipment, supplies and material used to educate our children, maintain roads and streets, keep utility rates reasonable, train the workers of tomorrow, protect families from crime, and during natural disasters, treat the health of our nation's sick and needy.

Through the efforts of the state agencies for surplus property, eligible recipients have acquired impressive pieces of equipment such as trailers, forklifts, fire trucks, aircraft, boats and generators.

The original acquisition value of property distributed through the U.S. state agencies for surplus property totaled over \$537 million in fiscal year 1997. Over the last few weeks, I have heard from many recipients of surplus federal property and ask unanimous consent that their letters be printed in the RECORD.

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

DEPARTMENT OF PUBLIC SAFETY,
STATE PATROL DIVISION,
St. Paul, MN, January 13, 1998.

Senator ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMS: For the past several years the flight of the Minnesota State Patrol has called upon the services of the state surplus property program, a division of the Department of Administration, for various pieces of equipment needed to accomplish our mission. In more recent years my contact person at surplus property has been Mr. Gene Glaeser who now heads up that program. Any time I have needed something,

whether it be a helicopter, airplane, or an office desk, I have never had to wait an unusually long period of time to have my request filled by Glaeser's office.

In August 1992, the flight section had need of an aircraft tug to move our helicopter that is stationed in the Cloquet area in an out of our hangar. I simply called Gene Glaeser, told him what I needed and in a matter of about a week, I was notified by Glaeser that he had the tug I had requested. That tug was put into service almost immediately.

Again in September of 1996 our organization had a need to upgrade one of our helicopters from a two place piston powered helicopter to a turbine powered ship. Shortly after notifying surplus property of our need, I was told that a helicopter meeting our specifications had been located right here at the St. Paul Airport. This helicopter had been part of the fleet of OH58 helicopters operated by the Army Reserve Unit here in St. Paul, and this unit was being disbanded. Within the first year, that helicopter was refurbished and placed in service as part of our fleet of aircraft.

Once again, in February 1997 our unit had need for a twin engine airplane. One week after I made the request for this type of aircraft, Gene Glaeser called and said he had located an aircraft he thought would fit our needs. It was a Beechcraft Queen Air and it had been used by NASA for several years and was based at Langley Air Force Base in Virginia. Following many phone calls to Langley to discuss the condition of this craft, it was decided to acquire this aircraft.

In each of the above cases, there has been substantial cost savings to the State of Minnesota. The OH58 helicopter was placed in service at a total cost of \$84,000.00. Had we purchased this same type of helicopter on the open market, we would have paid an estimated \$450,000.00–\$550,000.00. The Beechcraft Queen Air acquired from NASA, including the training of six pilots to fly it, cost the state approximately \$36,000.00 to place it in service. This aircraft has been appraised at \$150,000.00–\$175,000.00 by an aircraft broker. In each of these cases, had the State Patrol been forced to buy from the open market, we would not have been able to upgrade our fleet because of budget constraints.

Had the surplus program not been available to us, our chances of acquiring this equipment would not have existed. This is a perfect example of our government obtaining the most from a piece of equipment. When one agency no longer has a need for that equipment, it is passed down to another government agency that does have a need. I would hope that this program would continue for many years into the future, as everyone benefits from it. As is common in today's language, "it's a win-win situation."

Should you have further questions regarding anything I have stated, please feel free to call me. Thank you.

Sincerely,

CAPT. DAVID J. ALLEN,
Chief Pilot.

THE MCCANDLESS TOWNSHIP
SANITARY AUTHORITY,
Pittsburgh, PA, January 19, 1998.

Senator ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMS: The McCandless Township Sanitary Authority (M.T.S.A.) is located approximately 15 miles north of the City of Pittsburgh PA. M.T.S.A.'s main function is to collect and treat wastewater for seven surrounding communities, with a total customer base in excess of 35,000 residents. This Authority operates and maintains four treatment facilities, fifteen pumping stations, over 250 miles of sewer lines and employs in excess of 45 employees. Over the last

five to six years this Authority has actively participated in the Pa. Federal Surplus Program. Purchases through this program have become a normal part of our budget with a yearly allocation of \$20,000.00.

This Authority falls under the guidelines and rules and regulation of the EPA and the Pa. DEP. Over the last couple of years unexpected regulations have been imposed on this Authority which require us to undertake the replacement and enhancement of many of the older sections of the sewer line collection system. Through the Federal Surplus Program we were able to obtain equipment and materials to aid in this system upgrading. Some of the items that were secured were: a transit, material handling bucket, two-10 ton dump trucks, a loader, fork lift, a job site toolbox, a six inch portable pump, many small hand tools, hooks-cables-lifting straps and even personal employee items such as boots and gloves.

Purchases through this program have also benefited our wastewater treatment facilities. We have secured both materials and equipment for use by our maintenance personnel. Some of the pictures that are enclosed show projects that have been completed. Many of these projects were completed with use of stainless steel and/or aluminum which were secured from Federal Surplus for a fraction of their normal cost. This Authority also was able to secure a 5000 gallon tank trailer for transporting sludge from our satellite treatment facilities to our main sludge de-watering facility. This in itself was an excellent purchase; we were able to purchase a \$40,000 trailer for \$2,500.00. The Authority was also able to supply the treatment facility personnel with numerous safety related items such as self contained breathing apparatus, life vests, rubber * * * boots and even a small life raft.

This Authority has also used the Federal Surplus Program to supplement its fleet of vehicles. We have purchased five mid-sized trucks, one station wagon and numerous trailers; one of which we use for hauling heavy equipment. These vehicles all needed some repairs but Authority personnel were able to fix them up to make them nice additions to the fleet. Pictures and a brief description of each of these vehicles is enclosed. One vehicle of particular interest would be the vehicle used for the Dye Test Program. The Dye Test Program was implemented to meet requirements set by PA. DEP, which requires the Authority to begin testing resident's roof and driveway drains to locate illegal connections to the sanitary sewer. This program required the Authority to hire employees and purchase equipment, so this vehicle and the cost savings associated with it helped to get this program off the ground.

This Authority's involvement with the Pa. Federal Surplus Program has been very beneficial to the Authority as well as to the Authority's rate payers. The McCandless Township Sanitary Authority has not had a rate increase since 1991 and I believe that our involvement in this program as well as other cost saving measures have helped to keep these rate increases down. Finally, I would like to mention that we have had purchase parts or materials from private distributors when repairing some of our Federal Surplus purchases I was surprised to see the amount of "new stock" they had on hand. It was my understanding that state agencies have first choice on surplus. I think there would be many government bodies that could put this surplus to good use rather than see a private company making a profit at the tax payers expense.

Sincerely,

DENNIS J. BLAKLEY,
Superintendent.

FEDERAL SURPLUS PURCHASES COST SAVINGS

Item	Qty.	Purchase price	Value	Savings
Filing Cabinet	1	\$75.00	\$500.00	\$425.00
Cement	84	94.92	420.00	325.08
Breathing apparatus	2	200.00	5,600.00	5,400.00
Fuel tanks	8	1,600.00	17,200.00	15,600.00
Press Arbor	1	147.50	1,200.00	1,052.50
1/4 Ton trailer	1	300.00	1,500.00	1,200.00
Tongue buckle harness	9	135.00	675.00	540.00
Chevy station wagon	1	800.00	4,000.00	3,200.00
Air conditioner	1	195.00	5,000.00	4,805.00
Flatbed trailers (Truehaul)	1	750.00	15,000.00	14,250.00
Safety storage cabinet	2	300.00	1,000.00	700.00
Battery for fork lift at P.C.	2	150.00	4,000.00	3,850.00
5000 Gal semi trailer	1	2,500.00	30,000.00	27,500.00
1967 66 Dump truck	1	3,500.00	15,000.00	11,500.00
Jack stands	2	70.00	200.00	130.00
10,000 Lb. forklift	1	1,250.00	10,000.00	8,750.00
Lubricating oil	5	250.00	1,005.00	755.00
1988 GMC Flatbed truck	1	2,675.00	15,000.00	12,325.00
6' Pump	1	375.00	10,000.00	9,625.00
Drafting table	1	100.00	400.00	300.00
1983 Ford pick up truck	1	1,500.00	10,000.00	8,500.00
Air sander	1	125.00	500.00	375.00
Fire cabinet	1	50.00	600.00	550.00
Pipe Bender	1	175.00	1,200.00	1,025.00
Flammable cabinet	1	75.00	600.00	525.00
410 Steel plate	3	33.75	720.00	686.25
Alum round bar 1 1/2	1	25.00	185.00	160.00
48 1/2 SS Plate	1	45.00	245.00	200.00
412.090 Alum plate	1	80.00	241.00	161.00
412.050 Alum plate	2	60.00	482.00	422.00
6110 Alum bar	1	30.00	238.00	208.00
Grinder	1	60.00	500.00	440.00
Snowblower	1	250.00	1,000.00	750.00
Drill press	1	250.00	1,000.00	750.00
Alum sheets	2	70.00	600.00	530.00
Trailer/dye testing equip	1	375.00	2,000.00	1,625.00
Desk	1	175.00	1,000.00	825.00
Lateral files—5 drawer	2	150.00	1,000.00	850.00
Lateral files—4 drawer	3	180.00	3,000.00	2,820.00
Lateral files—2 drawer	4	100.00	4,000.00	3,900.00
Barrel lift	1	250.00	1,300.00	1,050.00
Sheet barrier-pine creek shed	7	105.00	4,998.00	4,893.00
Drill	1	150.00	425.00	275.00
1984 AMA 3/4 Ton cargo trailer	1	750.00	20,000.00	19,250.00
1984/Chevy—44 cargo diesel truck	1	5,000.00	15,000.00	10,000.00
Generators 100 KW	1	1,750.00	25,000.00	23,250.00
30 Ft flat bed trailer/miller	1	375.00	3,000.00	2,625.00
Alum I beam	6	150.00	1,800.00	1,650.00
1985/GMC 3/4 Ton truck	1	800.00	10,000.00	9,200.00
Port-A-Power	1	125.00	1,000.00	875.00
Alum I beam	5	125.00	1,500.00	1,375.00
Threadlite survey—3 pc set	1	250.00	3,000.00	2,750.00
Totals		29,106.17	253,834.00	224,727.83

PLUMBERS & STEAMFITTERS
LOCAL UNION 52,
Montgomery, AL, January 16, 1998.

Senator ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SIR: We are a Non-profit Organization partially funded by the State of Alabama and the Federal Government. Our Training School is a five year program that prepares our students for working in the following trades: plumbing, pipefitting, welding and air conditioning.

We have obtained supplies and equipment from our Local State and Federal Surplus Division, that has been very beneficial to our program. These purchases have also saved our Program thousands and thousands of dollars. Without these savings, our Program would not have been able to obtain the training equipment we currently possess.

We are aware that there is less property available today because of the downsizing of the Military. However, the combinations of the special interest legislation and major "giveaways" such as the humanitarian assistance program, have destroyed most of

the opportunity the States have to receive the type and quality of property available in prior years. Therefore, our Program as well as all other non-profit organizations, suffer the loss.

Sir, please help us in keeping the Federal Donation Program going. If we can be of further assistance, please contact us.

Sincerely,

WAYNE BARFIELD,
Business Agent.

GRANDVIEW POLICE DEPARTMENT,
Grandview, WA, January 20, 1998.

Senator GRAMS,
*Dirksen Senate Building,
Washington, DC.*

DEAR SENATOR GRAMS: My purpose for writing you this letter is to appraise you of the great benefits that my Agency and City have received from our years of involvement in the Federal Surplus Program. Over the past six years, we have been very active in purchasing surplus equipment from the Government that has improved the quality of our City, and allowed us to expand and improve the operations in City government.

Over the past six years, the City has purchased a bulldozer and dump truck which has allowed us to build a quality Police firearms range to allow our officers to be proficient in the use of their weapons, as well as purchasing pickup trucks, a van and other related equipment to augment our Department, to allow us to better serve our citizens. The majority of furniture, desks, computers, typewriters and other supplies that we use on a day to day basis in the Police department are from the federal surplus program. Without this program, our Department would still be using equipment that was purchased over 20 years ago. Due to our financial situation in our rural area, this program has allowed us to keep our department current with the modern technologies and equipment of the 1990's. I would hate to think where our Department, as well as other departments within the City would be if we had not been a active purchaser of federal surplus property. Citywide, we have purchased thousands of dollars worth of quality equipment on a yearly basis, saving our taxpayers tens of thousands of dollars.

I am a very proud participant of the federal surplus program and believe that it is one of the best cost effective programs that our City has ever been involved in. I also hope that this program will continue to remain in tact in the future and allow us to grow with it. We have the pleasure of having Mr. Doug Coleman who is our State Federal Surplus Property Manager, who does a fantastic job of working with the local Cities in Washington State on the dispersement of surplus property. I would hope that this worthwhile program continues and grows.

Respectfully,

DAVID R. CHARVET,
Chief of Police.

TALENT IRRIGATION DISTRICT,
Talent, OR, January 19, 1998.

JACK GUZMAN,
*Acting Manager, Federal Surplus Property,
Salem, OR.*

DEAR MR. GUZMAN: The Federal Surplus Property Program is an intricate part of the Talent Irrigation District's (TID) operating target. It has significantly contributed to keeping operating costs down resulting in low water rates for our taxpayers. Here are just a very few specific examples.

	Acquisition cost	Equivalent open market cost
Maintenance Pick-up trucks	\$2,000.00	\$8-10,000.00
Snow Cat for Mountain/high lake operation	5,000.00	95,000.00

	Acquisition cost	Equivalent open market cost
6" Gate valves	30.00	300.00
Fork Lifts	3,000.00	9,000.00
Structural Steel and Steel plate	Simply could not afford it at market price.	

The list goes on and on. In an era of austere funding and increased property taxes TID has been able to keep water rates one-third less than other Southern Oregon Districts. This is a direct result of utilizing the Federal Surplus Property program.

The only inequity in the system from a donee standpoint, is the "Host State" procedures. Not having any military installations, Oregon Donees are a notch below the host state at the donee level. This needs attention.

Further comment would be redundant, suffice it to say overall the program is very beneficial to the taxpayer.

Sincerely,

HOLLIE CANNON,
Manager, Talent Irrigation District.

BIRCH TREE COMMUNITIES, INC.,
Benton, AR, January 19, 1998.

Hon. ROD GRAMS,
*Dirksen Senate Office Building,
Washington, DC.*

DEAR SENATOR ROD GRAMS: We are a non profit Certified Community Mental Health Center. We are a clinical and rehabilitative program for the chronically mentally ill. The people we work with are the lowest of the low income people in America.

We utilize the products of the Federal Donation Program immensely. We use many of the products they have for sale. A few of those items are beds and mattresses. To be able to purchase only these items saves our organization thousands of dollars each year. The total items we purchase and utilize would be too lengthy to list.

A bed and mattress are very simple items, but can you imagine sleeping without a bed or mattress? The people we work with are classified as homeless and many have not had the comfort of a bed or mattress for some time.

This letter is to definitely continue the Federal Donation Program in its present form.

Sincerely,

PAUL ENDERLIN.

MOUNTAIN FIRE/RESCUE

Mountain Ranch, CA, January 20, 1998.

DEAR SENATOR GRAMS: On behalf of Mountain Fire/Rescue and as the Chief of this Volunteer Fire Company, I'm writing to you in response to the urgent letter I received from the National Asso. of State Agencies for Surplus Property.

Mountain Fire/Rescue came to be 18 years ago and has grown to be the largest fire unit in Calaveras County, CA. We have 94 pieces of fire fighting, rescue, potable water tenders, generators and the parts to keep this equipment running. All but 3 of our rolling stock was obtained through Surplus property program.

We use this equipment in various ways:

Our 5 ton recovery vehicle (wrecker) is used to recover any government agencies property that has become disabled. This is a very poor county and most of the fire departments here don't have the money to hire a large tow truck to recover their equipment. This same unit responded to a call where a farmer was driving his tractor and went over a mountain side, 300 yards. At the site, we pulled out the 400' + cable and added all of our chain then a 20' piece of cable on the end of this mess, put a snatch block in a tree by the victim, that was pinned under the tractor, and was able to pick the tractor off of

him without hurting him further. Before we got there, attempts to lift the tractor was futile. Every time the rescue team tried to move the tractor it would slid down the mountain side a little. He was air lifted to Modesto and is doing fine now. Reports we received after this incident tell us we saved his life. This was a piece of excess property. Cost \$99,000.00, our cost, \$1200.00.

In 1994, on a presidential order, this Volunteer Fire Co. was sent to Goma, Zaire, Africa on a C5A from Travis AFB non stop, to produce potable water to the refugees 15 miles outside of Goma. A Report can be found in Vol. 141 Washington, Saturday, August 5, 1995 No. 130, on page E-1690, True American Heroes, Hon. John T. Doolittle of California, Friday, August 4, 1995. This may be useful to you. The equipment was excess property except for the sub-pump and the fire truck. As a US Army trained medic, I took along my medical stuff from MFR. At the pumping site at Lac Kavv, MFR set up pumping operations, chlorinated the water, took care of the military personal at this site provided the heated shower, built off the back of the fire truck and generally blended in to the working order of this base. Two days into the pumping operation, Dr. Thomas Durant, Asst. Medical Director, Boston School of Medicine became my preceptor on site. He was going to rent a car to go out to the refugee camps and start to give shots to these poor people. He was going to pay \$100.00 per day for the rental. I told him to take MFRs 1 1/4 ton 4X4 pickup to do this work at no charge. One day, as the doctor's and RNs were going to the camp, they were stopped by a squad of Zaire soldiers, told to get out of the truck. They were taken into a banana grove, where they thought they were going to be shot. In the grove was a young Zaire soldier that had picked up an explosive device of some kind and blown his hands up. The doctors put him in the truck and all his buddies and took him to a field hospital to be treated. From that time on, no more stopping for road blocks. This one vehicle provided the transportation for those good docs and no one will ever know how many lives they saved. Most of all of the support equipment we took with us was surplus property.

Photos of the African event can be obtained by contacting Lt. Col. Eric Hanson, office # 1-703-607-7864. Confirmation of events there can be confirmed by contacting Dr. Tom Durant, office # 1-617-726-2106, Boston MS.

Another source of information can be found in the August 1995 of the Fire Engineering monthly, poc Bill Manning @ 1-800-962-6484. I also wrote an article for this mag. on how to procure excess property from the government. This might be something you want in your information briefing.

Lastly, we were told we were True American Heroes, Congressman Doolittle has been the only person that has taken it upon himself to make General Jack Nix's order to give us the Category 1 and 2 civilian medals that Gen. Nix wanted us to be awarded happen. This will happen when the congressman has the time to fit us in.

MFR has been involved in many events where we use the equipment that we obtain through the DRMO program. Without this program, we could not exist. I hope this note finds you and your staff in good health and have a Happy New Year.

JOHN D. HORNER,
Fire Chief.

Mr. GRAMS. Mr. President, I am particularly impressed at how effectively the state agencies, GSA and the Defense Re-utilization and Marketing Service have worked together as a team to respond quickly and efficiently

during times of national disasters and emergencies.

Together they have successfully identified and transported sandbags, blankets, cots, tools, trucks and other equipment and supplies to disaster sites.

In 1997, the state agencies and their federal partners faced a number of emergencies—and they delivered.

And I know Minnesotans who suffered through the Midwest floods last year appreciated the relief provided to them during these horrible times. I recently received a letter from Dave Allen, Chief Pilot of the Minnesota State Patrol, and a recipient of surplus property distributed by the Minnesota State Agency for Surplus Property for the last several years.

Mr. Allen wrote:

In February 1997 our unit had the need for a twin engine airplane. One week after I made the request for this type of aircraft, Gene Glaeser called and said he had located an aircraft he thought would meet our needs. It was a Beechcraft Queen Air and it had been used by NASA for several years and was based at Langley Air Force Base in Virginia.

The Beechcraft Queen Air acquired from NASA including the training of six pilots cost the State approximately \$35,000 to place it in service. This aircraft had been appraised at \$150,000–\$175,000 by an aircraft broker . . . Had the surplus property program not been available to us our chances of acquiring this equipment would not have existed.

This is a perfect example of our government obtaining the most from a piece of equipment . . . I would hope that this program would continue for many years in the future, as everyone benefits from it.

The plane filled a very important need during last year's floods by shuttling state and emergency management staff to meetings, where they assessed the damage in our communities and provided guidance to residents.

The state agencies for surplus property should be commended for following the intent of Congress and fulfilling their responsibilities under Public Law 94-519. However, I believe that the volume and value of distributed surplus federal property would increase if the intent of the Congress when it passed the 1976 reforms was more closely followed.

If Congress continues to allow surplus federal property to go abroad, or not make its way through proper channels to eligible recipients, our students, workers, taxpayers, and families will lose. The legislation I am introducing will address these concerns through the following provisions.

First, this legislation would ensure that when distributing surplus federal property, domestic needs are met before we consider foreign interests. It would, however, grant the President the authority to make supplies available for humanitarian relief purposes before going to the states, in the case of emergencies or natural disasters.

Second, my bill would amend the Foreign Assistance Act of 1961 to prohibit the transfer of Government-owned excess property to foreign coun-

tries or international organizations for environmental protection activities in foreign countries unless GSA determined that there is no federal or state use for the property.

Fourth, my bill would repeal the authority of the Secretary of Energy to transfer excess DOE research and development facility equipment to educational institutions in the U.S. This current practice by DOE falls outside the Donation Program and denies equal access to all local education agencies, schools and universities.

Third, it would ensure that 8(a) firms participating in the Small Business Administration's Capital Ownership Development Program maintain their eligibility to receive surplus Federal property, but through the normal process involving GSA and the State agencies. States, not bureaucracies, should determine how to meet the needs of our schools and universities.

Finally, this legislation would require GSA to report to Congress on the effectiveness of all statutes relating to the disposal and donation of personal property and recommend any changes that would further improve the Donation Program.

Mr. President, my bill is based on the principle that eligible recipients should be able to maximize their tax dollars through expendable Federal property that meets their needs.

It takes an important step toward stopping publicly-owned property from being shipped abroad and given to other organizations before it is distributed through each State agency for surplus property.

My legislation will fulfill the public's right to know how and where their tax dollars are being spent.

In many ways, it will serve as the second phase of the reforms overwhelmingly passed by Congress in 1976, by preserving the active role of States in the handling and distribution of surplus Federal property. This initiative will benefit thousands of recipients—the Nation's taxpayers.

The best interests of America's taxpayers has always been at the top of my agenda. I look forward to working with my colleagues in the Senate to move this legislation through Congress and give the taxpayers the highest possible return on their investment.

NOMINATION OF MARGARET MORROW

Mr. INHOFE. Mr. President, it is my understanding that tomorrow we are going to be voting on the confirmation of Mrs. Margaret Morrow, Judge Margaret Morrow, who has been nominated for the position of U.S. District Judge for the Central District of California. While I will be opposing her nomination, it is not because of her academic qualifications, nor her credentials, but her philosophy that she has expressed in the past from the bench.

Lately a lot of people have said that the state of our judiciary is somewhat

deplorable, and I think it is, although I do not think it is because of the lack of judges being confirmed. I do not think that is the problem. I think it is the philosophy, the dangerous philosophy of elitism which pervades the judicial branch of the Federal Government. This elitism is dangerous and undercuts our belief in courts throughout America. Regrettably, Mrs. Morrow is representative of that elitism.

I am most concerned more than anything else with statements she has made about direct democracy. It seems to be her position that we in America are not able to rule for ourselves, not able to make intelligent decisions, but those decisions would have to be made in some protected ivory tower. She condemns direct democracy. She says, "Ballot initiatives," and this is a quote, "render ephemeral any real hope of intelligent voting of the majority."

What she is saying here is that the people are not capable of making these decisions. And, of course, they do have problems out there in the ninth circuit, and the position she is seeking to gain would put her in a position to actually promote some of those things that have been taking place there.

Recently, in *Bates v. Jones*, a three-judge panel—Reinhardt, Sneed, and Fletcher—affirmed a decision by Judge Wilkins to throw out California's ballot initiative, Proposition 140—that's the term limits for State officials—declaring them unconstitutional.

There have been other efforts such as proposition 209. Last year Judge Henderson struck down the voter-approved referendum ending State affirmative action programs, and fortunately for the 20 million California voters Henderson's original ruling has been struck down, restoring their faith in the voting process.

Proposition 187. Judge Richard Pfaelzer declared a State law denying benefits to illegal aliens unconstitutional because it conflicted with the 1996 welfare reform law. That was overturned.

Proposition 208. Judge Carlton has recently blocked enforcement of the popular initiative that has imposed limits on campaign contributions at the State level.

During her confirmation, Mrs. Morrow claimed never to have publicly opposed a ballot initiative in the past decade with one exception and that was proposition 209. In fact, in 1988, Morrow wrote an article urging lawyers to support or oppose various ballot initiatives. She denounces three others later that year and spoke publicly against two others. So I think it is fairly evident that Margaret Morrow, in addition to these problems, has a problem with the truth. And I certainly think if there is anything we do not need in our judiciary it is someone of that philosophy.

I like the way Senator ASHCROFT said it the other day. He said, "Morrow's writings make it clear that she believes people cannot be trusted with