United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, FEBRUARY 28, 2001 No. 25

Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God of spiritual fire, set us aflame with true passion. Your presence burning in us gives us empathy for others and enthusiasm for our calling to be servant leaders. Your love in us is like a fire. It sets us ablaze with moral passion and social responsibility. You give us devotion for social justice. Our commitment to fight for what is right consumes us. On fire with patriotism, we love our Nation and serve with radiance. Your fire also burns out the chaff of negativism, divisiveness, and judgmentalism. You purify our motives with Your holy fire.

Lord, Your fire galvanizes us into oneness. Here are our hearts. If they have burned out, relight them; if the flame is low, stoke it with Your Spirit; if our fires are banked, set them ablaze again.

Today, we especially thank You for John W. Euill II, Detective and Crime Specialist for the U.S. Capitol Police, who has recently retired after faithfully serving this body. Bless John and his family. May his retirement years continue to be joyful and purposeful. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

SCHEDULE

Mr. MURKOWSKI. Mr. President, let me take this opportunity to wish you and my good friend, Senator REID, good morning.

I announce on behalf of the leader, today the Senate will be in a period of morning business until 1 p.m., with the time between 11 a.m. and 1 p.m. under the control of Senator DURBIN and Senator THOMAS. Following morning business, the Senate may consider the bankruptcy legislation or any nominations that are available for action. Members should be aware that votes are possible during today's session. Notification will be given to all offices as those votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 10 minutes each.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I have been given a few moments this morning to share with you a concern I have over legislation that undoubtedly will be introduced at some time in the Senate. It involves the issue of ANWR, which is an area in my State of Alaska that is looked upon by many as a partial solution to our energy crisis and to others as a sacrifice of our environmental character and quality. Let me, just for reference, identify the ANWR area because, again, I think we need to keep things in perspective.

This is ANWR. It is about 19 million acres, the size of the State of South Carolina. You see this area way up in the corner, that is a proportion, the proportion of how it looks in relation to the entire landmass of the State of Alaska. The point I want to bring out to my colleagues is that roughly half, 8.5 million acres, are in wilderness in perpetuity. The other portion is refuge, leaving a coastal plain of about 1.5 million acres about which only Congress can make a determination whether or not it could or should be opened.

As a consequence, in our energy bill which we introduced yesterday, I found there was very little focus on the bill itself. Most of the focus seems to be on the issue of ANWR. I want to make sure everyone understands, as we look at this energy crisis, ANWR is not the answer. It is not intended to be the answer. But it is part of the solution to our energy crisis for specific reasons. A, we are 56-percent dependent on imported oil. B, as a consequence of that, one has to question at what time, at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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what point we begin, if you will, to jeopardize our national energy security because of our increased dependence on imported oil.

I was asked the other day: Senator what was our dependence in 1973 when we had the Arab oil embargo; it was 37 percent, it is 56 percent now. The Department of Energy says if we keep going the way we are, we will be over 62 percent or 63 percent by the year 2006 or 2007. At what point do we really compromise our national security by being so dependent on outside sources: Do we rely on Saudi Arabia, Venezuela, Mexico, and other areas?

Let's look back to 1991–1992. We fought a war over oil. We stopped Saddam Hussein from going into Kuwait. He had his eyes on Saudi Arabia as well. He wanted to control the world's supply of oil. So we have already pretty much made the commitment of just how far we will go. Now the question is, As we become more dependent, when does our national security really become jeopardized? I think we are there already.

As a consequence, any effort, in my opinion, by Members to consider introducing legislation that would put ANWR in a wilderness in perpetuity really puts our national security at risk. I ask Members who obviously have a sensitivity concerning the environment—which we all do—to reflect a little bit on the merits of this legislation. At a time when we have an energy crisis in this country, is it appropriate that Members, who obviously are extremely sensitive to the pressures by the environmental community, would yield to those pressures and suggest we put the area where we are most likely to make a major discovery, in North America, off limits at a time when we have an energy crisis? At a time when we have previously fought a war over oil?

Let me share a couple of other observations because I think they reflect meaningfully on the message I would like to deliver briefly today. That is the myth associated with ANWR, that somehow this is the last untouched area in the United States. That is absolutely incorrect.

Let me show a beautiful picture of this 1002 area. This is the million and a half acres that, indeed, are part of ANWR. There are probably 100,000 caribou in that picture. It is a little bit difficult to see it. But it is interesting to reflect the place from which the picture was taken.

I ask unanimous consent that the certification from the photographer, Kenneth Whitten, in a letter to Senator BARBARA BOXER, be printed in the RECORD. It was June 20, 2000, and it identifies specifically where the picture was taken.

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

FAIRBANKS, AK,
June 20, 2000.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: Following are specific answers to questions you asked about photographs I took that were produced as a poster by the Porcupine Caribou Management Board.

1. The photos were taken at Beaufort Lagoon, an abandoned DEW line station on the arctic coast east of Kaktovik, Alaska. Beaufort Langoon lies within the 1002 area, about 6–8 miles from its eastern boundary. The photos were taken July 4, 1991. About 100,000 caribou walked past Beaufort Lagoon that day.

2. The photos were taken from a rooftop, looking south and southwest across the lagoon toward the mainland and the coastal plain. All the flatter terrain in the foreground of the photos and all of the visible caribou are within the 1002 area. The Brooks Range mountains in the distance are south of the 1002 area, but are readily visible from all parts of the 1002 area on clear days. The snowcapped peaks in the photo are the highest peaks in the Brooks Range. In the far western part of the 1002 area, the mountains are even closer to the coast, but the peaks are not as high. East of the 1002 area the mountains are also lower, but closer to the coast.

3. The image is typical of the 1002 coastal plain. However, a person standing at ground level on flat terrain would not have quite as good a view. There are many low hills or bluffs along watercourses in the 1002 area that offer similar overviews of the coastal plain, but the old buildings at Beaufort Lagoon may be the only place right on the coast in the 1002 area where one can get high enough to see so much of the plain at once. Similar or better views are readily available throughout the 1002 area from aircraft.

4. All of the lower, flat terrain in the photo (where the caribou are) is within the 1002 area and potentially available for oil and gas development.

5. The coastal plain within the Arctic Wildlife refuge and the 1002 area is generally narrower than the coastal plain further west on the North Slope. Thus wildlife tends to be more concentrated than elsewhere, with waterfowl and shorebird nesting, other migratory birds, caribou calving, muskoxen, land predators, and marine birds and mammals all in closer proximity and denser concentrations than elsewhere on the North Slope. Some other areas of the North Slope have higher abundances of one or a few species, but the ANWR coastal plain has the greatest variety and concentrations for such relatively small area.

6. I was the Alaska Department of Fish and Game research biologist in charge of Porcupine Caribou Herd research and monitoring from 1978–1997. I spent 2–6 weeks each summer working on the ANWR coastal plain, plus additional time throughout the rest of the year following the caribou elsewhere on their migrations through northern Alaska and Canada. I served on the Porcupine Caribou Technical Committee (now advisory to the International Porcupine Caribou Board) from about 1979–2000 and I represented the State on the International Porcupine Caribou Board at most meetings from about 1993–2000. From 1996–2000 I was the Regional Research Coordinator for the Alaska Department of Fish and Game for interior and northeastern Alaska, but I still maintain an active role in Porcupine Caribou matters. During the late 1970s and most of the 1980s I was also involved in research on the Central Arctic Caribou herd in the Prudhoe Bay area. I retired after 24½ years with the Alaska Department of Fish and Game on May 31, 2000.

If I can be of any further assistance in your efforts to protect the ANWE coastal plain, please don't hesitate to contact me.

Sincerely,

KENNETH R. WHITTEN.

Mr. MURKOWSKI. ''The photos were taken from a rooftop looking south and southwest across the lagoon.'' And it is in the area of the lagoon.

The significance of it is, if it is in wilderness, what is a rooftop doing there?

The reality is that also within this area is the village Kaktovik, which is in the 1002 area, which is often overlooked. This is the same part of the land, and it shows the village of about 227 people. It shows a radar station, an airport, the ocean, and so forth. It is a pretty harsh environment.

Let me show you another contrast, and the contrast is caribou browsing in the Prudhoe Bay area. There is moderate activity. There happens to be a drilling rig in that particular picture. You see a pipeline. The realization is if the caribou are undisturbed and they are not threatened, why do they have a tendency to become used to activity?

The point of these two pictures I think shows the contrast that, indeed, we are talking about two different areas. We are talking about the Coastal Plain. We are talking about two different herds of caribou. But we are still talking about caribou, and we have been able to protect those caribou as a consequence of not allowing any harassment, shooting, or otherwise as opposed to the Porcupine herd which is subject in that area to subsistence hunting, which is traditional among the Native people.

I want to show you the contrast, and I want you to recognize that this picture was taken from a roof in a wilderness and in a wilderness there is not supposed to be any rooftop. Part of that wilderness includes the village where 227 people live. They have children. They have schools and so forth.

Again, I refer to the reality of how Alaskans live in the Arctic. I want to show you pictures of some children. This is the little village of Kaktovik. These are kids going to school in the morning. You notice how they are dressed in their parkas. It is pretty bleak and harsh. The realization of that kind of a lifestyle relates to a friend of mine named Oliver Leavitt, who is with the Arctic Slope Regional Cooperation. The last time I was in Barrow with a group of Senators he took us to the new school in Barrow. He said: I use to come to school to keep warm. He said: I had to pick up driftwood on the beach early in the morning, take it home to our sod home, and then I went to school to keep warm.

I quote a friend of mine by the name of Jacob Adams, who is the president of the Regional Corporation:

I love life in the Arctic. But it is harsh, expensive, and for many, short. My people

want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

There is another side to this; that is, the residents who live there, and their attitude and their commitment to their lifestyle that depend on the caribou.

We recently had comments by former President Carter. President Carter signed the Alaska national interest lands bill in 1980. Alaskans assumed at that time that the land issue was resolved. We have put 59 million acres in wilderness in the State of Alaska. These are the areas. I don't expect the President to really reflect on where these are. But when you talk about wilderness and talk about ANWR, you also talk about other areas that are larger than ANWR that are wilderness in Alaska. The question is, How much? Under statehood in 1959, we thought we could get a commitment from the Federal Government as to how much would be enough. In 1980, we signed an agreement basically under the Alaska National Interest Lands Conservation Act. Here is a two-page list. The point I want to make is that the Wrangell-St. Elias wilderness has 87 million acres. We have 8 million in ANWR. Gates of the Arctic has 7 million acres. It goes on and on to total roughly 58 million acres.

I simply point this out to counter those who suggest that we need some area of wilderness in Alaska that is untouched. ANWR is not untouched. Gates of the Arctic, for all practical purposes, is untouched. Wrangell-St. Elias, for all practical purposes, is untouched. Let's keep the arguments in perspective.

I will conclude with the statement from President Carter in signing the Alaska National Interest Lands Conservation Act in 1980.

This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Mr. President, I quote from the same signing ceremony Mo Udall, the chief sponsor of the legislation.

I'm joyous. I'm glad today for the people of Alaska. They can get on with building a great State. They're a great people. And this matter is settled and put to rest, and the development of Alaska can go forward with balance.

There you have it. That is what Alaskans believed in at the time this was accomplished.

Let me also advise you that in the President's budget, which came out today, on page 69 the President also proposes linking near-term and long-term approaches by encouraging new oil and gas production on Federal lands and using Federal income from that sale to support increased efforts to develop solar, and to develop renewable energy sources. The administration's legislative proposal will include opening a small part of the Arctic National Wildlife Refuge.

Let me show you again that chart because it suggests that we are opening only a sliver. You have to keep these things in perspective. This is 19 million acres—the size of the State of South Carolina. This sliver up here is 1.5 million acres. Industry says that the oil is there and they can develop it in less than 2,000 acres.

The percentage is something that is very hard to communicate to people, but it is very real. It is a sliver we are proposing, and it is not the total answer to our energy crisis, by any means. But what it does is send a very strong signal to OPEC that we mean business about reducing our dependence on imported oil. I am convinced once we come to grips with that, you are going to see OPEC relax a little bit. They are going to increase their production.

I think you will see the price drop. If we don't do this, they are going to get the message. And the message is to reduce production and keep the high prices up.

Again, I encourage my colleagues and the staff listening to recognize the significance of any effort to put this permanently away at a time when we have an energy crisis that would send terrible signals to OPEC and would jeopardize our national energy security. I said this on this floor time and time again.

But as we look at our increasing dependence on imported oil and where that oil is coming from now that we are seeing about 750,000 barrels a day coming from Iraq that we fought a war with in 1991 and 1992, we are forgetting that we lost 147 lives. We are forgetting that as we buy Saddam Hussein's oil we are putting it in our airplanes and going over and bombing it. That may be an overly simplistic statement. But it is factual. We have had over 20,000 sorties where we have enforced the no-fly zone over Iraq.

What is he doing with our money? He is developing a missiles and biological capabilities. And at whom are these weapons aimed? They are aimed at Israel, our greatest ally.

I hope the American people and my colleagues will reflect a little bit on this. Again, this isn't the answer to the energy crisis. This is one small part, but it is, I think, fair to bring this up to my colleagues and recognize that as we look at the comprehensive energy bill that we put in, along with Senator LOTT and a number of other cosponsors, nobody seems to be paying any attention to the merits of this broad, comprehensive bill. It is like you go to a bullfight and you want to see some blood. The media and attention seem to be focusing on one single thing, ANWR.

I think it is appropriate that we respond in some detail. We have letters from organized labor. This isn't a benefits issue for labor; this a job issue for labor. It is estimated there would be about 750,000 jobs in the United States associated with the development of this if, indeed, the oil is there. So it is very real.

Let me show you what this area looks like in wintertime because it is tough, it is harsh. The winter is roughly 10 months of the year. This is a picture of it. There it is. That is the tundra in the wintertime. In the summertime, why, it looks a little different. I will show you a picture with one well to give you some idea of the technology we have because we have been able to use ice roads. I think we have a picture associated with development in the Arctic. This picture shows that is the kind of footprint there is because of technology we have been able to develop.

Let me close with one other observation to my friends from California, Washington, and Oregon specifically. The oil production out of Alaska goes to the west coast of the United States—virtually all of it. We used to export a little of that oil only when it was surplus to what the West coast could use. We have not had an export since April of 2000. If we do not develop a replacement for declining Prudhoe Bay, then California, Washington, and Oregon are going to get their oil overseas—from Saudi Arabia, from Venezuela, from the rain forests of Colombia, these are places where there is no environmental oversight. They are going to get it in foreign tankers.

As a consequence, I think the risk is much higher than getting it here in our own country where we can contribute meaningfully to the balance of payments, keep jobs in the United States, and have the environmental oversight that is appropriate.

One of the things that bothers me is how many people are concerned about developing oil and gas in the United States; yet we have environmental laws, both Federal and State, and the highest technology in the world. But they do not reflect on the oil coming from overseas and what kind of an environmental oversight is associated there. In many cases there is virtually none.

It is manageable. We do have the technology to develop it. And we should listen, I think, to the people who live in the area with regard to their concerns in relation to the opportunities for a choice of a lifestyle, education, and so forth.

Mr. President, I do appreciate the time allotted to me today. Again, I want to emphasize ANWR is not the solution to the energy crisis, but it can make a significant difference because as we commit to reduce our dependence on imported energy to less than 50 percent by opening ANWR alone, if the volume is in the area of a million barrels a day, we would be able to achieve that.

Mr. President, obviously, I will have other opportunities to speak, and there are time commitments this morning. But I think the timeliness of the matter, and some Members contemplating the merits of going to a wilderness bill,

that they consider the merits of the points I have brought up today.

Indeed, we have the capability to open up this sliver—and it is a sliver—it is a very small fraction of a huge area the size of the State of South Carolina. We have 30 years of experience in the Arctic. As a consequence, nothing is risk free, but we have learned how to eliminate the risk dramatically.

I hope Members will visit ANWR when we take our Senate trip up there on March 30, 31, and the first day of April because I think it is necessary to see it, to talk to the people, to look at the old technology, reflect on the new technology, and get an appreciation for a very unique part of our great Nation, but a very, very harsh environment that is blessed with extraordinary resources in the oil and gas reserves that exist in the area.

Mr. President, I conclude my remarks and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

PRESIDENT BUSH'S ADDRESS TO THE NATION

Mr. WELLSTONE. Mr. President, I know there will be other Democrats coming to the floor to respond to President Bush's address last night to the Nation. I thought I might just take a few minutes. First of all, I want to start by congratulating the President. When it comes to delivery and a sincere presentation, he deserves very high marks.

I am more worried about the substance. I am more worried about what the President was not very explicit about; in other words, what was left out of the speech, what were some unpleasant realities that were kind of put in parentheses.

I would like to just make a couple of points—because I think the people in the country ultimately, where this budget debate becomes most important and where the rubber meets the road and how all of these priorities affect people where they work, where they live, where their children go to school—about what wasn't in this speech last night.

In focusing on families and the benefits for families and children, the President neglected to say yesterday that one-third of all children in the United States of America live in homes that will not see one penny of the tax cut; about 56 percent of Spanish children in homes will not receive one penny of relief from the President's tax proposal, to the fact that over 40 percent of the benefits go to the top 1 percent.

That doesn't meet the Minnesota standard of fairness. I don't think it meets the standard of fairness for people in the country.

What the President didn't really focus on was whether or not in his budget proposal he is committed to having the Federal Government live up to its commitment on a very important program called the IDEA program for kids with special needs.

Governors talked about this at the conference. Our Governor from Minnesota talked about it. Every school, on demand, about every 2 weeks people talk about it. This is the program for children with special needs, the IDEA program that Senator HARKIN and others fought so hard on.

We are really supposed to be contributing 40 percent of the costs. I believe Minnesotans and people around the country, when they see the President's budget, are going to see a Robin Hood in reverse; a tax cut of 40 percent-plus of the benefits going to the top 1 percent, and crowding out any money or any investment or any commitment on our part to dramatically expanding our funding for the IDEA program. It is not going to be there. You are going to see no new significant investment of Federal resources in the IDEA program. The President didn't talk about that.

What was left out? The President did not focus on his proposal to drill for oil in the Arctic National Wildlife Refuge.

In just a few minutes, I will be at a press conference with Senator LIEBERMAN and others at which we are all going to support preserving 125 million acres of the Coastal Plain, a very precious area, as a wilderness area. We are going to be proposing that we not drill our way to energy security. Drilling for oil in the Arctic National Wildlife Refuge would be similar to doing it in the Boundary Waters Conservation Area in Minnesota. It really defines the very value that we should have as to preservation and conservation. We are all but strangers, I guess, on this land, and we ought to leave it better for our children and our grandchildren.

The President did not talk about his proposal for oil drilling in the ANWR, and he didn't talk about the cuts that are going to take place. Because if you have huge tax cuts, to be really honest about what it will cost and the surplus, and if you are not willing to raid the Medicare and Social Security trust fund—the President didn't talk about the fact that in order to make his numbers add up, they may very well have to do that—we are going to see some reductions.

There was a piece yesterday in USA Today that the President intends to cut the budget for renewable energy policy by 30 percent. For States such as Minnesota, a cold weather State at the other end of the pipeline, we are interested in the environment. We are not interested in importing more barrels of oil or millions of cubic feet of natural gas. We are interested in biomass, electricity, wind, saving energy, and fuel efficiency standards which are clean technology, and where small business is more respectful of the environment and, indeed, where it would enable our country to be more energy independent. The President didn't focus on that in his speech last night.

There were rumors—only rumors because we don't have the numbers yet—that the SBA is going to take a huge cut. I tell you that small businesses are similar to family farms. We love them in the abstract. But when it comes to actually making the commitment to small businesses, that is where we fall short. The 504 program has leveraged a tremendous amount of money in the State of Minnesota to enable people to start a small business and to grow that business. I feel an outrage in just telling you that when people get a chance to look at the specifics of these numbers, they are going to see a set of priorities that is not going to be pretty. And I don't think they are going to be consistent with what most people believe.

Most people are saying tax cuts for all families. Don't do it disproportionately for the wealthy. Please make sure there is help for people who need help, and let's do it based on the standard of fairness. Most people are saying don't touch the Social Security and Medicare trust fund. Most people are saying we are interested in whether or not for our parents and grandparents we can cover prescription drug costs. We are committed to education and children. We want to see a commitment. What happened with expanded health care coverage?

All of that prioritizing goes out the window when you get rigorous in your analysis. It is the Yiddish proverb, ''You cannot dance at two weddings at the same time.'' You can't have a tax cut over $2 trillion and do what the President says he wants to do and make these investments. It won't happen.

Finally, I was at a joint congressional hearing where the VFW testified. There was a huge delegation of VFW representatives from Minnesota.

I would like to put all Democrats and Republicans on alert. The veterans are already very focused on this budget. They came up with an independent budget proposal. We fell short. Senator Johnson and I had some comments on this. We were only partially successful.

I will tell my colleagues that the veterans community wants us to live up to our commitment to them. This is a community that is getting older, and the issue is long-term care. In my State, it is an issue of whether or not our region gets its fair share of resources. There are too many veterans—about 2 percent of the homeless population in the United States—who are homeless, and many of them are Vietnam vets. That is a national disgrace.

They are interested in the commitment to those veterans. They are interested in making sure we can do good outpatient care. They are interested in

making sure there are not long waits for veterans who need health care. They are interested in whether or not we are going to fund veterans' health care. They are interested in whether or not this budget is going to make any sense.

Frankly, in the context of all these tax cuts mainly going to the wealthy, I am going to go on record today on the floor of the Senate to say that this administration will not be able to follow through on its commitment to veterans, its commitment to children, its commitment to leaving no child behind, its commitment to education, its commitment to covering prescription drug costs for senior citizens.

My mom and dad both had Parkinson's disease. Don't say to a couple: You make $20,000 a year or $21,000 a year; therefore, you make too much money to get any help. You are not making much money when you try to live on $21,000 a year, or whatever it is.

So I simply say, I think ultimately what we have before us could be a grand and important debate. I am absolutely confident as to where people in the country will come down on this matter when they see the specifics and how it affects them, their children, where they live, where they work, where their children go to school. It is a value question. I think it is a spiritual question. We have done well. We have the prosperity.

The question is, What decisions do we make as a nation and as a community? What are our priorities? Is it going to be mainly Robin-Hood-in-reverse tax cuts, with the top 1 percent getting over 40 percent of the benefits or will we be talking about tax cuts that benefit all families? And will we be talking about making sure we protect Social Security and Medicare? And, yes, will we live up to our words, to our commitments for children, for education, for prescription drug costs, for expanded health care coverage? That is what we are about. That is what this debate is about.

I think it is more of a conservative saying, but I like it as a liberal, as a Senator from the State of Minnesota: There is no such thing as a free lunch. We can't do it all. So we need to make our priorities clear. We are going to have to make value choices.

I make a choice, as a Senator, for children and education. I make a choice for affordable prescription drugs. I make a choice for expanded health care coverage. I make a choice for two very important social insurance programs: Social Security and Medicare. And I make a choice for tax cuts that benefit all families, not just having benefits that disproportionately go to the top 1 or 5 percent.

I think that is what this debate is about. I think we are ready for it. I think the outcome of this debate is going to be hugely important to people in Minnesota and all over our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, are we in morning business? That is my understanding.

The PRESIDING OFFICER. The Senator from Illinois controls the time from 11 until 12 o'clock.

Mr. DURBIN. I thank the Chair.

Mr. President, I salute my colleague from Minnesota. I know he is leaving the floor. I came in at the end of his remarks. I know he was responding to the President's State of the Union Address and probably has another meeting to go to, but he captured my sentiment on this completely.

I think what we have to look at now is what is in the best interest of this Nation in terms of the long haul. We have just finished the 20th century which we called the ''American Century.'' Will the 21st century be an American century? I think some of the decisions we are making today will decide that.

I think the Senator from Minnesota put his finger on it: What are the most important things for the future of families in America? I think over and over they tell us: Education, Senator, Congressman, Governor. We want you to do something about education.

I heard the President talk about education last night. I think the Senator from Minnesota believes, as I do, there is a lot we can do to make this a stronger nation in this century, but it means an investment in education. If we decide, instead, that we are going to give a tax cut primarily to the wealthiest people in America instead of investing in education, instead of expanding health care coverage, instead of protecting Social Security and Medicare, then it is very shortsighted.

The President's remarks were well received. I thought he did an excellent job in his first State of the Union Address. But now it is time to step back and reflect. We not only reflect on his remarks, but we reflect on his record in Texas where he tried the same thing—a tax cut that did not work, a State that is now out of money. We do not want to go down that same road.

I thank the Senator from Minnesota for his remarks.

Mr. WELLSTONE. Mr. President, I thank my colleague. I apologize; I am going to be with other Senators at a gathering that will focus on oil drilling in the Arctic National Wildlife Refuge, to which we are opposed. That is the only reason I leave the floor.

One thing I wish to say to my colleague from Illinois, I congratulate the President's delivery, and I think he is sincere in what he said. That is the good part. I think there is one maybe bad part to last night, and I think it is a very important challenge for President Bush, which is, that if you talk about education and children and leaving no child behind and you talk about covering prescription drug costs for elderly people and helping people with that hardship—to use but two examples—then people hear that and they say: You know what, this is going to be a Government that responds to us. The hope builds up, and ultimately, if you are not able to back that with the investment of resources, and it is just symbolic because you basically put it all into a tax cut, mainly going to the wealthy people, the top 1 percent or 5 percent, then that really invites—mutiny is too strong a word—anger.

You can't play around with those issues. You have to back the rhetoric with the resources. If I had to critique the President's speech last night, to me that is the disconnect. I am troubled by that because these issues affect real people and their lives. And why are we here except to do better for people.

I think we have to back up our speeches and our rhetoric with our priorities.

Mr. DURBIN. I thank the Senator from Minnesota.

Really, after the President's speech last night, the question most people in America are asking is, Can we have it all? Frankly, last night the President said: Yes, we can have it all. We can have a tax cut for the wealthiest people in America. They receive 43 percent of the Bush tax cut. Sadly, there are literally millions of families that receive no benefit from the President's tax cut. They are people who pay a payroll tax and not an income tax. They are taxed families. They need relief. They need help with heating bills and paying education and health care expenses. There is no help for them in the President's tax cut package.

We on the Democratic side believe we have to take a sensible, fiscally responsible approach to this. We have been down this road before. It was not that many years ago that we were deep into deficits. We had these deficits that now have accumulated into a national mortgage, a national debt of $5.7 trillion. It is still there. When the President says we are going to pay off $2 trillion on the national debt, the debt is $5.7 trillion.

We on the Democratic side believe that we have a responsibility to continue to bring down that debt even more. We collect $1 billion in taxes a day—every day—to pay interest on the old debt. It does not educate a child, pay for a teacher, or make America's defense stronger. It is money paid to bondholders all over the world who own America's mortgage.

We believe the President, in saying he would spend $2 trillion in paying down the debt, has really broken a promise. If he is going to keep the promise that Congress has made to keep Social Security first, to protect the Social Security and Medicare trust funds, the $2 trillion paydown does not do it. In fact, it requires the President, under his projections, to reach into the Social Security and Medicare trust funds to create his so-called rainy day fund. I do not think that is going to work.

As someone said yesterday, if a businessperson wanted to reach in the pension plan of his employees for some

other purpose, he would find himself in a Federal institution, and it would not be the White House. In this situation, we believe that paying down that debt and protecting the Social Security and Medicare trust funds is really a solemn obligation and a first priority.

We also believe that if there is to be a tax cut, it should not be one that primarily benefits the wealthy and leaves millions of families behind. We believe there should be a tax cut for everyone in this country. And we believe the tax cut should be fair. If you talk about 43 percent of his tax cut going to the top 1 percent in income, these are people who make over $319,000 a year. People who have an income of over $25,000 a month receive the most benefit from President Bush's tax cut.

I would like to see our tax cut be something we can afford, something that is sensible, consistent with debt reduction, consistent with important investments in this country, and one that really focuses on families.

I just did a radio talk show with WLS Radio in Chicago. They asked me: What are you thinking about when you talk about these families? I said: I think about a couple who are Chicago public school teachers, and their combined income might be $100,000 a year. I do not consider them to be a wealthy family. They are the type of family that struggles with mortgage payments and school expenses and all the things that go with bringing up a family.

If we focus our attention on people with family incomes below $100,000 and say these are the folks who need a helping hand, that is a sensible starting point. Yes, there will be a tax break for the wealthiest among us, but why should they take 43 percent of the total tax cut?

People believe they are overtaxed. I think we can help them. In time of surplus, we should help them. We also should help them to understand that we want America's economy to start moving again. We hope this slowdown will come to an end soon, that we will turn away from this downturn, or recession, or whatever it might be, and once again get on the path of prosperity on which we have been for the last 8 or 10 years. If we are going to return to that path, we have to make the right decisions now. The President's tax cut, sadly, is not the right decision.

Unfortunately, he will spend over 90 percent of the projected surplus over the next 10 years on this tax cut and leave little or nothing for prescription drug benefits under Medicare, for investments in education, for expanding health insurance coverage for more American families, or for putting more money in our national defense.

We cannot have it all. Last night the President told us: You can have it all. You can give a tax cut to the wealthiest in America, primarily; you can go ahead and spend all this money I am promising and everything is going to be fine.

Those of us who have studied the history of our Nation know that sometimes the most pleasing and appealing political promises don't pay off for America. I am afraid what the President has proposed is just such a promise.

I understand the President is now going out, touring America, to sell the idea of a tax cut. I can't imagine this political assignment. The President has to convince America we need a tax cut. If the President were going out trying to sell a tax increase, I could understand it. That is a tough job. You have to explain the circumstances and try to convince the American people you are right. Here he is, trying to sell the American people on the idea of a tax cut. They are reluctant; they are not buying it. They want to have some questions answered.

One of the questions they ask is, How do you know we are going to have a surplus? If we are not going to have a surplus next year, 5 years, 10 years from now, why would you change the Tax Code in a permanent way and give a tax cut that gives away a surplus that you are not sure of? That is a valid question.

What it boils down to is that a lot of people think the President is gambling with the economy on budget predictions that are no more reliable than weather forecasts. These people who make these predictions have been wrong in the past, consistently wrong. Many of us believe we should deal with a tax cut and a spending program phased in to make sure there is always enough money for America's priorities, priorities such as Social Security, Medicare, education—to make certain that if we have a surplus, the tax cut is really shared by all Americans and does not go just to the wealthiest among us.

We are facing a balloon payment in Social Security in just a few years. The baby boomers are going to turn up at the Social Security window. When they do, there will be a lot of them, a lot more than we have ever had in our history. If you know that balloon payment is coming, should you not plan ahead?

Remember what the President said last night. He is going to appoint a Social Security commission to look into the future of Social Security.

Time out. He appoints the commission after he has already announced the tax cut. He will have used up the surplus and then said to the commission: How are we going to take care of Social Security? Wouldn't responsible leadership suggest we do it just the opposite, that we have a Social Security evaluation or commission, decide what we are going to need, and make sure the money is there, that if there is a surplus, it will be there for Social Security and for Medicare, and then decide if, with the remaining surplus, we can afford a tax cut? Not so. The President wants the tax cut first. That is the mistake he is making.

It also troubles me that after all of the years or promising that the Social Security and Medicare trust funds would be sacred and inviolate, the President's approach calls for taking out $1 trillion from these trust funds. That is going to be a hard sell. Somebody said: Is the President going to be grabbing the third rail of politics if he does that? I think he will.

Many of us on both sides of the aisle believe you do not play with the Social Security trust fund. This is part of a sacred contract, a promise we made to people, an investment that today's wage earners are making in a trust fund so the money will be there when they need it as well.

Taking money out of the trust fund, as the President's proposal would lead us to, to create a rainy day fund or whatever it is is not going to fly. Congress is going to resist it. We are going to insist that those trust funds be protected.

On Medicare, the President, unfortunately, has not proposed any new spending. These baby boomers and others who retire count on Medicare to pay for their health care bills. If we don't take Medicare seriously, we will find ourselves facing budget shortfalls in that critical program, and 40 million Americans today and even more in the future will wonder whether or not there are adequate funds in Medicare to pay for their medical expenses.

In making this commitment to our future, we have to talk sense to the American people. Maybe we won't say the most popular things on Capitol Hill, maybe we won't hold out the prospect of the big tax cut immediately, but we do believe that a tax cut is something we can support, as Democrats and as Republicans, once we put it all in perspective. The perspective is, what is a realistic projection, a realistic prediction in terms of the surplus we are going to have? What is the safe way each year to decide how much we can afford to put in a tax cut? How can we take care of other priorities such as paying down this national debt in a systematic way, a way that brings us to a point where we can say to our children: We just burned the mortgage. It is your America now, mortgage free. Make your own plans for your own future, and you won't have to compete with the Federal Government when it comes to interest rates, because we are not borrowing money any longer for a $5.7 trillion national debt. We are not competing with you when you want a mortgage for your home or a loan for your car or your credit bills, whatever it is.

These things are good for the future of this country. Although they may not be as popular as the two words ''tax cut,'' they offer things Americans will look forward to.

When it comes to education, people always say: That is our highest priority. If it is our highest priority, are we willing to set goals for this Nation and live up to them? Are we willing to

say that the schoolday our children live through each day should be a complete day that is positive and constructive, that from the moment those children are left at school until they can be returned to a parent, they are going to be in a positive, safe, and learning environment?

That isn't the case today in schools across America. Children are turned loose at 2:30, 3, 3:30 in the afternoon, long before their parents come home. Afterschool programs should be part of a schoolday. Maybe it will not be tutorials for kids who are doing well. It might be enrichment classes or art classes or music classes—even sports, for that matter—but something that is constructive and positive. America's schools should reflect America's families.

When we talk about a vision for the 21st century in education, our schools have to be part of that vision. They ought to be safe buildings, too. In my home State of Illinois, we have many great school districts but a lot of them where the schools are just crumbling around the students. Schools are not what they should be so the students are able to learn in a safe, clean, and healthy environment. The Federal Government should make that investment with the States, with the local school districts, to make those schools safer.

In the classrooms themselves, our teachers are facing a lot of challenges. I think about how little I know about computers, though I tried to learn a little bit more. I wonder if I could ever teach a course in computers even to a youngster. Most kids know a lot more about computers than I do. If our teachers are going to be able to use computers and teach our kids technology that will make their lives more meaningful, teachers need training and opportunities and they need adequate pay. We should treat them as the professionals they are and hold our schools accountable.

I agree with the President on this: Let's make sure our schools are productive. If we have testing, it is a good way to see whether or not the kids are making progress. I believe in tests. The President was right last night: You can overdo it in teaching to a test. However, if you are teaching to a standard of learning so that a child can move to the next grade successfully, I support it. We did it throughout my school career many years ago, and we do it now in the city of Chicago and across the State of Illinois.

It makes sense; I support the President's proposal, but if we are to leave no child behind, if we are going to invest in education as we should, then certainly we have to step back and say, is this tax cut of $1.6 trillion—primarily for the wealthiest people in this country—the first thing America needs in the 21st century?

I don't believe it is. I think the first thing we need to do is carefully look at the books, see what is on hand, and then a tax cut across the board for all families, pay down the national debt, and invest in these priorities—Social Security, Medicare, and education.

Finally, I will mention the issue of health insurance. It is almost disgraceful that at this moment in our history, with our prosperity, over 43 million Americans have no health insurance at all. I can't imagine getting up and going to work as the head of a household with a family without the protection of some type of health insurance. Yet we know that happens day after day.

I was glad to see the National Governors' Association come together in Washington this last week. They are proposing changes in Medicaid—changes that could lead to universal coverage so that every family in America would at least have a primary health insurance plan. I think we ought to move in that direction—not a Government plan or a Government-run program but a program that opens up to private health insurance sources and others so we can allow people to have that basic protection and peace of mind.

That is not the case today. As a consequence, many kids in America go without immunization. People with basic care who can live a long period of time don't have the chance. I am sorry that the President's speech last night really didn't address this. I think if the President, as he moves around and talks to working families, sits down and asks families about their priorities, they will tell him that health care is one of the most important, and that they are worried about the cost and availability of it.

The last point is this. Last night the President brought in from Philadelphia a family who seemed to be two people who were working very hard to make a good living. We stood and applauded them as the President described them as a ''typical American family.'' I am glad they were with us as a reminder of why many of us serve in the Senate and in the House of Representatives. The President said this lower income family is going to need the help of a tax break. I think lower income families do need the help of a tax break.

I remind the President and his party that for the last 6 years they have consistently resisted every effort to raise the minimum wage in America. It has been stuck at $5.15 an hour for 14 million Americans. So if we have sympathy for these families, if we value hard work, if we believe in the dignity that comes with those activities, for goodness' sake, why aren't we increasing the minimum wage? We have waited too long. That wage is continuing to deteriorate because of inflation, and we should be sensitive to it.

I hope as we get into this tax cut discussion we will not forget the basis—that is, that these folks who get up every morning and go to work, to clean off the tables in restaurants, make the beds in hotels, tend to our parents and grandparents in nursing homes, to be there to make sure the workplace is safe for kids in day-care centers, are the people making $5.15 an hour.

The Republican Party has resisted for 5 years now every effort to raise that minimum wage. For that family in Philadelphia, for 350,000 Illinois families that are working for a minimum wage, I implore the President and the Republican Party not only to think of tax cuts but to think about increasing the minimum wage to show that they value work, as we all should in America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

PRESIDENT BUSH'S BUDGET FOR AMERICA

Mr. SMITH of New Hampshire. Mr. President, last night I had the privilege of personally witnessing President Bush deliver remarks outlining his budget for America and outlining the priorities of that budget. I must say, it was refreshing, for one who has long fought over the past 16 to 17 years in both the House and the Senate, to hear tax cuts being proposed, and not only tax cuts being proposed, but also the opportunity to finally downsize the national debt so we can stop mortgaging our children's future.

The President, in that plan for America's priorities, included tax relief, debt reduction, and some much needed reform for some very important programs. One of the negatives over the past 20 or 30 years is that as our deficits and our debts became larger, many times we neglected a lot of key initiatives, areas where the Federal Government could be helpful to the American people. So it is a pleasure to see the debt diminished and money being returned to the taxpayers at the same time, and, in conjunction with that, we are going to provide dollars in much needed areas. I want to talk about that.

First, in President Bush's budget, we will see the largest debt reduction in American history. Think of that: The largest debt reduction in American history. It is good news and bad news. It is good that it is the largest debt reduction; it is bad that we have debt that large in the first place.

The key thing to understand is that this proposal pays down the national debt by $2 trillion over the next 10 years. That is the largest reduction in debt to the lowest share of the economy since the First World War. With the leadership of the Republican Congress, we have already paid off an enormous portion of the national debt—

nearly $363 billion so far. If you stop to think about it, it costs about $60 million to borrow every billion dollars.

Multiply $60 million times 363 and see how much we save in interest on that debt. That $60 million will go a long way in New Hampshire. It was a lot of money where I grew up. That is just on $1 billion of borrowed money; we have paid $363 billion of it already, and we are proposing to pay off $2 trillion—with a ''t''—in the next 10 years. There is a ripple effect through the economy when taking the American Government out of the borrowing market and putting money back into the taxpayers' pockets.

By the end of this fiscal year, we will pay off another $262 billion. That is $625 billion of debt reduction. Putting it in perspective, in 1997, the first year we balanced the budget, the debt held by the public was $3.7 trillion. By the end of this year, the debt will be $3.1 trillion, still a lot. Over the next 10 years, we will take $2 trillion more off that debt, leaving a little over $1 trillion in debt. Over the next 2 years, our Social Security-Medicare lockbox policy will reduce the national debt by an additional $400 billion.

I was very proud to support President Bush's plan to reduce this enormous national debt which for so long has mortgaged our children's future.

It is important to understand everything else. I will discuss some items, including returning money to the taxpayers, providing dollars for Social Security and Medicare, education, defense. Put the increases in perspective. You will get a tax refund. We will talk about that in a moment. Reduce the debt by $2 trillion, and there is still money to do those things. That is amazing.

That is a great tribute to this President who didn't come into the White House and say, this is the way we did it last year; we will budget the same way we did last year. He sat down with his key advisers and worked through this budget and found out where the needs were. At the same time, he said he will reduce the debt, put money back into the taxpayers' pocketbooks, and fund programs that deserve to be funded.

The tax reduction is fair. It is responsible. It is tax relief for all Americans. It is certainly welcome news to my own State of New Hampshire. Do I think the tax cut could be bigger? Sure. But I plan to work with the President to expand tax relief. The President's tax cut is bold. I support it. I will be with him all the way through this process.

Good men and women of my State—and I am sure it is true all over America—have always been weary of taxes. New Hampshire is one of the only States in the Union that does not have, at this date, a sales or income tax. There are some in our State who want to impose a sales tax. I am very encouraged to see the President provide tax relief to the citizens of my great State and this Nation.

There is some irony. When I came to Washington several years ago, I wanted to bring the New Hampshire example to Washington—less taxes, less spending. Now we are seeing the reverse. President Bush comes in to cut taxes, cut spending, reduce the national debt. Ironically, some officials in New Hampshire are doing just the opposite—raising taxes, trying to find more revenue.

Now more than ever, I believe that hard-working Americans deserve tax relief. If you buy a television set and pay $600, and you get home and the price tag says $450, you were overcharged. So you go back to the store and get your money back.

We hear all the fancy and somewhat bureaucratic terms—surplus; we have a big surplus in the Federal Government. What that means is the taxpayers of America have been overcharged. That is more money than we need to operate our Government. It ought to go back to you. It is that simple. We will hear it today. We have heard it all week. We heard it last night in the response to the President that we don't need this tax cut; it is too big.

I make a suggestion to those who don't need it and don't want a refund: When you send in your tax return, put a little check mark on it that says you don't want the money, and send a check back to the Federal Government. You don't have to take the tax credit if you don't want it. If you don't want the tax cut, send the money back and we will put the money on the debt. I am fascinated by those who say they don't want the tax cut. Fine, you don't have to take it; you can turn it back.

There are a lot of people out there who do want it. For starters, Americans spend more money paying taxes than they do on food, clothing, and shelter combined. That is wrong, pure and simple. We need to change that.

President Bush last night in a bipartisan, nonconfrontational but firm and resolute way said let's do this for the American people. We always hear the debates. That taxes will get cut, and they don't get cut. It seems to be a bunch of words that don't mean anything. The President reached out and said: Let's not get into class warfare; let's just reduce taxes on the American people. It is good for the economy. It is good for the people. It is their money. It is not ours; it is theirs.

Federal taxes alone cost American families $7,238 per year. That is more than any other item in their budget for most people. Taxpayer freedom day, the average day Americans first start working for themselves, was May 10 last year. So from January 1 to May 10, you worked to pay your Federal taxes. Where is the incentive to move forward and to succeed and do better? I say return the money.

Not only are we returning money to the people from whom we took it; we are paying down the debt at the same time. A lot of people say, I don't want tax relief; don't give me tax relief; just pay down the debt. We are saying we are doing both. If you own a Government savings bond, we cannot pay that because we owe that to you. And you may have a 20- or 30-year bond. If we wanted to pay it off in one fell swoop, we couldn't. But a $2 trillion reduction over 10 years is pretty doggone good.

For every 8 hours of work performed, the average taxpayer in America works 3 hours to pay the tax collector. I think that is too much. I know some who hem and haw, saying, I don't know whether I can support this tax cut; it is too big, too small—a thousand different reasons. I think if the average taxpayer has to work until May 10 to pay their Federal taxes, has to work 3 hours of every day to pay the tax collector, it is time the taxpayer got a break.

This is a big break. Today's average taxpayer faces a combined Federal, State, and local tax burden of nearly 50 percent of their income. I am delighted to support this President in providing the typical family of four paying income taxes a full $1,600 in tax relief.

We are in Washington talking about trillions. I don't know what is after trillion. I hope we don't have to deal with it during my tenure in the Senate. We are talking trillions and billions and occasionally millions. Let's talk in hundreds and thousands. That is what the average American deals with—hundreds of dollars and thousands of dollars, not trillions and billions. Let's bring it down. Ask yourself what you could do with $1,600 if you didn't have to give it to the Federal Government. What could you do? There are a lot of things you could do. I am sure you can think of them as well as I can. If you have a child, say, born this year, if you multiply $1,600 times 18 years and add the compounded interest if you put it in a bank account somewhere or a CD, you will find you have a pretty doggone good downpayment on a college education—for the first year anyway—or perhaps a little more money for groceries, a little more money for clothing, perhaps a little bit for that first home mortgage. Add it up. That is real money, as Everett Dirksen used to say.

I think we have to get away from talking about all these trillions and billions of dollars and think about what that means to the average taxpayer of America. I say this in all sincerity: If there are taxpayers out there who do not want that $1,600, send it back. But for the rest of us who might like to have it and the families all across America who struggle really hard to make ends meet who would like that $1,600, why should we take it away from them? But some are proposing we do that.

President Bush is not. President Bush is saying we need to give that back to the taxpayers; nobody ought to spend more than one-third of their paycheck to support the Federal Government. I agree with him. It is refreshing to hear it.

But the President also believes a tax rate of 15 percent is too high for hard-

working men and women who earn low wages. So he has proposed we lower that even to 10 percent, down from 15 percent—I agree with that—and double the child tax credit to $1,000 per child, and eliminate the marriage penalty, penalizing people who get married.

We in the Federal Government should be encouraging the makeup of the family not breakup, and, of course, eliminating the infamous death tax which the President mentioned last night. All your life, you work hard to earn money, pay taxes on that money, and have perhaps a business or home or some asset you want to leave to your children, and they cannot afford to receive it from you upon your death because they cannot pay the taxes on it, so they have to sell it, whether it be a business or home. That is not right. We ought to change it. Yet there are some who still want to fight the President on that—a million-dollar threshold or whatever. When you start talking about a business or what you build up all your life, if you have to sell it to pay all the taxes, what are you going to do?

This is a good plan: Pay down the debt and give money back to the taxpayers who provided the money for us. We—all of us, the taxpayers—funded the cold war. We won the cold war. We funded that national debt, unfortunately, for all those years, and now we are going to defund it. We are going to pay it off, and we are going to give money back to the taxpayers who earned it.

There is one great thing about this budget. I have been around here for a few years, and I have seen many budgets come and go. Most of them are dead on arrival, but I am hopeful this one will not be because this President not only reduces debt and provides tax relief for the American family but he also funds important priorities.

I can remember—and many of my colleagues can, too—year after year, people coming down here saying we were going to lose our money, we were going to lose this and that, we were going to get cut here and there because we were fighting for every single dollar because the interest on the debt was going up $300 billion, $400 billion a year just to fund that debt.

We are changing that now. We are reversing that. It is a new paradigm. It is a new America, a new century, a new President. There is new excitement here in Washington because we are paying off debt, we are paying back taxpayers the money they deserve to get back, and we are funding new initiatives and new priorities, good initiatives and good priorities.

Let's talk about some of them. One is the environment. I chair the Environment and Public Works Committee in the Senate. I commend President Bush's budget. It invests in one of our Nation's most important assets, our environment. Where are we without it? He is proposing to accelerate the cleanup of toxic waste sites called brownfields. It is a reflection of the bill that Senator CHAFEE and I have introduced to clean up brownfields. The administration has endorsed that bill. I am very excited about it because brownfields, these toxic waste sites, are all over America. There are some 400,000 to 500,000 of them, some in New Hampshire.

What is a brownfield? A brownfield is a site that has toxic waste in it. It is not a Superfund site, not as bad as some of them, but for years and years contractors have been afraid to come on these sites and clean them up for fear the Federal Government would come in and say they did not do a good enough job and fine them, and so forth. We have now clarified this in the law so these sites can be cleaned up.

Here is what it accomplishes: No. 1, it cleans up a blight in a community. These are not just large cities. It is also the small town of Bradford, NH. I say to any of my constituents in Bradford, if you are listening, help is coming for you. In the town of Bradford, there is a toxic waste site that needs to be cleaned up. It has not been cleaned up because the law has not allowed it to be cleaned up. They want to make a park there. All they have been trying to do is get the funds to clean up this site to make a park. This is what we can do because the President has laid out a budget that pays down that debt, puts money back in the taxpayers' pockets, and allows us to fund programs such as this for the first time in so many years—truly fund them.

I am excited about it. When you clean up that brownfield, you are going to create jobs because somebody is working to clean it up; No. 2, you are going to eliminate the blighted site in the community; and, No. 3, maybe somebody builds something there, a new business or something that does not go outside of town and bulldoze off 10 acres of green space. It is just a fantastic opportunity, and President Bush came right out of the gate and mentioned it specifically last night in his speech: Brownfields legislation. We are going to help clean up brownfields. That is good news for certainly every large city in America and thousands of small towns all across America.

It is a great opportunity we have not had in the past because we had this debt. Now we are not only putting money back directly in the pockets of the taxpayers, under this budget, but we are also putting money back into the community. So if you are a taxpayer in Bradford, NH, you are going to get a Federal tax cut if you pay taxes and, second, you are going to have your community improved with dollars that are going to come into that community because we have the opportunity to do it now because we are running these surpluses.

This is exciting news. It is not just brownfields. I could go on and on with a number of environmental priorities where we could do this—water infrastructure, sewerage pipes, clean water—all kinds of environmental initiatives now that we will be able to fund.

Another one is the Land and Water Conservation Fund where moneys can be provided to help create parks and trails and so many other positive things—habitats. It is just a great opportunity for us.

Another item is defense. The defense of the United States has been neglected over the past several years. Everybody knows it. The President has proposed a $5.7 billion increase in pay and benefits. I just came back from the Mediterranean, visiting the troops out there, worried about terrorist attacks and so forth, putting their lives on the line every single day. And some of them are on food stamps? Come on, America. We can do better.

The President of the United States, within days of the beginning of his term, went directly to the military aboard ship and on bases and told our sailors, our airmen, our marines, who are defending our interests and values all over the world: We are going to increase your pay and benefits. He lived up to that promise, and he put it in the budget.

It should be there. It absolutely should be there. We take for granted what these men and women do. Believe me, we take it for granted. If you have a young son, or daughter, or husband, or wife, or a dad, or a mom who is out there, you know we take that for granted. They are the best in the world, and they deserve the best we can provide them. Now, finally, with this budget we are able to do that. It will give the military the vital funds to compete with the private sector in order to recruit the best people.

President Bush has correctly realized our increasingly high-tech military requires that special steps be taken in order to attract and retain personnel with computer science and other disciplines. Right now, there is a great opportunity out there in the private sector. A lot of people are pulled to that, but many people want to serve in the military, and if they just have the opportunity to do it, with better pay and better benefits, we can pull more people toward the military.

In addition to the military pay and benefits, the President has pledged to increase pay incentives for highly trained military personnel, and I know that is good news for the military.

Let me discuss a couple of other issues: Education. I am a former teacher. I taught school for 6 years. You are never a former teacher; you are always a teacher. I also served on a school board. I have also been a father for 25-plus years. So I think I know a little bit about education from four or five different perspectives, if you will.

I agree; decisions regarding education are best done at the local level, period. That is where the best decisions are made. You cannot sugar-coat that any other way. The best decisions are made at the local level. We don't need

a national school board running our public schools.

We need the local school boards to run those schools with the parents, with the teachers, with the administrators, and with the students working together.

Some will say there is a lot of money in President Bush's education plan. There is an 11-percent increase in education funding at the Federal level. Look how it is applied. This plan provides the local schools, local districts, and States more freedom in administering the Federal dollars. They are going to have more choices. They are going to combine dozens and dozens of Federal education programs into only five and allow the States and the local communities to spend the money as they see fit in the categories that they see as best.

President Bush said last night: Leave no child behind. I think this is the best opportunity we have had in many years to make that come true. Passing year after year a child who can't read or write doesn't do any good. It puts them at a tremendous disadvantage when they come out into society. It is not necessary. Our schools and teachers should be about kids. If they can't compete, then parents ought to have the opportunity to say, well, I am going to go over here to this school or this school. That is what rich folks do. They send their kids to some private school, if they want to. They borrow money to do it because they don't like the public school.

I am a former public school teacher. I am a strong advocate of public schools. They ought to be competitive and good. And if they are not and won't improve, then parents ought to have the right to choose another school.

The Bush plan provides schools with more freedom in administering these Federal dollars. But it also holds States accountable for improving student achievement, which will be demonstrated through assessments in reading and math. The plan provides reading programs which will be available to States to provide research-based reading programs in the early elementary grades and low-income preschools.

Some think we are going to put all of this taxpayer money on the public debt and not do anything else and that we are going to cut these programs. We are not. That is the beauty of the budget. It is one of the best, if not the best, budgets I have seen since I have been in Washington. It preserves and protects Social Security. It locks away every penny—$2.6 trillion goes right into the lockbox for Social Security. We cannot touch it for anything else. There will be no more Government greedy hands in there borrowing the money and using it for something else.

In addition, the President talks about making those dollars in Social Security go further.

With Medicare, it is the same thing. It spends every dime for Medicare. That is what it is gathered for and collected for, and that is what it should be spent for. It passes it on.

I have spent a year looking at the prescription drug issue. It can be done without hurting the program's solvency. We can provide help for our senior citizens who need prescription drugs. They deserve it and are going to get that help under this budget.

Finally, faith-based initiatives are somewhat of a controversial matter. It is not controversial to me. I think the President made it very clear last night. Faith-based proposals can get the job done. There are so many people out there working in various charitable organizations, whether they be religious or not. They are trying to do a job. We are not picking sides. The President is simply saying why not help all of these good-hearted Americans who are working and doing a wonderful job to restore and heal the lives of men and women in need? They can do it better than any Federal Government program. They can do it better than any bureaucrat in Washington, and they are doing it OK. God bless them. If you have ever been out to see what they do, your heart goes out to them. In spite of everything, they are out there day in and day out begging for more money. We need a chance to provide the dollars to these folks who can get people back on track and be productive again.

Billy Graham once said that our basic problems today are not social problems; it is not a lack of education. The problems are the problems of the human heart, a heart that is not right to God. These organizations recognize that God has the power to change lives and heal wounds and instill an inner drive in people so they have tools to change destructive behavior.

Faith-based organizations provide needed community services. This is a nation under God. We are not supposed to take God out of our Government. We are just not supposed to have a state-sponsored church. Sometimes we forget that. Why not help these people? President Bush does. He took it head on. He knew he was going to get hit for it. But he is doing it anyway. That is leadership. Faith-based organizations are very effective, and they are going to get help. That is why I support President Bush's plan.

Let me close with this point: Under this budget, we pay back $2 trillion of the national debt over the next 10 years. We provide $1.6 trillion to go back into the pockets of the people from whom we took it. And we do all of these things that I mentioned. I haven't even gotten started with the things I could have added to the list. That is a good budget.

I tell you, ladies and gentlemen, that is leadership. When you step up to the plate and take on something such as that, that is leadership. President Bush deserves a lot of credit for coming up here last night and laying that out in a concise and clear way and not being afraid to take on these tough challenges.

I sincerely hope my colleagues will act quickly to pass this budget so the country will be the beneficiary of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

DALE EARNHARDT

Mr. FRIST. Mr. President, I rise today to pay tribute to an American legend, a workingman who rose from his roots to the very top of his profession, indeed, to the top of the world, the racing world, that is. And that is why we loved him.

As all legends, he was the best at what he did. He was the greatest race car driver in the history of NASCAR and perhaps the greatest driver who ever lived.

With an uncanny feel for his car in a take-no-prisoners attitude on the track, he brought millions and millions of fans into the sport. That is why we loved him.

He was the people's champ, the last cowboy, iron head, the intimidator, but most of all and most appealing about him was that he was funny and warm. He was like us. He was human. He was accessible. And that is why we loved him.

But Dale Earnhardt was much, much more. When a young fan was dying of cancer, Dale spent 15 minutes on the phone with him and flatly rejected any attempt to publicize it. When a local pastor came around seeking donations to pave the parking lot in his church, Dale wrote out a check for the full amount on the condition that the pastor never reveal that all the money came from one person, and especially not who that person was. He routinely aided high school bands and church groups and once gave John Andretti a motor so he could qualify.

When the wife of the doctor who tended drivers injured at the track had to travel across the country, leaving his pregnant wife behind, Dale called to make sure she was all right, and then sent two men with a pickup to the mountain retreat where they lived just in case she needed a fast trip to the hospital.

His favorite charity, one that is familiar to many of us, was the Make a Wish Foundation—perhaps because he knew what true magic was all about.

Describing the tough racer with the tender heart, one NASCAR publicist said: He'd do nothing for you on the track but anything for you off it. That is why we loved him.

As we all know, Dale Earnhardt died a week from last Sunday on the final lap of the Daytona 500 doing what he did best—racing for victory. Victory alluded him but death did not. After 281 finishes in the top 5, 428 in the top 10, and 76 wins, including 9 at the world's fastest half mile in Bristol, TN, where, by the way, he was also Rookie of the

Year in 1979. Dale Earnhardt passed from living to legend. His death—like his life—transcended his sport.

To the hundreds, indeed, the thousands who knew him—and the millions who did not—he was John Wayne, Humphrey Bogart, and James Dean all rolled into one. He was a husband, a father, a mentor, and a friend. But most of all, he was like America—caring, big-hearted, open, and free. And that is why we loved him.

PRESIDENT BUSH'S ADDRESS TO CONGRESS AND HIS BUDGET

Mr. FRIST. Mr. President, I rise, just for a few minutes, to comment on the President's address last night and the budget that he has sent to the Congress. It, indeed, represents a new beginning, a new start, a cause for hope, a cause for optimism that is reflected in the benefits and the advantages for every family in Tennessee, as well as across the United States of America.

The budget does set a roadmap, a blueprint, as we look to the future, as we look to next year, the next 5 years, and the next 10 years. Very clearly, the President's budget does three things: No. 1, it funds America's priorities, as we have debated in campaigns over the last 6 to 8 months and debated on the floor of the Senate over the past couple years. It funds the largest debt reduction in not just the history of the United States but the history of the world. And it provides fair and responsible tax relief.

First and foremost, I believe it pays off historic amounts of debt. It provides absolutely the fastest and largest debt reduction ever seen in history—$2 trillion over a 10-year period.

Secondly, it funds many programs that we are currently discussing and debating, and programs that we are putting together, investing in individual families, in children, in youth, in health care, and in education. It strengthens education. It allows the opportunity to modernize education. And as has been pointed out on the floor, it offers the largest spending increase of any Federal department—over 11 percent. It triples funding for children's reading programs.

In the field of health care—and the President mentioned it last night in his address—he looks in the direction of the uninsured. There are about 42, 43 million people uninsured. He addresses the uninsured by, on the one hand, saying, yes, we need to further invest in the National Institutes of Health, and continues that doubling, but he also mentioned 1,200 new community health centers that will be there tomorrow for people who are uninsured, who depend on those community health centers for their health care. That makes health care more accessible for all.

He talked about refundable tax credits, again, to lower that barrier which stands between many people, and having the appropriate access to an insurance policy that will be there for acute care and chronic care and preventive care.

Thirdly, the President spoke loudly and clearly when he said now is the time we can take advantage of a surplus that has been generated by hard-working men and women and families out there, a surplus that reflects their dollars, their hard work.

Now is the time for responsible tax relief—using roughly one-fourth of the budget surplus—to provide the typical family of four paying income taxes as much as $1,600 of tax relief, a 50-percent tax cut for that typical family of four making $50,000.

I thought last night was a time when we had the opportunity to talk about the hopes and dreams in an optimistic way, with a new beginning for every family. I do want to underscore the privilege and opportunity I have of working on the Budget Committee of the Senate, where we will go into further detail over the next several days as this budget is laid out before us. It is a new beginning with the President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Tennessee for talking about the President's budget plan. I, too, am very pleased that President Bush is keeping the promises he made to the American people when he was elected President of the United States. Congress is going to work with the President to make sure we have the balanced and responsible approach he has requested of Congress to work with him.

Let's talk about the balance that is in this plan. We have a $5.6 trillion surplus. The first and foremost responsibility we have with this surplus is to protect Social Security. That is exactly what we do. We will protect Social Security by keeping all of the Social Security part of the surplus in the Social Security fund.

Secondly, we are going to spend more money for high-priority items. The President has outlined the high-priority items he considers are No. 1 issues facing America today—No. 1, No. 2, and No. 3: Public education, national defense, and prescription drug benefits for our senior citizens.

There is no question that many people believe they cannot afford the drugs they have to take to stay healthy. That is not a choice people should have to make. We want to make sure they do have the fundamental prescription drugs they need at a price they can afford. So we will have to spend more money in that area.

National security is the major responsibility of the U.S. Government. States and individuals cannot protect themselves from wars or from an incoming ballistic missile. We must do that with all of the States contributing to our country and our Federal Army, Navy, Air Force, and Marines.

So we have to make sure our men and women in the military have the health care, the educational benefits for themselves and their children, and the pay they deserve. These are the people on the front line. These are the people stepping up to the plate to protect our freedom—our freedom to talk on the floor today, our freedom to go to a playground and have safety on that playground. These are the people on the front line doing it. We are going to treat them well.

Of course, we must have a public education system that allows every child to reach his or her full potential with a public education. We want no child in our country to be left behind. If we can get the resources to these children at the earliest levels, where they have basic reading skills in the third grade, where they have the ability to do simple basic math in the fourth grade, then we will give them the tools they need to be able to learn algebra and calculus and the more complicated math and science and reading opportunities they must be able to address. So we are going to fund those priorities at a higher level.

We are going to pay down the debt at the greatest rate we can. We cannot pay down the debt fully because people would not be able to invest in Treasurys. We want that very safe investment for our people. And we want to invest for the United States. We want our Government money to earn interest. We don't want it to sit there. We will have some debt, but all of the outside-owned debt is going to be paid down, $2 trillion over the next 10 years.

Last, but certainly not least, we are going to give tax relief to every American. Every American who is working will get tax relief under the plan put forward last night by President Bush. We are going to simplify the tax system. We have a five-rate structure today: a 15-percent bracket, a 28-percent bracket, a 31-percent bracket, a 36-percent bracket, and a 39.6-percent bracket. We want to lower all of those rates and only have four: a 10, 15, 25, and a 33.

I thought the President said it very well last night. He thinks anyone in the 15-percent bracket should pay no more than 10 percent of his or her income to the Federal Government. As well, we don't think any American should pay more than one-third of what they make to the Federal Government, so the top bracket would be 33 percent.

What does that mean in real terms? It means that one in five taxpaying families with children will no longer pay any income tax at all. It will completely remove 6 million American families from the tax rolls. A family of four making $35,000 would get a 100-percent Federal income tax cut—off the rolls. A family of four that makes $50,000 would receive a 50-percent tax cut, receiving approximately $1,600 in relief. A family of four making $75,000 will receive a 25-percent tax cut. We are going to give real relief to every working American.

We are also going to increase the earned-income tax credit to make sure people who are coming off welfare know that it is better to work and there is a reward for working rather than being on welfare. These are the effects that tax relief can make for every American.

We will also double the child tax credit to make sure every family with children will have a $1,000-per-child tax credit rather than the $500-per-child tax credit they now have. We want to make sure that you can deduct your charitable contributions, even if you don't itemize deductions. We want to eliminate the death tax because we don't think someone in America should have to sell their family-owned business or their farm just to pay taxes to the Federal Government. This is not money that has never been taxed. It is money that was taxed when it was earned and taxed when it was invested. There is no need to tax it again. We have a projected $5.6 trillion surplus, and we do not think people should have to pay taxes and sell a small business and take away all the jobs in that small business just to pay taxes to the Federal Government.

We do want to lower the Federal tax burden on the families of our country at the same time that we are paying down the debt so it will be the very minimum amount of debt required to have Government securities. We do want to prioritize spending so we are covering the costs that we know are a priority—public education, a strong national defense, prescription drug options under Medicare. These are the things where we will increase money, and we will flat line expenses that we don't need to increase.

Some people say: You mean you are actually going to not spend more in a Government program? Well, doesn't every family budget that way? Does a family spend the same amount every year on the same items? No. Maybe your children need more in clothes this year or maybe they don't need more in clothes. Maybe they are OK on clothes, and so you can buy the new computer. You make choices in a family. That is what we need to do in the Federal Government as well.

It is time we had a balanced approach. Every time I hear somebody criticizing the tax cut plan, it is because they want to spend more money. We are making Social Security secure. We are going to give more benefits under Medicare. My goodness, why would we want to spend more and more money when we have a surplus and when we are prioritizing the needs of the Government and when the taxpayer dollars don't belong to Government.

That is the real difference. A lot of people around here think tax dollars belong to them. Tax dollars belong to the people who earn it, and they should have the choices to spend it the way they see fit for their families. This is not money I worked to earn, and I shouldn't make the decisions on how to spend it except for the overall national good. The overall national good should not take more than 33 percent of anyone's salary, and it should take the lowest amount that is absolutely necessary because this is money people work very hard to bring home for their families.

I applaud the President for a balanced approach, for giving tax relief to every American who is working, for paying down the debt at the greatest rate that we have ever seen, for prioritizing our spending to increase national defense, public education, and Medicare prescription drug benefits, and to make sure all of our programs are sound and solid. We can do these things if we are responsible stewards of the taxpayer dollars and if we remember that the taxpayer dollars do not belong to the Federal Government except to the extent absolutely necessary. They belong to the people who earned them.

We are going to make sure we are responsible stewards of those dollars that people have worked so hard to support their family.

I will work with the President of the United States to be a responsible leader with the very important duty we have to the people who elected us to the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we have a few minutes remaining on the time allocated for us in morning business. I thank my friend from Texas. I certainly agree with her analysis of where these surplus dollars belong. That is the bottom line.

Obviously, we have a responsibility to fund the programs that are there, programs that are important, the programs that genuinely belong as a responsibility of the Federal Government. We have a responsibility to ensure that Medicare and Social Security are there for people when they need it. We have a responsibility to pay down the debt. Those of us in my generation have spent the money, and we are going to let the younger generation pick up the bill. That is not what we want to do. We clearly have that responsibility.

Not everyone agrees, of course, on how to do that. That is the purpose of this body, to debate the various options. Generally, the debate centers on the amount of expenditures in the Federal Government, the size of the Federal Government.

There are those who believe the Federal Government has a responsibility to do most everything for everybody, to be the governance of the whole country. Others believe there is a constitutional limit on the kinds of things the Federal Government should involve itself in, that in fact the real issue ought to be to support local and State governments, the governments closest to the people, to do most of those things.

So that debate goes on and will, I suppose, go on for a very long time. I was very impressed with the President's talk last night. Apparently, most people in the country were, according to the kinds of polling and questions that were asked in terms of his command of the issues. I think everyone was impressed with that. I don't think there is any question but that the President has strengthened his presentations as opposed to when he was a candidate. Somebody wrote that when he stepped into the Oval Office, he kind of transformed. That may be so.

More important, of course, was the message that was sent, the things the President put out as priorities. Again, I was impressed that he is now seeking to implement those things he talked about and ran on in the election. That is neat. That is what you are supposed to do—put out the issues you are going to be for, and when you are elected, you do it. I think that is excellent.

I also believe one of the refreshing things about this speech last evening was that it was a little different direction from what we have been talking about over the last 8 years—a little different direction in putting some priorities on things and funding things even more than perhaps they have been funded. At the same time, we are seeking to control the size of Government and put a 4-percent growth rate on discretionary spending. It was as high as 8 percent last year, and it was 16 percent in some agencies. That is too high. Again, that depends on your point of view.

I was very impressed with the President's presentation. Obviously, it will be debated and discussed. We have already had a good deal of discussion about the size of it. That seems kind of interesting. We will talk about it some more.

The size of the Bush tax cut is fairly modest, as a matter of fact, by historical standards. Going back to President Kennedy, he recommended a tax reduction that was 2 percent of the gross national product. President Reagan had a tax reduction that chose 3.3 percent of the gross national product. President Bush's proposal is 1.2 percent. That is less than either of the others in terms of the gross national product. All this stuff we hear about it being so out of size—apparently, comparatively it is not.

Also, I think it is kind of interesting to look at the next 10-year projection of total income, which is about $28 trillion. The tax relief over that same 10-year period is about $1.6 trillion. I never thought I would say $1.6 trillion isn't a lot because it is; but compared to the total, it is a small, or relatively small, percentage. I think that is something to keep in mind.

Also, as you look at what happened in terms of having surpluses, in relation to spending here, there is a substantial difference. Average discretionary spending, during the time when

we were without a surplus, was about 2 percent over the last couple years. With the surplus, it has been 6 to 8 percent.

Now I don't argue the fact that some of the spending is the kind of spending we want to make. I am persuaded—and I have seen this in my own State legislature and here certainly—when there is a surplus, the growth of government goes up substantially. It goes up almost uncontrollably. So I think the idea of doing the three or four basic things the President set out last night is substantially right. One is to provide the money for those things that are key priorities in our Government activities. Two is to pay off the national debt under the proposition that it would be paid off in 10 years—all that can be paid off under the economic circumstances. And then we will have a tax return to the people who have paid the dollars.

We are all interested, of course, in those issues, in those activities that are out there, such as education. I was home this weekend, and we talked a little about how we see our State, our communities, our public lands, and our families in Wyoming in 10, 15 years. Interestingly enough, the most common thing, actually, was education and the economy—jobs. Of course, we all want our kids to have the best education but there is quite a little interest in having job training and education. Everywhere you go, education is always there.

This proposal has the Education Department at an 11.5-percent increase—which is the most in a very long time—to go for young people in preschool and reading and those things.

Of course, Social Security is to be protected; $1.6 trillion out of the surplus would be preserved there.

Medicare, of course, comes out of the 2.5 percent on top of the Social Security. It would be there for a priority for doing some things. Pharmaceuticals: That is going to be a difficult thing, but it is something we are all dedicated to doing.

Strengthening defense, of course. It is interesting. I have had a couple opportunities to go on bases. One is in my home State. It is a missile base, Warren Air Force Base. I asked: What are your highest priorities? First was housing, particularly enlisted and NCO housing. Some of it had been there 30, 40 years. I went down to Quantico, VA, where I served in the Marine Corps. The first priority was base housing.

In this budget is a substantial amount of money for pay and housing for the military and also for health care. Then we will properly take a look at the military in general, the strategic aspects of it and weapons aspects of it. Times have changed, and the whole challenge of the military has changed. We used to go in with five divisions and tanks and artillery. Now we are more likely to have to move about a group by air and ship, and they have to sustain themselves for weeks. It is a totally different kind of thing.

I think we have a great opportunity here to meet our obligations as the Federal Government, to meet our fairness obligations with the taxpayers and return the surplus to them, and to meet our obligations to young people by paying off the debt we have incurred.

I am excited about the opportunities. If you want to look down the road, what do you see? How do you see the Federal Government? How do you see our country in 15 years? These are the kinds of things that will be important to us—to strengthen the economy with an energy policy and do these kinds of things.

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. BURNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BURNS. Madam President, I ask unanimous consent that the Senate continue morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. 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. DAYTON. Mr. President, I ask unanimous consent that I now be recognized to speak for up to 10 minutes as in morning business.

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

KEEPING PROMISES ON PRESCRIPTION DRUG COVERAGE

Mr. DAYTON. Mr. President, I rise today to give my first speech on the Senate floor, mindful of what a great privilege it is to stand here and also what a tremendous opportunity it is to be of service to others.

I am also mindful that I was elected last fall for special reasons. I made some very important promises to Minnesotans, promises that I intend to keep. Foremost among them was my promise to Minnesota senior citizens to help design and pass prescription drug coverage that would be available to everyone who is presently receiving Medicare.

Far too many times last year, I saw the suffering and the fear which our elderly were experiencing. I saw it in their weary faces, in their eyes filled with tears, and in their trembling hands. For them, the promises of Social Security and Medicare were unraveling, promises of retirement years with reliable economic security, free at least from the financial uncertainties and emergencies. But in their lives, higher and higher prescription drug prices destroyed their financial health and ravaged their emotional well-being.

So last spring I began my ''Rx Express'' bus trips to Canada. Borrowing this idea from others, I took busloads of Minnesota senior citizens to Canada where they could buy the same prescription medicines at far lower prices—often for half the cost in the United States, or less, for the same medicine, produced by exactly the same manufacturer.

I rode the first bus myself, leaving St. Cloud, MN, at 7 a.m. with 42 senior citizens and returning almost 18 hours later. This was no pleasure cruise. In fact, we spent the entire time crowded together on a compact bus, stopping only for customs, a Canadian doctor's office, a pharmacist, and for dinner. As we traveled those long hours, I was struck by the awful absurdity of our trip, because we in Minnesota pride ourselves on having world-class medical care facilities. In fact, people come from all over the world to Minnesota for the best possible health care—places such as the Mayo Clinic, the University of Minnesota Hospital, and Children's Hospital. Yet here we were, enduring a miserable travel marathon so that our senior citizens—the most elderly, frail, and vulnerable among us—could save precious dollars on the costs of their life-saving medicines.

Believe me, their cost savings were very substantial. We took a dozen of these bus trips to Canada last year, and the average savings per senior was $350. One gentlemen saved over $1,400 on the cost of his U.S. drugs for the 6 months. Another woman said to me that her life had been saved twice—once when her medicine became available, and the second time when she could actually afford them.

I will continue the Rx Express buses by donating my Senate paychecks to the Minnesota Senior Federation or some other organization that will use my contributions to continue them. However, the solution to prescription drug affordability is not to bus every Minnesotan to Canada. Rather, it is to provide prescription drug coverage to every senior citizen across America.

When I was home last week, many elderly Minnesotans asked me, when will this kind of program become a reality? For them, the need is immediate and acute. So their need for us to act is immediate and acute. Unfortunately, today Congress shows little sign of reacting with urgency to this emergency. Last year, Members deadlocked over the form this coverage should take. Some favored adding prescription drug

coverage as a direct benefit under Medicare. Others wanted to assist seniors in purchasing private insurance policies to provide such coverage. Other proposals were introduced, but none gained enough support to pass into law.

So here we are again, and here again are the elderly in Minnesota and in 49 other States waiting for us to do what almost all of us say we want to do. As the President said last night, no senior in America should have to choose between buying food and buying prescriptions. The President is absolutely right. Yet today, across our country, retired Americans are being forced to make that same terrible choice: Don't eat, turn off the heat, or stop taking life-enhancing or even life-preserving medicines.

The President also said last night that Medicare must be modernized and we must make sure every senior on Medicare can choose a health care plan that offers prescription drugs. Again, the President is right. His words offer hope to millions of seniors who do not have and cannot afford such coverage. But as my mother used to say to me when I was growing up, actions speak louder than words. She usually said that when my actions or inactions were contradicting my words. For this Congress, that test begins today.

Were all the commitments I made just words? Were all the promises I made and heard others make just words? Were the President's assurances last night just words? I know I meant what I said, and I truly believe President Bush meant what he said last night. But now we must act. Now we must act.

The same proposals that were made last year can be considered again. I strongly prefer providing direct coverage under Medicare. I believe it best meets the essential requirements for any good plan—that the program would provide an immediate benefit; the plan would have universal coverage, the benefit being available to all eligible beneficiaries; the plan would negotiate discounts, allowing both seniors and the Government to get the lowest prices, negotiating price reductions just as every large business with self-insurers or every large HMO regularly does on behalf of its clients; the plan would provide catastrophic coverage for beneficiaries who have the highest drug costs.

However, I also know that these are some of the very reasons the pharmaceutical industry and others will fiercely oppose this particular program. I don't want to participate in another deadlock that prevented Congress from acting last year, nor do I want to participate in creating new excuses for why Congress has not passed universal drug coverage which the President can sign this year. I prefer it to be this month, but certainly no less than this year.

That timetable surely means designing and enacting a prescription drug program that is separate from and passes before so-called comprehensive Medicare reform. If that lengthy review and reform points to modifications or improvements in our previously enacted prescription drug coverage, then so be it. If we can design a better, less costly, more efficient program, then terrific, but as Franklin Delano Roosevelt said to his Cabinet when he took office in 1933: Try something. If it doesn't work, try something else, but for God's sake, try something.

We can adopt one of the programs that has already been proposed or, in the President's spirit of bipartisanship, we can merge two of last year's competing proposals providing, for example, direct Medicare coverage for seniors earning up to 175 percent of the poverty level and for seniors earning over that amount, private insurance policies. Then we can see which one works better. What is important is to get something working now.

President Dwight Eisenhower once said: I think the people want peace so much that one of these days governments better get out of their way and let them have it. In the same way, I believe America's senior citizens want prescription drug coverage so much that our Government had better let them have it. The sooner the better. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

SENATOR EDWARD KENNEDY'S BIRTHDAY

Mr. BYRD. Mr. President, this is the last day of February. I believe it was Percy Bysshe Shelley who said, ''O Wind, if Winter comes, can Spring be far behind?''

Spring is just around the corner.

Mr. President, while the Senate was in recess, the senior Senator from Massachusetts became a little bit more senior. On February 22, Senator EDWARD KENNEDY celebrated his 69th birthday.

Oh, to be 69 again.

In recognition of that occasion, I wish to say today what an enjoyable privilege it has been to work in the Senate with TED KENNEDY. History will be fair to Senator KENNEDY, and I have no doubt that history will judge him as one of the most effective Senators on that roll of 1,864 Senators as of now.

He is one of those rare workhorses. In the Senate we have show horses and we have workhorses. The show horses, you see them on TV quite often for the most part. Of course, we expect our elected leaders to be on TV often, but the workhorses, you don't see them on TV quite as often.

TED KENNEDY is one of those rare workhorse Senators in the truest meaning of that word. We will say it is one word, ''workhorse.''

Nearly every piece of progressive legislation since 1977 bears, if not TED KENNEDY's name, at least his imprint. That may be a bit of an exaggeration, so let me put it this way. I was first elected majority leader in the Senate in 1977. I was majority leader through the years of the Carter administration, 1977 through 1980. During that time, I was very familiar with the committee work, the legislation that I called up, the legislation that was amended, and the legislation that was adopted here and went to conference, the legislation that eventually became law. Many pieces of progressive legislation, beginning at the time of my tenure as majority leader the first time, carried TED KENNEDY's imprint.

He is a Senator who does his homework; he knows his subject. When he calls up an amendment, when he manages a bill, when he is the ranking member on a bill that has been called up, TED KENNEDY knows what he is talking about. We may not always agree with him, but we listen because we know he has mastered that subject matter.

Although blessed with wealth, he has always been a powerful and eloquent voice for the poor and oppressed, not just in the United States but also around the world. And he has also been a powerful and eloquent voice for the Democratic Party, its traditions, its causes.

We will long remember his soaring voice, his speeches to Democratic conventions, as well as his passionate struggle for the rights of the working people, for health care reform, for the strengthening of the Social Security net for America's less fortunate.

In the Senate, he has shown that public service is the place where, to paraphrase his late brother, John F. Kennedy, Americans can stop asking what their country can do for them but what they can do for their country.

Though we were out of session on TED KENNEDY's birthday, I say belatedly that I will always remember the support that Senator KENNEDY gave me during the years it was my privilege to serve as the Senate Democratic leader. When times got tough, as they occasionally do for a Senate leader, I knew I could always count on Senator KENNEDY's assistance. It may have been needed for an additional vote; it may have been for his assistance in building approval for a legislative proposal, but whatever was needed, Senator KENNEDY was there, and I was thankful.

Senator KENNEDY is a true friend, not only to me but also to the people of West Virginia, and when I make this personal reference the following two happenings will illustrate what I mean.

When I reached my 80th birthday—the Psalmist doesn't promise 80 years; the Psalmist promises only 70, but goes on to say:

And if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.

On my 80th birthday, I was in Charleston, WV, and the then-Governor of the State, Gov. Cecil Underwood, had invited me over to the Governor's mansion. I was enjoying a luncheon there, given by Cecil Underwood in my honor. During the luncheon, I was called to the telephone. On the telephone was my chief of staff, Barbara Videnieks, who said to me, ''Senator, we have a visitor in the office,'' meaning here in Washington. She said, ''Senator TED KENNEDY is here, and he has with him 80 roses.''

TED KENNEDY brought the roses to my office himself, 80 roses. I never had that to happen to me before, and I am not sure that many Senators in this Chamber, if any other than I, can recount such a beautiful experience as that was for me. There was TED KENNEDY in my office—I was in Charleston, at the Governor's mansion—with 80 roses on my 80th birthday. You can bet before he was able to get out of my office and down to the subway car I was on the telephone calling him and thanking him for being such a real friend.

You would think we vote together just like that all the time. We don't. But we never argue about it; we never have any falling out about it, when we have little differences of viewpoints with respect to legislation. There is this underlying bond of friendship between Senator KENNEDY and me.

Last year, I was at the Greenbriar with my wife of 63 years on our anniversary. And, lo and behold, here came to our room at the Greenbriar 63 red roses. From whom? TED KENNEDY. I was surprised. That is TED KENNEDY. Our friendship will always be strong. He thought of me on our wedding anniversary, and he thought of Erma. He is just like that. But who else sent me 63 roses on our wedding anniversary? Nobody.

I think it is remarkable that there has grown up that kind of bond of affection and friendship between these two Senators.

Most people probably remember President John F. Kennedy introducing himself to the people of France by saying he was the person who accompanied Jaqueline Kennedy to Paris. A year before that, President Kennedy, upon a return visit to the Appalachian coal fields in West Virginia, introduced himself saying—here is President Kennedy saying—''I will introduce myself—Teddy Kennedy's brother.''

During the last election, I saw for myself a tremendous display of this continued affection for Senator KENNEDY among my people, the people of West Virginia. When Senator KENNEDY and I appeared at a political rally in the heart of the State's southern coal fields where I grew up, we were promptly swamped by swarms of people—swarms of West Virginians, mountain people—seeking TED KENNEDY's autograph and wanting to shake hands with him or simply to see him.

I will always be pleased to introduce myself as Senator TED KENNEDY's friend, and I will always be glad that I have had the opportunity to serve with him in the Senate.

I say belatedly to TED KENNEDY, with his birthday of a few days ago, Senator KENNEDY, because of you, many people in this country are much better off. Because of you, millions of our citizens have a voice that is heard in these Halls. So happy birthday, Senator KENNEDY, and may God bless you.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SENATOR DAYTON'S MAIDEN SPEECH

Mr. WELLSTONE. Mr. President, I was at a conference dealing with health care policy when my colleague, Senator DAYTON, spoke. I come to the floor to congratulate Senator DAYTON for his words.

When he campaigned for the U.S. Senate seat, he spoke on cost of prescription drugs, especially for the elderly. I think it applies to many other families as well. Over and over again, he said this was his No. 1 priority. He said our country could do better. He said this was a matter of elementary justice. He talked about older people in Minnesota—senior citizens—two-thirds of whom have no prescription drug coverage. He talked about, for example, seniors cutting pills in half because they could not afford them or people running out of food or their homes being cold.

I think it is very significant that when Senator DAYTON came to the floor of the Senate today to give his first speech, his maiden speech, he talked about prescription drug costs and his commitment to introducing responsible legislation that will make a real difference in the lives of people.

The reason I think it is significant is not only because he spoke on an issue that is very important to people's lives, but it is all the more important because he said something about MARK DAYTON in very personal terms. He campaigned on this issue. He listened to many people in Minnesota, and many elderly people talk about these costs.

He came to the Senate after winning the election, and he basically stayed true to the commitment he made to people in his State. Senator DAYTON has been my friend for many years. I think he will be a great Senator.

I always said—and I said to Senator Rod Grams after the election—that no one can ever say to Senator Rod Grams that he did not vote for what he believed in; that he did not say what he believed. I think he deserves an awful lot of credit for that.

I never like it when anyone loses. I don't like to see people lose. I like to see people win. It is because of my Jewish roots.

I think MARK DAYTON is going to be a great Senator for the State of Minnesota and for this country, and I am very honored to serve in the Senate with him. As the senior Senator, I hope he will consider my views over and over again. I doubt that he will. And it will probably make him an even better Senator if he doesn't.

He spoke powerful words. I am sorry I was not on the floor with him. But I thank him for his commitment to the people. I thank him for his passion. I thank him for caring about public service, and I thank Senator DAYTON for caring about senior citizens and other citizens in the country. I thank him for his commitment to Minnesota.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are in a period of morning business, with Members allowed to speak for up to 10 minutes.

U.S. SUPREME COURT

Mr. LEAHY. Mr. President, I have become increasingly concerned about some of the recent actions of the U.S. Supreme Court. As a member of the bar of the Court, as a U.S. Senator, as an American, I, of course, respect the decisions of the Supreme Court as being the ultimate decisions of law for our country. As an American, I accept any of its decisions as the ultimate interpretation of our Constitution, whether I agree or disagree. I have probably supported the Supreme Court and our judicial system more than anybody else on this floor.

Having said that, I think we can at least still have in this country a discussion of some of the things the Court has done. Recently, we have seen another assault by the Court on the legislative powers of Congress.

My concern may be more in sadness than in anger over what has happened. It is very easy to give talks about activist Supreme Courts, but it is hard to think of a time, certainly in my lifetime, with a more activist Supreme Court than the current one. Last week, the Court held that State employees are not protected by the Federal law banning discrimination against the disabled. The case was decided by the same 5–4 majority that brought us

Bush v. Gore and other examples of judicial activism, the so-called ''conservative'' wing of the Rehnquist Court.

I accept they are indeed ''conservative'' in the sense that they greatly restrict the role of the Federal Government in protecting the individual rights and liberties of ordinary Americans. They are very conservative in the sense they have decided that the unelected five-member majority can go against the overwhelming bipartisan position of the elected Members of the House and the Senate, Republican and Democrat.

The case I speak of involved two Alabama State employees. Patricia Garrett sued the University of Alabama for demoting her when she returned to work after undergoing treatment for breast cancer. Milton Ash sued the State Department of Youth Services for refusing to modify his duties and work environment to accommodate his medical problems, which included chronic asthma.

These are precisely the sorts of grievances Congress set out to remedy when it passed a landmark civil rights law called the Americans with Disabilities Act, commonly known as the ADA. I was proud to be part of the overwhelming bipartisan consensus that passed the ADA—proud because of the principles the ADA stands for. It stands for the principle that America does not tolerate discrimination against those in our society who suffer misfortune and illness. It stands for the principle that every disabled person in America is entitled to be treated fairly in the workplace. And it stands for the principle that all employers, whether government or private employers, should be held accountable in a court of law when they violate the rights of the disabled.

Nondiscrimination, fairness in employment, and government accountability are each important core values in our society. They are principles that the American people know well and hold dear. They are the values that the first President Bush upheld when he signed the ADA into law. I remember it very well, that day at the White House when he signed the law. He reminded the Supreme Court of these principles when he took the unusual step of writing an eloquent brief to the Supreme Court in support of the ADA and in support of Patricia Garrett and Milton Ash's right to their day in court. I applaud him for that.

Sadly, last week the activist wing of the Supreme Court paid little heed to the view of either democratic branch of our government—the Congress that enacted the ADA or former President Bush who signed it into law. These five activist Justices gave short shrift to the core values of the American people that the ADA embodies.

Instead of protecting the disabled from discrimination, they denied the disabled their day in court. Instead of requiring fair treatment for all American workers, they created a special exception limiting the rights of government workers. Instead of promoting government accountability, they championed, above all else, the obscure doctrine of State sovereign immunity. That is legalese for saying the government gets a special exemption, preventing it from being held accountable in a court of law.

We hear a lot of rhetoric, complaining about so-called ''activist'' judges. I have heard it used by my friends on the other side of the aisle to describe Democratic judicial appointees who say they will uphold settled law, such as Roe v. Wade, or those who have been associated with public interest organizations that have fought to defend individual civil liberties. It is sometimes applied even to conservative Republican appointees such as Justices O'Connor and Kennedy, when it is felt that they are not being conservative enough.

When he served on the Judiciary Committee in the Senate, our new Attorney General gave a speech on what he called ''judicial despotism.'' He complained about ''the alarming increase in activism'' on the Supreme Court. He referred to the majority of the Court, including Justice Kennedy, as ''ruffians in robes.''

I do not use such language. That kind of name calling does no good for the mutually respectful relationship among the three branches of government, the relationship that our Constitution and the American people call for. I have refrained from using such language, even when I strongly disagree with a decision, such as the 5–4 decision in Bush v. Gore, when the Supreme Court, in effect, decided a Presidential election.

But I mention the question of activism because the American people should know that activism does not come in just one flavor. Some would say judicial activism and liberal activism are one and the same. Of course they are not. Judicial activism can work both ways. It can work to expand protections for all our rights or it can be used to limit our rights.

As one of the Nation's leading constitutional scholars, Professor Cass Sunstein, pointed out in an article last month, history teaches that for most of the 20th century, judicial activism was predominantly conservative, and the unelected judicial branch was far to the right of the democratic branches of our Government.

Actually, that is where we are today at the start of the 21st century. The reality today in courts such as the U.S. Supreme Court and Fourth Circuit that are dominated by ideologically conservative Republican appointees is that the dominant flavor of judicial activism is right wing. In fact, I do not think we have seen such right-wing activism in the courts since the ultra conservative Supreme Court of the 1920s and the 1930s.

There is also, as some commentators have pointed out, an almost arrogant disregard of the Congress by the Supreme Court. There is a feeling that the Congress is somehow unable, even in those cases where Republicans and Democrats join hands in an overwhelming majority—that somehow we are unable to express the will of the people or uphold the Constitution.

In statements that the Court has made, it acts as though the Congress is almost unnecessary; that we are not competent to do anything; that we are irrelevant. Well, not totally irrelevant. I have heard from the Justices that they do want a pay raise. Last year, of course, they were asking for permission to give high-paying speeches to special interest groups. I am glad the Court believes we are good for something.

Last week's ruling is really just the latest in a long and ever growing line of 5–4 decisions that second-guess congressional policy judgment to strike down Federal statutes and generally treat Congress as a least favored administrative agency rather than a coequal branch of the Federal Government.

Last year the Court took aim at the Age Discrimination in Employment Act and the Violence Against Women Act. Before that, it was our laws on intellectual property and workplace standards. Before that, it was our gun control laws.

Now the Court's ''federalism'' crusade adds workers with disabilities to its growing list of victims: older workers, children in gun-infested schools, intellectual property owners, and victims of violence motivated by gender, to name just a few.

If you accept the common theme of this 5–4 majority in the U.S. Supreme Court, the Congress ought to just close up shop and leave town because they will do everything for the American people. The elected representatives of the American people are unnecessary with, as I said, the possible exception of voting for the pay raise that the courts have asked for.

Now it is up to another President Bush and another Congress to seek new ways to protect the rights of disabled Americans and the rights of the other groups sacrificed on the Court's altar of federalism. I believe Congress needs to reassert its Democratic prerogatives—respectfully but firmly. Congress needs to reassert, in fact remind, the Supreme Court of the Constitution, that we are a coequal branch of government whose policy determinations deserve respect just as they ask respect for their legal determinations. It is time for the people's elected representatives, Democratic and Republican, to reengage the bipartisan consensus of principle that produced the ADA, and to work together to restore the rights of ordinary Americans that have been taken away by an increasingly activist U.S. Supreme Court.

Again, as I have said, I have stood on the floor of the Senate defending the Supreme Court as much or more than

anybody I know in my 26 years here. I have defended the Supreme Court on decisions even when I disagreed with the Court. I did that even with respect to the 5–4 decision on the Florida election—actually the national election. While I felt the Court was wrong, I stated that its decision was the law and that we must all abide by it.

But I am disturbed by this increasingly dismissive tone of the Court, in which it acts as though the Congress, Republicans and Democrats together, do not have the ability to represent the American people. The fact that we were elected by people all over this great Nation is almost irrelevant. In the ADA case, the fact that we had spent years on this, and that a Republican President had strongly supported our position, was irrelevant.

I think it is a dangerous path, just as it would be a dangerous path for us to be dismissive of the U.S. Supreme Court. It is equally dangerous for the Court to be dismissive of the Congress because ultimately the American people suffer. We as a Nation have maintained our democracy and fostered our wonderful growth because of our separation of powers—because of the way we have sustained the three equal branches of Government. What a shame it would be if one branch, the only unelected branch, continued to be so dismissive of the other two branches, both elected.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ASH WEDNESDAY

Mr. BROWNBACK. Mr. President, I rise to speak for a few minutes as if in morning business. It is on a broad topic. It is about this day and what this is.

It seems kind of interesting when we start to celebrate things like St. Patrick's Day or Valentine's Day. What is the basis? Why do we do these things? There is always this kind of digging into it to find a very interesting story.

For St. Valentine's Day, we celebrate it recognizing a priest who married people in Rome when it was forbidden. The Emperor at the time was not given enough soldiers to sign up for the military because they wanted to get married, have families, and stay home with their families. So the Emperor decreed that nobody could get married. The priest said: I don't agree with that. So he quietly and secretly married a number of people and was then later arrested, incarcerated, and beheaded for having done this nice, wonderful thing. It is a great reminder of what Valentine's Day is about when we send cards.

Today we celebrate Ash Wednesday. A number of people of different faiths celebrate Ash Wednesday.

What is Ash Wednesday about? It comes from a number of references in the Bible, particularly in Genesis where it says, ''Dust thou art, and into dust thou shalt return''.

It is a recognition of the symbolism of what we physically are, and how the physical body ends up.

This comes from the Web page of EWTN about Ash Wednesday: ''The liturgical use of ashes originated in the Old Testament times. Ashes symbolized mourning, mortality, and penance. In the Book of Esther, Mordecai put on sackcloth and ashes when he heard of the decree of the King to kill all of the Jewish people in the Persian Empire. (Esther 4:1). Job repented in sackcloth and ashes. (Job 42:6). Prophesying the Babylonian captivity of Jerusalem, Daniel wrote, ''I turned to the Lord God, pleading in earnest prayer, with fasting, sackcloth, and ashes.'' (Daniel 9:3). Jesus made reference to ashes, ''If the miracles worked in you had taken place in Tyre and Sidon, they would have reformed in sackcloth and ashes long ago.'' (Matthew 11:21).

In the Middle Ages, the priest would bless the dying person with holy water, saying, ''Remember that thou art dust and to dust thou shalt return.'' The Church adapted the use of ashes to mark the beginning of the penitential season of Lent, when we remember our mortality and mourn for our sins. In the present liturgy for Ash Wednesday, it remembers that as well.

I simply rise to remind us of what the symbolism is, if we go around the hallways and see people with ashes on their foreheads. The symbolism there is about the mortality of each of us, that from dust we came and to dust we return. And it is a symbolism and a day of reflecting on our own sins and our own needs. I think maybe that is a useful thing for us to do as a nation, to reflect on what we have done right, and what we have done wrong, and see what we can do better as we move forward.

So this day of Ash Wednesday seems to be a good day for us to reflect on our own mortality, our own sinfulness, and what we can do to be better both individually and as a nation.

Mr. President, I yield the floor and 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRESIDENT BUSH'S TAX CUT PROPOSAL

Mr. NICKLES. Mr. President, last night President Bush spoke before a joint session of Congress and outlined his agenda in many areas—certainly in education, in preserving and saving Social Security, and Medicare. He challenged Congress. He also made a very strong case for reducing our taxes. He said: We can pay down the debt, we can fund our priorities, pay down the debt to the maximum amount practical—in other words, retire every bond that would mature between now and the year 2010—pay down the debt as much as possible, and we can still give significant tax relief.

Some people said that is not enough. Some people said it is too much. The President said it is about right. I happen to agree with him.

To my colleagues on the Democrat side who responded and said: We would agree to a $900 billion tax cut but we can't go for the $1.6 trillion tax cut—when we talk figures, I think it is important we talk policy and not just figures.

The policy—and the bulk and the essence of what President Bush is pushing for—is reductions in marginal rates, reducing tax rates for taxpayers. Some have said: Wait a minute. This is a greater dollar benefit for higher income people. But the fact is the Presidents proposal cuts the rates more for lower income people than it does for those people with a higher income level.

Unfortunately, some people, when taxes are discussed, want to play class warfare. They want to rob Peter to pay Paul. They want to use the Tax Code as a method of income redistribution. I do not think we should do that.

If we are going to have a tax cut, I think we should cut taxes for the people who pay the taxes. We have programs where we spend money for the general population, most of that focused on lower income populations. But if you are going to have a tax cut, you should cut taxes for taxpayers. President Bush's proposal does just that.

He has greater percentage tax reductions for those on the lower income scale than he does for those on the higher income scale. Let me just talk about that a little bit.

He takes the 15-percent bracket and moves it to 10 percent for many individuals. That is a 33-percent rate reduction. He reduces other rates. He moves the 28-percent rate to 25 percent. That is 3 percentage points, but that is about a 10- or 11-percent rate reduction. Yes, he moves the maximum rate from 39.6 percent to 33 percent, and that is an 11-percent rate reduction.

Some have said that is too much for the upper income. I point out that that rate, even if we enacted all of President Bush's income tax rate reduction, is still much higher than it was when President Clinton was elected because he raised the maximum rates substantially.

Let me just give a little historical background on what has happened to the maximum rate since I have been in the Senate.

When I was elected to the Senate in 1980, the maximum personal income tax rate was 70 percent. Ronald Reagan and 8 years later, it was 28 percent—a

very significant reduction. Some people said that caused enormous deficits. That was not because the rates were cut because, frankly, revenues to the Federal Government doubled in that period of time. So revenues increased dramatically, though we reduced income tax rates from 70 percent to 28 percent.

President Bush, in 1990, agreed with the Democratic-controlled Congress—reluctantly, I believe—but raised the maximum rate from 28 percent to 31 percent, raised it 3 points, about 11 percent.

President Clinton, in 1993, raised the maximum rate from 31 percent to 39.6 percent—its current maximum rate—but he also did a couple of other things that a lot of people tend to forget about. He said: There will be no cap on the amount of Medicare tax that you pay on your income.

At one time, Medicare was taxed on the same basis as Social Security—about $75,000. Now there is no cap. So you pay 2.9 percent. Actually, the employee pays 1.45 percent and the employer matches that. It totals 2.9 percent on all income. If you have a salary like Tiger Woods or Michael Jordan, you pay a lot of Medicare tax—2.9 percent. So you can actually add that 2.9 percent to the maximum tax rate, the 39.6 percent. So that increases to a total of about 42.3 percent.

Then President Clinton did something else. He phased out the deductions and exemptions for people who have incomes above $100,000. We can add another 1 or 2 percentage points on as a result. So President Clinton, in the tax act that passed in 1993 by one vote in both the House and Senate—Vice President Gore broke the tie in the Senate—raised the maximum rate from 31 percent to about 44 percent.

President Bush today is saying, let's reduce the income tax rate down to 33 percent. He didn't take off the increase in the Medicare tax and didn't change the deduction limitation, so actually the net max tax, under the Bush proposal, is about 37.5 percent. Keep in mind, it was 31 percent when Bill Clinton was elected. So after all these reductions that President Bush is talking about, the maximum rate is still about 20 percent higher than it was when President Clinton was elected.

Yes, he has a tax reduction, but he is reducing taxes less than President Clinton increased them. That is the point. Certainly, for upper incomes that is the case. Let me repeat that. President Bush has a tax cut. Some people say it is too much, his tax cut for upper income people. I have heard so much demagoguery and class warfare concerning people who make higher incomes. Their tax rates are much higher today. Assuming we pass all of President Bush's tax cut on income taxes, it is much higher than it was when President Clinton was elected, about 20 percent higher.

You might remember President Clinton, when he had a moment of truthfulness in Texas, admitted that. He said: You might think I raised taxes too much. I agree with you. I did raise taxes too much.

President Bush is saying we need some tax relief. We have enormous surpluses, and we have to decide who is going to spend the surpluses. Are we going to come up with new ways within the Government to spend them? We can. There are unlimited demands on spending public money, somebody else's money, unlimited. That is not too hard for people to figure out. If you ask your kids: Could you spend more money? You bet. You ask your friends: Could you spend more money? You bet. You ask your spouse: Could you spend more money? You bet. If we leave a lot of money on the table here, can we find more ways in Government to spend it? You bet. There are unlimited demands on spending somebody else's money.

We have to do what is fair, what is right. How much is reasonable? We actually have taxation, as a percentage of GNP, at an all-time high. We are taking in a lot more right now than we need to fund the Government. If we leave it on the table, we will find ways to gobble it up. That is what we have done in the last couple years.

Last year nondefense discretionary spending budget authority grew at 14 percent, far in excess of the budget. We didn't abide by the budget last year. Congress was spending money. We will do it again, Heaven help us.

I don't think we will because I believe we are going to have discipline in the budget process this year. Unlike what we have had for the last 8 years, a President who pushed us to spend more—we now have a President who says: Let's show discipline. Instead of having somebody in the White House who is going to be threatening to veto a bill unless we spend more money, we have a person in the White House saying he is going to veto a bill if we don't show some fiscal discipline.

President Bush, instead of saying let's rescind money that is a 14-percent increase, he said, we will even build upon it. We will increase spending with inflation, spending increases of about 4 percent, which is in excess of inflation. He is being pretty generous. He enumerated a lot of ways where he can spend money. He said: We can do all those things. We can pay down the maximum amount of debt allowable, and then we should give some tax relief.

The core of his tax relief is rate reduction. Rate reductions are necessary. I mentioned this because a lot of people aren't aware of how much the Government is taking from them. They should be. If they are in the process of doing their income tax returns, as millions of Americans are this month and next, they will find out. There is a big difference between the gross amount they are paid and the net they receive. The difference, in many cases, is what goes to the Federal Government. It goes to the Federal Government in the form of income taxes, in the form of Social Security taxes and Medicare taxes. The net in many cases is much smaller.

We can get some relief. We should get some relief. We must get some relief. The President's proposal of across-the-board rate reductions is the only fair and the best way to do it.

Some have said we need ''targeted'' tax cuts. Targeted means we are going to define who benefits and who does not. If you spend your money the way we think you should spend it, you will get a tax cut. If you don't, you don't get one. So if you do Government-approved, designed, adopted, favored behavior, we will give you a tax cut. If you don't, you are out of luck. In other words, that is another way of saying we think we can spend your money better than you can. You spend it the way we want you to and we will give you some relief. But if you don't, we are going to spend it.

I happen to disagree with that wholeheartedly. If we are going to give a tax cut, let's not have members of the Finance Committee and the Ways and Means Committee and Members on the floor of the House and Senate saying: We are going to design and direct where the money should go. We should allow individuals to make those decisions. That is what President Bush calls for.

Let me touch on one other issue that has been demagogued unmercifully, and that is the issue of the death tax. Last year we passed a bill to eliminate the death tax. It was slightly different than what President Bush has called for. The President's proposal doesn't cost as much, according to the bean counters in Joint Tax. It costs about $100 billion, $104 billion over 10 years, according to their estimates. Let me talk about that.

A lot of people have said this only goes to the wealthiest people. I disagree. People who make that comment don't understand what makes America run. They don't know there are millions of businesses out there today that are trying to build and grow, and yet they are suffocated with this overall idea that if they pass on, if they die, the Government is going to come in and take half of their business. So they don't grow their business, or else they come up with all kinds of schemes to avoid this tax. There is a tax, a Federal tax called a death tax, an inheritance tax, an estate tax where the Government comes and if you have a taxable estate above $3 million, the Federal Government wants 55 percent, over half.

How in the world can it be fair in this day and age for the Federal Government to come in and say they want half of anybody's property that they worked their entire life on and their kids want to keep the business going and they say you have to sell that business because we want half? That is present law. That needs to be changed. It will be changed, in my opinion.

President Clinton vetoed the bill last year. We put it on his desk. We had

overwhelming bipartisan support in the House, and we had a lot of Democrats who supported it in the Senate. We passed it. President Clinton vetoed it. I regret that decision. We have a new President, one who will sign it.

I used to manage a business. We thought about growing it—and we grew it a lot, and we could have done a lot more—but this idea of working really hard with the idea of building it up and making it successful, maybe making it worth more and then having the Government come in and take over half of it was a suffocating proposition. Did we suffer? No. Who really suffered? Our employees who could have had a new business. Maybe the kids who would work for those employees would have had a better income. They might have had more educational opportunities. There would have been growth and opportunity for more people. This tax hurts in so many ways that people just can't even calculate.

Let me touch on what the proposal that we passed last year would do. We replaced the taxable event of death and said: The taxable event should be when the property is sold. Present law is, when somebody dies, they pass the property on to the kids. There is a taxable event. If you have a taxable estate above the deductible amount—right now $675,000—you are at a taxable rate of 37 percent. Anything above that, Uncle Sam wants over a third. At $3 million, the rate is 55 percent. If you have a taxable estate of $10 million, it is 60 percent. Between $10 million and $17 million, it is 60 percent. How could we have a rate at 60 percent? Why is the Government entitled to take 60 percent of something somebody has worked their entire life for? I can't imagine. That is on the law books today. One of the reasons is because people said: Let's just increase the exemption and leave the rates high. We made that mistake. We will not make it again. I hope we don't make it again.

I have heard some people say that as an alternative let's just increase the exemption another million or two. We will exempt people and put more in the zero bracket. If you are still a taxpayer, bingo, you are going to have to pay 55 percent. I disagree. I think that is wrong, unconscionable. Why would you take half of somebody's property because they happen to pass on? Our proposal—what we passed last year—replaced the taxable event of somebody's death and made it a taxable event when the property is sold. So the person who dies doesn't benefit because they are going to Heaven—I hope they are—and they can't take the money with them. But their kids, the beneficiaries, right now have to pay a tax.

Under present law, they may have to sell the farm, the ranch, the business, or the property and assets—they may have to sell half of it just to pay the tax. What we are saying is there is no taxable event when somebody dies. The taxable event would be when they sell the property. If they inherit an ongoing business, a farm, or a ranch, or property, if they keep it, there is no taxable event. When they sell it, guess what? They have the assets to pay the tax, and the tax will be for capital gains. But the tax rate will be 20 percent, not 55 percent or 60 percent. That is fair. It is income that hasn't been taxed before because it is capital gains.

To me, that makes the system work. You tax the property once. You tax a gain that hasn't been taxed before, unlike a death tax. You might pay income on these properties you are building up in a business year after year, and you have paid income tax on it and you put money into it, it appreciates, and right now you get a little stepped-up basis, but, bingo, you have to pay a big tax. Why? Because you die. Sorry, second generation; if you want to keep the company going, if you want to keep the employees, you may have to pay a tax of 55 percent because this business is worth $3 million. That may sound like a lot, but it is not. In some places in Colorado, and others, it might be a development. You may have to sell it just to pay the tax so that Uncle Sam can take half. I think that is wrong. Our proposal is that you don't have a taxable event when somebody dies; it is when the property is sold—when it is sold. That would be on a voluntary sale, when whoever inherited it wanted to sell it, and they would pay a capital gains tax of 20 percent.

We leave the step-up basis alone, or at a lower level. They pay 20 percent on the gain of the property. If the property has been in the family for decades, you may have a significant capital gain. That is only fair because that property hasn't been taxed. I think this system makes sense. I think it would save so much.

I can't imagine the money that has been spent in this country trying to create schemes and, in some cases, scams, and other ways of trying to avoid this unfair tax. So now we would say you would not have to have foundations, you would not have to come up with irrevocable trusts and different games and try to give property around to avoid this tax. You can say, wait a minute, there will be a taxable event when they sell the property. They will then have the liquid resources to be able to pay the tax, and it will be 20 percent. People won't have to go through tax avoidance, and planners, and lawyers, and so on, who are working this system trying to help people avoid this unfair tax.

I mention that, Mr. President, because I think a lot of people have tried to demagog the issue. They have tried to unfairly characterize President Bush's proposal to eliminate this tax. I think what we passed last year was eminently fair. We had the votes last year, and I believe we have the votes this year. I think we will pass it and do a good thing for the economy, the American people, for free enterprise, and for families by eliminating this so-called unfair death tax. We will replace it with a capital gains tax when the property is voluntarily sold.

I am excited about President Bush's economic package. I am excited about his tax proposal. I think at long last taxpayers have a friend in the White House. They haven't had one for the last 8 years. We now have a friend who will give them long overdue relief. I am excited about that, and I expect we will be successful in passing substantial tax relief this year. I look forward to that happening, and I compliment President Bush on his package and his presentation. I tell taxpayers that help is on the way, and hopefully we can make it the law of the land.

Mr. President, I yield the floor and 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. NICKLES. Mr. President, for the information of our colleagues, we expect a rollcall vote shortly on one or more nominations to the Treasury Department. One will be John Duncan to be Deputy Under Secretary of the Treasury. There may be additional nominations as well. There will be a rollcall vote ordered in the very near future.

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

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

EXECUTIVE SESSION

NOMINATION OF JOHN M. DUNCAN TO BE DEPUTY UNDER SECRETARY OF THE TREASURY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination reported by the Finance Committee today: John M. Duncan to be Deputy Under Secretary of Treasury.

I further ask unanimous consent that the Senate immediately proceed to a vote on the nomination and that, following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The assistant legislative clerk read the nomination of John M. Duncan, of the District of Columbia, to be Deputy Under Secretary of the Treasury.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John M. Duncan to be Deputy Under Secretary of the Treasury? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. CARPER) would vote ''aye.''

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—94

Akaka	Dorgan	McConnell
Allard	Durbin	Mikulski
Allen	Edwards	Miller
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nickles
Bingaman	Fitzgerald	Reed
Bond	Frist	Reid
Boxer	Graham	Roberts
Breaux	Gramm	Rockefeller
Brownback	Grassley	Santorum
Bunning	Gregg	Sarbanes
Burns	Harkin	Schumer
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Cantwell	Hollings	Smith (NH)
Carnahan	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Inouye	Specter
Clinton	Jeffords	Stabenow
Cochran	Kennedy	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
DeWine	Lott	Wyden
Dodd	Lugar	
Domenici	McCain	

NOT VOTING—6

Carper	Hutchinson	Lincoln
Hagel	Johnson	Nelson

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SESSIONS). The President will be notified.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The majority leader.

UNANIMOUS CONSENT REQUEST—BANKRUPTCY

Mr. LOTT. Mr. President, as most Members know, the Senate has been waiting for the Judiciary Committee to complete action on the very important bankruptcy bill for some time now. There is a long history behind it. As you recall, we passed the bankruptcy bill last year by a very wide margin, 70–28. The bill was eventually vetoed, even though, when I talked to the President personally about it, I had the impression that he had some hesitancy in vetoing it, but he did. And in view of the lateness of the hour, it was not overridden—an effort was not made to override it.

So at the beginning of this session, it seemed to me this was a bill that had been worked through the meat grinder very aggressively and that we should move it very quickly. So my thought was we should file it and, under rule XIV, bring it directly to the floor of the Senate. I did not make any effort to do that in a surprising way. There seemed to be pretty broad agreement that that would be a reasonable way to approach it.

However, there was some feeling by the ranking member on the Judiciary Committee that the committee should have a chance to have a look at the legislation. I discussed it with the chairman of the Judiciary Committee, Senator HATCH. While he would have preferred that it go straight to the floor, he thought that was a reasonable request and that that would make the Members feel it was being done in a fairer way. So be it; that would be fine.

All along, of course, I was talking to Senator DASCHLE, and we were talking about the best way to proceed, never wanting to surprise him at all. So it went to the Judiciary Committee. At that point then, there was an objection which delayed it for another week. And I thought the next week we would get it out. For a variety of reasons, without pointing fingers at anybody, it did not come out the week before the President's Day work period. Then I thought that this week we would get to it.

I think the committee needs to be congratulated because the committee worked yesterday, it worked again today, and it completed its work. I do not know how many amendments actually were considered, but they dealt in some way with as many as 30 amendments and I guess voted on a whole lot of them. They reported out the bill today, so we are ready to go. I hope we can get to the substance of the bill and have a full and free debate—amendments will be offered, considered, and voted on—and then we will bring this legislation to conclusion.

This is a part of my extraordinary, good-faith effort, I say to the distinguished Senator from Minnesota, to make sure we go by regular order—let the committees do their job, be considerate of other Senators' wishes, be considerate of the chairman of the Judiciary Committee, be considerate of the ranking Democrat on the committee, and confer with my colleague, Senator DASCHLE, the leader of the Democrats here in the Senate, to make sure he is aware of what I am thinking, and ask for his help. And he has given it.

So I really bent over backward. It is part of this atmosphere we are trying to create—bipartisanship, working together. As we look toward bringing education to the floor, and campaign finance reform to the floor, and the budget resolution, I am doing everything I can to set a tone where everybody can make their case. Everybody will have that opportunity. But I must say, I am really getting frustrated. However, I am ever hopeful that my gentle nature and my plaintive plea will appeal to the Senators who might have some reservations about us moving to consider this bill.

So, Mr. President, I ask unanimous consent that the Senate begin consideration of the bankruptcy bill, reported out of the Judiciary Committee today, at 10 a.m. on Thursday.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Will the Senator yield?

Mr. LOTT. I am glad to yield to the distinguished assistant minority leader.

Mr. REID. Mr. President, I say to the majority leader, we know the strong feelings the Senator from Minnesota has, and we respect that wholeheartedly.

I had one problem with the bill that dealt with something that was offered on the floor by Senator SCHUMER and me dealing with clinic violence. It went to conference. They stripped it, even though it passed here by an extremely wide margin.

The Judiciary Committee put that in yesterday. It is in the bill that will come before the Senate. I am very grateful to Senator LEAHY, who worked so hard on this matter, and the entire Judiciary Committee for allowing it to be part of this bill.

I believe it is a much better bill with this provision in it. It was not in the bill when it came to the floor out of conference. I voted against it. I am appreciative of what the Judiciary Committee has done in this regard.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I will be glad to yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will follow our minority leader. I wanted to respond to what the majority leader said, but I will follow the leader.

Mr. DASCHLE. I would prefer to follow the senior Senator from the State of Minnesota.

Mr. LOTT. To help with all this, why don't I yield the floor. I will stay to participate because I have a feeling the Senator from Minnesota is going to be persuaded by the generous nature of his leader and my persuasive abilities to let us get to the substance of the bill. I know with this Senator from Minnesota, I have heard him time and time again say: I have a right as a Senator to make my case and offer my amendments. I believe he will remember on occasion I have supported his right to be able to do that. He will have his right. But to delay this bill another week, what does it accomplish? We could begin to make progress, and we could have a vote on amendments.

I wish he would reconsider. This is on the motion to proceed. I think the American people look at us and say: Excuse me? You are going to have a cloture vote to cut off a filibuster on the motion to proceed to the bill; then you are on the bill and you have to do it again?

I hope the Senator will relent. I yield the floor to see what the Senator has to say.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I won't be long. I thank the majority leader for his graciousness, even though we are in disagreement. I appreciate not only what he said but the way he said it.

It is extremely important that to the maximum extent possible we work together. This bill is going to come to the floor of the Senate; there is no question about it. There are going to be votes. As a Senator from Minnesota, I will use this occasion. Perhaps we will have discussion tomorrow and can reach some agreement about how to move forward. Let me say that to the majority leader.

This is an opportunity for me to say to other Senators and, more importantly, to the people of Minnesota, this bill is harsh and one sided. I cannot believe that we make it so difficult for people who find themselves in such difficult circumstances. Fifty percent of the people of the country who declare bankruptcy do it because of a major medical expense. Almost all the rest of the cases are because of someone losing a job or because of a divorce.

I will not speak long, but I want the majority leader to know how heartfelt my objection is. It is not just a question of procedure or inside baseball in the Senate. I don't want to miss an opportunity to talk about how harsh and mistaken this piece of legislation is.

We just had 1,300 LTV workers laid off work in northeast Minnesota. The way this bill reads, in terms of what they can file for chapter 7, they are supposed to look at the average of their income over the last 5 months. That doesn't help them. Many of them just lost their jobs. I don't want them to go under. I want them to be able to rebuild their lives.

In my not so humble opinion, this is a classic example of a financial services industry with enormous clout putting on a full court press. I am proud, working with other Senators, to have held them off and held them off. This bill may pass. It doesn't ask these credit card companies to be accountable at all. It does not deal with some of the worst circumstances that affect families that are going to go under. It has an onerous means test. It is extremely one sided.

The first piece of legislation we are going to pass in the Senate, as the economy begins to go down and people are worried about losing their jobs and are feeling the economic squeeze, is a piece of legislation that is going to make it practically impossible for many families that are going under, through no fault of their own, to file for chapter 7 and rebuild their lives. What a start.

I come to the floor to object because I believe this is an egregious piece of legislation. The majority leader has been gracious to me. He knows I have the right, as does the minority leader, to object.

I say to the majority leader: This is tonight. Because he has been gracious, we can talk tomorrow and maybe we can figure out a way that we can proceed. However, I am not going to give up my opportunity to talk about how harsh this legislation is, and I am not going to give up my opportunity, in every way I can, to point out the weaknesses. There will be plenty of opportunity next week as well.

I hope when we do move forward—and this is something I want to discuss with the leader—there will be the opportunity for amendments, and we will have a full-scale debate; we will operate as a Senate, which is what the majority leader and minority leader want us to do. For tonight, I have to object, and I object for those reasons.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, once again, we hear the eloquent passion of a Senator who cares deeply about an issue. I applaud him for that passion and his compassion for those who are now out of work as a result of layoffs in Minnesota. I understand how deeply felt his views are.

He has expressed, in his own eloquent way, that it is within his right to object tonight. Each Senator has enormous power to stop things. Each Senator has enormous power to change the legislative process.

The majority leader, on several occasions, could have thwarted this process, avoided regular order, prevented Senators from the opportunity that I believe we will have next week to offer amendments. He could have done a number of things using his rights, first as a Senator and, secondly, as a leader, to undermine what we have delicately constructed here in this new bipartisan environment. He could have done that. Senator LOTT chose not to do that.

The majority leader said, in keeping with the spirit we are trying to maintain, as much as I wanted to go to this bill 3 weeks ago, last week, the week before, as many times as we have talked about this, every time I have asked him, he has said: Look, I am going to try to maintain the kind of spirit that we have been able to create so far where we can have a win-win; Senators who are passionately opposed to this bill ought to have the right to express themselves, ought to have the right to offer amendments, ought to have the right to have a good debate; Senators who want to move this process along ought to be able to use the tools available to them to do that as well.

What we are trying to do is to strike a delicate balance because there is passion on both sides. There is a depth of feeling on both sides. I, frankly, have been on both sides because I am so ambivalent about the importance of the arguments raised by the Senator from Minnesota as well as the concern that I have for the abuse we find in the system.

I appreciate very much the Senator from Minnesota expressing himself and at least giving us the possibility that we could revisit this issue tomorrow, and I recognize, once again, that if every Senator exercised all of their rights, we probably wouldn't get much done in this body.

But because everybody uses common sense, attempts to strike a balance between exercising those rights and moving along the legislative process, generally, we have worked out things in a way that has accommodated the needs of most people. It is in keeping with that spirit that I hope we can talk to the issue again tomorrow. I thank the Senator from Minnesota, and I thank the majority leader.

I yield the floor.

Mr. LOTT. Mr. President, I appreciate the comments of the Senator from South Dakota. He has been working with me in good faith. We communicate regularly. We have to keep trying to do that. That is why I sense that he feels the same frustration that I do, that we both try to bend over backward to accommodate everybody, and it is still very tough. We are facing further delays.

I am encouraged. The Senator from Minnesota has indicated we can talk tomorrow, and we will look for a way to move this legislation forward in a way that is acceptable hopefully to him and everybody else. I will look for him tomorrow.

There are two points I want to make. The first bill we pass in the Senate this year is not going to be the bankruptcy bill. I think the first one we passed was pipeline safety. It is good legislation, broadly supported. We passed one other bill that week. I think pipeline safety was the first one.

The other thing is that I understand how the Senator feels, and you have to have some emotions and compassion for people who get into difficult straits. There needs to be a way for them to

come out of them and get a job or have a job and get back into business. Also, this is personal with me, too. My mother and father tried to be small business owners. My dad was a pipefitter in the shipyard. It was hot, tough work. He decided they could get into the furniture business at one point. He would go pick up the furniture in his pickup truck and bring it back to the store. It was Market Street Furniture Company. I will never forget it. He would do the selling and delivering, and they sold a lot of items on credit. My mother was the bookkeeper in the back of the store. One of the reasons why they could not make it was that many of those people to whom they sold the furniture on credit just would not pay their bills.

So there is another side. There are small business men and women who wind up holding the bag, and when you are a small business man or woman, that profit margin is pretty tiny. It is 5 percent, 10 percent maybe. But I remember it was very small in that furniture store.

There were other factors involved, but eventually it ran them out of business. My dad went back to the shipyard, and he got to work in the pipe department. But that is the other side of the coin.

What about the small business men and women who are out there trying to create jobs to help their family and people say, ''We don't want to pay''? A lot of them hide behind bankruptcy.

I have supported bankruptcy laws and reform of bankruptcy laws. I supported the bankruptcy judges system. But we have made it too easy now for people to use bankruptcy as an excuse to hide and get out of paying what they owe. There is broad, bipartisan support on this. I think we ought to get it done as soon as we can. I will work with the Senator to make sure he believes his voice was heard. I know how he feels about it personally. I do, too. There is another side of that coin. It is kind of a family thing with me. We will find a way to get it done.

I thank Senator DASCHLE and Senator REID for staying on the floor and working through this.

I yield the floor.

Mr. WELLSTONE. Mr. President, I don't want to debate the majority leader tonight. I want him to know that one of the good things about the very important debate we are going to have is that I will be able—the Presiding Officer is involved in this debate as well—to cite independent study after independent study showing that the abuse, when it comes to bankruptcy, is a very small percentage. I think the majority leader will be pleased to hear that given the comment he made. We will have the debate. I thank the majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate enter into a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

BLACK HISTORY MONTH

Mr. DASCHLE. Mr. President, I rise today to recognize the celebration of Black History month. It began in the 1920's when Dr. Carter G. Woodson, a historian and educator, proposed the idea of creating ''Negro History Week'' during the second week of February to commemorate the history and achievements of the black community. He chose this week to honor the birthdays of Abraham Lincoln and Frederick Douglass, both of whom had a great impact on the lives of African Americans across the country. Since 1976, we have dedicated the entire month of February to celebrating the contributions of African Americans throughout our Nation's history.

Today, African Americans represent about 13 percent of our total population, and they greatly contribute to the increasingly dynamic cultural tapestry of America. Over the years, they have actively shaped the future of our country in the roles of teachers, parents, judges, doctors, lawyers, religious leaders, and factory workers.

Although the African American population of my home State is smaller than most, the cultural heritage of South Dakota has been enriched by our African American community.

I am proud to tell you about Oscar Micheaux, the first African American to produce a feature-length film, as well as the first African American to break the ''sound barrier'' with a ''talkie'' motion picture, the earliest form of film with sound. Born to freed slaves in 1884, Micheaux grew up in Illinois as one of 11 children, before he moved to South Dakota to become a farmer. It was on the South Dakota prairie that he began to write, publish, and sell his first novels.

At a time when blacks were not welcome in the film industry, Micheaux started his own company, where he wrote, directed, and produced at least 43 movies during the course of his life. He dealt with such controversial subjects as white-on-black crime, intra-racial discrimination, and lynching. In 1919, he released ''The Homesteader,'' a movie based on his autobiographical book that describes his experiences on the South Dakota plains. This became the first feature length film produced by an African American.

Because Hollywood discriminated against blacks, Micheaux was forced to do all of the work for his films independently. He was responsible for not only producing, but distributing his films which were only viewed in segregated black theaters. Some of his films that addressed issues like real estate discrimination and inter-racial relationships were censored and confiscated for being too ''controversial.'' Despite facing discrimination, Micheaux paved the way for blacks in the film industry.

Micheaux is revered by such entertainment industry figures as Spike Lee, Robert Townsend, Tim Reid, and Carl Franklin. South Dakota holds an annual film festival in Micheaux's honor. A true pioneer in every sense, he is a hero to all Americans who have a dream.

I salute this accomplished, self-made man. His achievements serve as a wonderful example of how barriers can be overcome and how dreams can be attained. Micheaux and other figures in the African American community remind us of the difference an individual can make to the Nation, and that dreams can still be attained, even in the face of adversity. Micheaux's life encompasses Dr. King's vision when he said that he had a dream that ''. . . children will one day live in a Nation where they will not be judged by the color of their skin, but by the content of their character.''

We are still working today to realize this dream. Black History Month not only celebrates the individual achievements of the African American community, but reminds us all that we need to come together as a greater community to ensure that everyone has equal rights, freedoms, and the resources to achieve their dreams.

Mr. DURBIN. Mr. President, I rise today in recognition, honor and celebration of Black History Month. This year's theme is ''Creating and Defining the African-American Community: Family, Church, Politics and Culture.'' We should use the forum this month to educate all Americans that African-American history is American history. African-Americans have played a key role in shaping America by their known and untold contributions to science, art, education, politics, commerce and culture.

Dr. Carter G. Woodson is the founder of Black History Week which has expanded to Black History Month. Dr. Woodson, the son of slaves, realized that the rich and detailed history of African-Americans was in danger of fading to obscurity, so he became an impassioned teacher and advocate of African-American history, and created some of the first courses and textbooks devoted to this topic. He also founded what is now known as the Association for the Study of African-American Life and History. A firm believer in the importance of education, he studied at Harvard, the Sorbonne in Paris and the University of Chicago. Dr. Woodson was also Dean at Howard University in Washington DC.

Black History Month gives Americans an opportunity not only to learn of great African-American leaders like Dr. Martin Luther King, Jr., but also to learn of lesser known African-Americans who have played key roles in molding our great country. For instance, most Americans do not know that Jean Baptist Pointe DuSable

founded the city of Chicago. Mr. DuSable was born in 1745 in Haiti to a white French sea captain and a black former slave. After his mother's death, Mr. DuSable went to France with his father to be educated and at the age of 20 sailed to America. Eventually, Mr. DuSable settled in what would become the great State of Illinois and became a fur trader. In 1779, Mr. DuSable built a trading post in a location that the Indians called Eschikcago or ''place of smelly waters.'' The trading post eventually developed into the settlement now know as Chicago.

Similarly, Lewis Howard Latimer made great contributions to society. Mr. Latimer perfected Thomas Edison's invention of the electric light bulb by creating the carbon filament light bulb. Mr. Latimer was the sole African-American member of Edison's team of inventors. His 1881 creation of the carbon filament light bulb alleviated the electric light bulb's design flaws of a short life span and a tendency to shatter when becoming too hot.

In addition, African-Americans like Daniel Hale Williams have accomplished astounding breakthroughs in the medical field. One night a deliveryman, who had been stabbed in the heart, was rushed into the emergency room at Chicago's Provident Hospital. Dr. Williams decided to open the man's chest and operate. He successfully repaired the torn tissue in the man's heart and completed the operation. Dr. Williams made history that night as the first doctor to perform open-heart surgery. His patient went on to live for another 20 years.

Dr. Charles Richard Drew also made contributions that revolutionized the medical field. Dr. Drew was a world-renowned surgeon, medical assistant and educator. He transformed the practice of medicine by creating a way to preserve blood. Dr. Drew also created the first blood bank and developed a way to efficiently store blood plasma.

While most American know of the courageous story of Rosa Parks, not as many are aware of the bravery of her predecessor, Ida B. Wells-Barnett. Ms. Wells-Barnett was a school teacher who refused to give up her seat on a Memphis-bound train. After being physically forced out of her seat, Ms. Wells-Barnett brought a suit against the railroad for their actions, and won. Later, however, the State court overruled the decision of the circuit court. Ida Wells went on to become an influential journalist. She moved to Chicago at the turn of the century and worked tirelessly to fight against the horrible scourge of lynching, and to fight for fair treatment of African-Americans. The Chicago Housing Authority named one of its first housing developments the Ida B. Wells Homes, and in 1990, the U.S. Postal Service honored her life's work by issuing the Ida B. Wells stamp.

I am pleased to be able to speak today about the accomplishments of these great Americans. Black History Month can help us look back and recognize the great obstacles African-Americans have overcome. It can also help us look ahead and recognize the great obstacles that still hinder African-Americans today.

The disenfranchisement of thousands of African-American citizens in Florida this past election year clearly illustrates this point. Instead of being proud that they participated in the democratic process, many African-Americans were outraged because their voices were silenced. Their votes did not count. A disproportionate number of the invalidated votes cast for President in South Florida were from African-American and Caribbean communities. In all, an astounding one third, 22,807, of the rejected ballots were cast in predominantly black areas.

Many African-Americans rightfully believe their disenfranchisement resulted from the use of antiquated voting equipment. Analysis of the Florida election plainly shows that Americans who voted in areas that utilized punch card ballots had a much greater chance that their vote would be invalidated than those who voted in areas that utilized more modern equipment. In this great democracy, it is unacceptable that thousands of legally qualified voters were disenfranchised because of obsolete voting machinery.

Unfortunately, this problem was not limited to Florida. In Fulton County, GA, a community with a large African-American population, punch-card voting equipment was used which resulted in one out of every 16 votes cast for President being invalidated. However, Fulton's neighbors, two largely white counties, utilized more modern equipment which resulted in only one in every 200 votes cast for President being invalidated.

Even my home State of Illinois was plagued with problems stemming from outdated voting equipment, especially in largely African-American communities. For instance, in Chicago, one out of every six votes cast for President was invalidated while almost none of the votes in some of the city's outer suburbs were rejected. This indefensible disparity is one of the reasons that I am proud to cosponsor the Federal Election Modernization Act of 2001. This Act will supply funding to States to help replace obsolete voting equipment. I personally believe the price to equip every voting precinct in the country with user-friendly and reliable mechanism to cast and count ballots is well worth it. The millions of dollars in estimated costs to ensure accuracy pale when compared to the value of protecting each individual's right to vote and the price paid by those who fought and gave their lives to secure this right.

As Americans, we must realize that even though discrimination is legally eradicated from American society, vestiges of the decades of discrimination still remain today. We need only look at the voting difficulties that plagued African-Americans in the 2000 election to demonstrate this point. If America is ever to achieve its full potential, we must acknowledge, address and eliminate the obstacles that African-Americans face not only during Black History Month, but every day.

Mrs. CARNAHAN. Mr. President, every February, our Nation pauses to recognize the tremendous contributions of African-Americans to the history of our Nation. In 1926, Dr. Carter G. Woodson established Negro History Week because he saw that most of the contributions African-Americans had made to American culture and industry were being ignored by historians.

We have come a long way since 1926. More and more of our history books acknowledge the contributions of African-Americans. Our schools have made it part of their curriculum, libraries and museums create exhibits, and our celebration of African-American history has been expanded to an entire month.

But we still have a long way to go.

We need African-American History Month because many people don't know about African-American heroes like Crispus Attucks, who led the Boston uprising in 1770 and became the first casualty of the American Revolution. Equally forgotten are African-American inventors like Garrett Morgan, who developed the traffic light and gas mask.

These Americans have added to the richness and greatness of our country. It is appropriate that as we stand in our Nation's Capitol, a structure which was built by the back-breaking labor of both free and slave African-Americans, we talk about the contributions African-Americans have made to this country's history and to its future.

I want to take a moment to focus on the contributions of Missourians.

Any Missourian can name George Washington Carver's most famous invention, peanut butter, but few realize the role Carver played in the agricultural revolution that occurred in the South in the early 1900's. Carver's work to wean the South from its single-crop cultivation of cotton and his development of commercial uses for alternate crops like peanuts and sweet potatoes helped modernize Southern agriculture, paving the way for a better life for the entire South.

Scott Joplin led a revolution of a different kind. While living in Sedalia, MO he created a blend of classical and folk music that took America by storm. Ragtime, as his style came to be called, has become America's unique contribution to classical music and is a driving force behind jazz and blues.

In literature, Missourians are proud of the heritage of Langston Hughes of Joplin, Missouri. One of the major American writers of the 20th century, Hughes was a poet, novelist, editor, playwright, and journalist.

Another African-American Missourian became famous not only as an inventor but also as the most outstanding jockey of his time. Tom Bass, of Mexico, MO trained some of the finest race and show horses of his day. At the peak of his career he rode in the Inauguration of President Grover Cleveland and gave a command performance before Queen Victoria. In addition to being a famous jockey, he invented the ''Bass bit'' which is still used today.

Missouri has borne some notable civil rights leaders as well. Perhaps the most prominent of them is Roy Wilkins. Wilkins served as executive director of the National Association for the Advancement of Colored People from 1955–1977. Appointed during the most turbulent era in the civil rights movement, Wilkins kept the NAACP on the path of nonviolence and rejected racism in all forms. His leadership and devotion to the principle of nonviolence earned him the reputation of a senior statesman in the Civil Rights Movement.

All of these great Missourians, and others too numerous to mention, struggled against bigotry and violence, but each showed, through their natural talents, that racism was not just wrong, but un-American. So it is fitting that we take this month to learn more about the history of African-Americans in this country, and recognize the contributions of African-Americans to our great Nation.

Mr. LEAHY. Mr. President, February is Black History Month. For the last several years I have worked with other Senators and the Administration to help make history by breaking down the remaining vestiges of barriers to African-Americans and other minorities and women on the Federal courts around the country. We have had a number of successes in that regard over the last few years. I recall, in particular, the confirmations of Judge Sonia Sotomayor to the Second Circuit, Judge Julio Fuentes to the Third Circuit, Judge Eric Clay to the Sixth Circuit, Judge Ann Williams to the Seventh Circuit, Judges Richard Paez, Marsha Berzon, Johnnie Rawlinson, Kim Wardlaw and Margaret McKeown to the Ninth Circuit, Judge Charles Wilson to the Eleventh Circuit and a number of others.

Many took too long. Many were delayed by anonymous holds. Many other outstanding nominees were never accorded a hearing, a Committee vote or a vote by the United States Senate. One of my greatest regrets during my service in the Senate was the Republican caucus vote against Judge Ronnie White in 1999. I was glad to be able to provide him with the opportunity to testify and correct the record and clear his reputation and good name in the course of confirmation hearings on the Attorney General nomination in January.

As important as it is to remember our history, it is also important to make progress and add to that history. We continue to have the opportunity to do that here in the United States Senate. On January 3, 2001, President Clinton renominated Roger Gregory to serve on the United States Court of Appeals for the Fourth Circuit. Even though the Fourth Circuit, covering Maryland, North Carolina, South Carolina, Virginia, and West Virginia, contains the largest African-American population of any circuit in this country, it had never had an African-American appellate judge.

Last December, during an extended congressional recess, the President exercised his constitutional power to make recess appointments and appointed Roger Gregory to the Fourth Circuit.

In early January, when the Senate convened to begin this new season, the President resubmitted Judge Gregory's nomination to us.

In the ensuing weeks, the new President has seen fit to leave that nomination before the Senate for our consideration and action. Both Senator WARNER and Senator ALLEN support this nomination. Last year Senator Robb also strongly supported it.

Senator WARNER, Senator ALLEN, Senator Robb and Senator EDWARDS and others have all spoken in the last several months in support of the confirmation of Roger Gregory. Now it is time for the Senate to step up to the challenge and act on Judge Gregory's nomination to a full, lifetime appointment to that important judicial position.

Mr. Gregory was not the first African-American nominated to the Fourth Circuit. President Clinton nominated four qualified African-Americans to the Fourth Circuit: Judge James Beatty, of North Carolina was nominated in December 1995, and re-nominated in January 1997; Judge James Wynn, of North Carolina, was nominated in August 1999; Roger Gregory was nominated in June 2000; and Judge Andre Davis was nominated in October 2000. None of these exceptional candidates ever received a Judiciary Committee hearing, let alone a vote on the Senate floor.

Senator ALLEN, in one of his first speeches on the Senate floor, came here to talk about Roger Gregory's qualifications, and the importance of acting in a bipartisan way to confirm him. Here is what Senator ALLEN said:

> [I]t is my belief that in Roger Gregory, the Fourth Circuit—and, indeed, America—has a well-respected and honorable jurist who will administer justice with integrity and dignity. He will, in my judgment, decide cases based upon and in adherence to duly adopted laws and the Constitution. I respectfully urge my colleagues and the administration to join me in supporting Judge Gregory.

Senator JOHN WARNER joined the discussion, rising to say that he agreed with what Senator ALLEN had said on the need to confirm Roger Gregory. As reflected in letters that Senator WARNER shared with the Senate, he and Senator ALLEN have written to Senator HATCH and to President Bush urging that Judge Gregory receive a hearing and be confirmed. I commend them for their commitment to this nomination.

Roger Gregory was an outstanding lawyer, and he will be an exceptionally good judge on the Fourth Circuit. From Richmond, Virginia, Judge Gregory was the first in his family to finish high school. After college and law school, he returned to be a professor at a school where his mother had worked as a maid. He entered private practice, and later founded his own, highly-respected law firm in Richmond, where he handled a wide variety of complex litigation matters in State and Federal court for individual and corporate clients. Roger Gregory built a reputation as a seasoned litigator and widely respected member of his community.

Judge Gregory's recess appointment as the first African-American judge on the Fourth Circuit also places him firmly in a tradition of using such appointments to bring diversity to the federal bench. Four of the five first African-American appellate judges were recess appointed to their first positions as Federal judges. That includes the appointment of William Henry Hastie as the first African-American on the Federal bench by President Harry Truman in 1949. Not long after that appointment, a little over 51 years ago, the Senate confirmed Judge Hastie, showing itself to be, as I have said many times, the conscience of the Nation.

The roster of trailblazing African-American recess-appointees also includes President John Kennedy's 1961 appointment of Thurgood Marshall to the Second Circuit Court of Appeals; Spottswood Robinson to the D.C. Circuit; and President Lyndon Johnson's 1964 appointment of Leon Higginbotham to the Third Circuit. Other well-known and well-respected judges to be appointed during a recess are: Judge David Bazelon to the D.C. Circuit; Judge Augustus N. Hand to the Second Circuit; Judge Griffin Bell of the Fifth Circuit; and Supreme Court Justices William Brennan and Earl Warren.

Today, during the month of February, Black History Month, I come to the Senate floor to call on my colleagues to once again shine as the conscience of the nation, and move quickly toward making Roger Gregory's lifetime appointment to the Fourth Circuit. He is eminently qualified to sit on the court, he has received praise for his integrity and legal talent, and he has been strongly endorsed by both of his home state Senators.

Roger Gregory should be given a hearing before the Judiciary Committee without further delay. In deference to the position that President Bush took during the campaign, the Senate should act on this nomination in the next couple of weeks. The excuse from last year, that his nomination in June came too late in the year for Senate action, is inapplicable now. Let his be the first judicial nomination to

come before the Committee and the Senate this year. His papers have long since been submitted to the Committee—we have had them in hand for eight months now. There can be no reason not to commit today, during this month when we honor the achievements and contributions of African-Americans, to move Roger Gregory swiftly to a hearing, through the Committee and then on to the Senate floor for a full Senate vote.

After all of the delays meted out to the previous African-American nominees to the Fourth Circuit, the Senate has another chance to make history. As history has been made in so many other occasions for African-American judges, let us not squander this opportunity to make Roger Gregory the first African-American to be confirmed by the United States Senate to the Fourth Circuit Court of Appeals.

Mr. LEVIN. Mr. President, I am very pleased to commemorate African American History Month. Each year, doing the month of February, we remember and reflect on the rich and extraordinary achievements of African Americans. We also remember and reflect on the suffering, degradation and brutality of slavery, which cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

We remember and celebrate the brave and determined African American conductors of the Underground Railroad, like Harriet Tubman. In 1849, Tubman escaped from the Eastern Shore of Maryland and became known as ''Moses'' to her people when she made 19 trips to the South and helped deliver at least 300 fellow captives to liberation. We remember and celebrate John Parker of Ripley, Ohio who frequently ventured to Kentucky and Virginia to help transport by boat hundreds of runaway slaves across the Ohio River; and William Still, Robert Purvis and David Ruggles who in the 1830s organized and stationed vigilance committees throughout the North to help guide slaves to freedom destinations. And we remember and celebrate James Fairfield, who went into the deep South and rescued enslaved African Americans by posing as a slave trader, risking his life and property. We remember and celebrate the City of Detroit in my home state of Michigan where the Underground Railroad assisted over 40,000 slaves in reaching freedom in Canada.

Let us not forget, that we celebrate African American History Month because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of the Negro and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction, a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Throughout the Nation, we celebrate the many important contributions African Americans have made in all facets of American life.

Lerone Bennett, editor, writer and lecturer recently reflected on the life and times of Dr. Woodson. In an article he wrote for Johnson's Publications, Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College, in Kentucky, he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly etched in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999. I commend Dr. Velma Laws-Clay who headed the Monument Steering Committee and Sculptor Tina Allen for making their dream, a true monument to Sojourner Truth, a reality.

Sojourner Truth had an extraordinary life. She was born Isabella Baumfree in 1797, served as a slave under several different masters, and was eventually freed in 1828 when New York state outlawed slavery. Truth continued to live in New York and became strongly involved in religion. In 1843, in an act of religious faith, she changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration West in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass.

In 1851, Sojourner Truth delivered her famous ''Ain't I a Woman?'' speech at the Women's Convention in Akron, Ohio. In the speech, Truth attacked both racism and sexism. Truth made her case for equality in plain-spoken English when she said, ''Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a woman? Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.''

By the mid-1850s, Truth had settled in Battle Creek, MI. She continued to travel and speak out for equality. During the Civil War, Truth traveled throughout Michigan, gathering food and clothing for Negro volunteer regiments. Truth's travels during the war eventually led her to a meeting with President Abraham Lincoln in 1864, at which she presented her ideas on assisting freed slaves. Truth remained in Washington, D.C. for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. Due to bad health, Sojourner Truth returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. The Congressional Gold Medal was presented to Rosa Parks on June 15, 1999 during an elaborate ceremony in the U.S. Capitol Rotunda. I was pleased to cosponsor this fitting tribute to Rosa Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty five years ago in Montgomery, AL the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world.

My home state of Michigan proudly claims Rosa Parks as one of our own. Prompted by unceasing threats on their lives and persistent harassment, Rosa Parks' and her husband moved to Detroit in 1957 where Parks' brother resided.

Rosa Parks' arrest in Alabama for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. For instance, twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws, which required African Americans to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus.

The driver of that bus was the same driver with whom Rosa Parks would have her confrontation 12 years later.

The rest is history, the boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. But we still have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr, and many others, let us rededicate ourselves to continuing the struggle on Civil Rights and to human rights.

TRIBUTE TO SENATOR ALAN CRANSTON

Mr. DASCHLE. Mr. President, on the morning of the last day of the 20th century, as he was preparing his breakfast, Alan Cranston died at his home in Los Altos. After 86 years, his great huge heart just stopped.

There can never be a good time to lose someone like Alan Cranston. Such leaders are too rare. Still, there is something fitting about Alan Cranston leaving us just as the century came to a close. It was almost as if, having spent his life working to protecting us the darker possibilities of the 20th century, he held on until the last day in order to see us safely to the new century.

I first came to know Senator Cranston from a distance. He was four years into his second Senate term, and had just been elected Democratic Whip, when I was first elected to the House. That was back in 1978.

Studying Senator Cranston from the other chamber, I realized early on that he possessed a rare balance. He was a standard bearer for great public causes—and he was as good a behind-the-scenes organizer and vote counter as I have ever seen. He was a pragmatic idealist.

I also noticed something else about Alan Cranston back then. I noticed that he listened respectfully to all kinds of people and very often, just by listening, was able to bring people together. In this practice, and in many others, I have tried since then to follow his example.

Another thing I admired about Alan Cranston was his tremendous running ability. From the time he was in high school, he was a champion sprinter. In college, he was a member of the nation's fastest one-mile sprint relay team in America, and he remained a competitive runner most of his life. At one point, I understand, he held the world record for the 100-yard dash among 55-year-olds. As a 53-year-old runner who is not likely to break any speed records soon, I find that amazing. I also find it a little ironic—because in politics, Alan Cranston was no sprinter. He was a marathon runner.

When Alan Cranston signed on to a cause, it was for life. As a reporter in Europe in 1936, he was among the first to recognize the evil of fascism for what it was. He chronicled the rise of Hitler and Mussolini. When he discovered that Hitler had authorized the export of a sanitized copy of Mein Kampf to America, he acquired a copy of the German text and had it translated accurately, with all its hideous lies restored. He sold copies for 10 cents—thus giving America some of its true glimpses into the real Hitler.

A copyright infringement lawsuit brought by Hitler himself eventually forced Alan Cranston to stop selling copies of Mein Kampf in America. But nothing could ever stop him from speaking out against oppressors of freedom and human dignity.

In 1946, Alan Cranston met Albert Einstein, who persuaded him that nuclear weapons must be banned or they will destroy the human race. From that day until he died, Alan Cranston was a tireless champion in the effort to monitor nuclear arms and reduce their use.

During his years here in the Senate, he also championed an array of other noble causes—from the environment, to civil rights, to the men and women who serve in our nation's military.

Literally and figuratively, Alan Cranston was a towering figure in this Senate for nearly a quarter of a century. He was an example to many of us and to me personally. I am proud to say he was also a friend.

With some sadness, and with gratitude for his lifetime of service to our nation, I join my colleagues in honoring the memory of Alan Cranston and conveying our deep regrets to his family—especially his sister Ruth, his son Kim, and his granddaughter—as well as his many friends across this country and around the world. Alan Cranston was loved in this Senate, and he will be deeply missed.

TRIBUTE TO CHERYL FLETCHER

Mr. NICKLES. Mr. President, today I rise to recognize the efforts of Cheryl Fletcher for her outstanding service. Today, Cheryl is retiring after more than 21 years of service to me, the U.S. Senate and the people of Oklahoma.

Cheryl has been with me since the beginning of my U.S. Senate career.

She joined my first U.S. Senate campaign in 1980. After winning, I asked her to establish an office in my hometown—Ponca City. Before joining my staff, she worked as director of the Ponca City United Way.

During the last 21 years, Cheryl has served as the Sate Director, coordinating my schedule in Oklahoma and working as my liaison for northern Oklahoma. She has worked diligently for the people of Alfalfa, Grant, Kay, Washington, Osage, Pawnee, Payne, Noble, Major and Garfield counties. She's been Ponca City's Outstanding Citizen of the Year and an active member of the Chamber of Commerce.

My colleagues can appreciate the tight time schedules we keep, and Cheryl is one of the best when it comes to keeping me on time. I remember late one night, we were gong back to Ponca from a meeting in Woodward. Cheryl was driving and flew right past a stop sign. Needless to say, my heart skipped a beat. Rain storms, snow storms, even perfect weather, Cheryl was determined to get us there on time.

Her service, dedication and hard work have always been an asset to me and all Oklahomans. I and the entire State of Oklahoma will miss her knowledge and experience. It has been my privilege and pleasure to work with her these years.

Few believed a young businessman from Ponca City could be a U.S. Senator. Cheryl believed and worked tirelessly to convince them, and occasionally me, that they were wrong.

Today, in Ponca City, Pioneer Bank, Home National Bank, Conoco, and Evans and Associates is hosting a reception in her honor. I know the place will be packed and I'm sorry I can't be there to personally recognize her on this special day.

I want to congratulate Cheryl, who is a loyal friend and employee, and thank her for 21 years of hard work. I wish her all the best.

PRESIDENT BUSH'S BUDGET

Mr. KENNEDY. Mr. President, last night I listened with great interest as President Bush outlined his budget proposal. It was a strong speech, and I commend the President for his encouraging comments on education, as well as his kind words for our good friend Congressman JOE MOAKLEY. But our challenge now is to produce a realistic budget. As the President describes it, the surplus is so big that the American people can now have it all—huge tax cuts for everyone, increased spending on national priorities, and elimination of the national debt.

I fully agree with President Bush that budgets are fundamentally about our values and priorities, but I strongly disagree with him on what those priorities should be. While President Bush made the benefits of his plan appear real and the costs painless, I think the American people correctly suspect that his words sound too good to be true. Just as there's no such thing as a free lunch, there's no such thing as a free $2 trillion tax cut.

I support a substantial tax cut, but not one that is so large that it crowds out continued debt reduction and investment in national priorities like education, health care, and worker training and protection efforts. Not one that is so large that it jeopardizes Medicare and Social Security.

This budget claims to provide massive tax cuts and maximize reduction of the national debt and keep our commitments under Social Security and Medicare and make the investments needed to keep the nation strong. It makes five claims that are arithmetically impossible. The numbers simply do not add up.

First, this budget argues that the nation can afford a $2 trillion tax cut right now. The White House claims that its proposed $1.6 trillion tax cut ''uses only one fourth of the budget surplus.'' This is highly misleading. Make no mistake about it—President Bush's tax cut really consumes about 90% of the available budget surplus.

The tax cut now sought by the Administration would consume well over $2 trillion of the budget surplus. When President Bush cites the $1.6 trillion figure, he neglects the increased cost of interest on the larger national debt caused by the tax cut, and he ignores the added cost of his plan to make the tax cut retroactive.

We must be clear about the real size of the surplus. While the Congressional Budget Office projects that the federal government will collect $5.6 trillion more than it spends over the next ten years, only $2.7 trillion of this amount can properly be called a ''surplus.'' The other $2.9 trillion is money that workers deposit with the government so they'll be protected by Social Security and Medicare when they retire. Workers pay this $2.9 trillion in payroll taxes for specific retirement and medical benefits. It is wrong to include money from workers' Social Security and Medicare payroll taxes in the same pot used to finance the Administration's income tax and estate tax cuts.

Thus, at most $2.7 trillion in available surplus is projected over the next ten years. Even the Congressional Budget Office acknowledges the great uncertainty of its own surplus estimate. CBO itself recognizes that a small reduction in economy's growth would reduce its surplus estimates by trillions of dollars. Any responsible budget would reserve a significant share of the projected surplus in case the projections prove too optimistic. Without such a reserve, any shortfall could return the nation to large deficits and raids on the Social Security Trust Fund. Yet the Administration's budget commits every last dollar of the projected on-budget surplus and more, sacrificing the fiscal caution that uncertainty in the surplus projection demands.

President Bush's tax cuts would consume well over $2 trillion of the $2.7 trillion available surplus, leaving precious little over the next ten years—to strengthen Social Security and Medicare before the baby boomers retire, to begin the quality prescription drug benefit that seniors desperately need, to provide the education increases that the nation's children deserve, to train and protect the American workers whose increased productivity has proved essential to our strong economy, to advance scientific research, to improve the nation's military readiness, to improve the security of family farmers, and to avoid burdening our children with the debt that we have accumulated.

After the Bush tax cut, we will simply not have the resources to meet these urgent challenges.

All American workers deserve a tax cut, but its total size must be reduced far below the $2 trillion Bush proposal so that we can address our legitimate national needs.

Second, this budget pretends to protect Social Security and Medicare. More than half of what President Bush terms the ''surplus'' is actually money that workers deposit with the government through the payroll tax to pay for their future Social Security and Medicare benefits. Just because the government does not pay those dollars out this year does not make us free to spend them. Over the next ten years, Social Security will take in $2.5 trillion more dollars than it will pay out and Medicare will take in $400 billion more dollars than it will pay out. But every penny of this will be needed to provide Social Security and Medicare benefits when the baby boomers retire.

If we use that money for other purposes now, we would be increasing the long term deficits in the Social Security and Medicare programs, accelerating the date on which each of those programs will not have sufficient revenue to pay the full cost of the benefits provided under current law. The only fiscally responsible use for the so-called Social Security and Medicare ''surpluses'' is to set those funds aside to pay future retirement and medical benefits owed under current law.

The Administration's budget fails to set the entire $2.9 trillion aside to cover the cost of future Social Security and Medicare benefits. It only protects $2 trillion of that amount. The remaining $900 billion is used for other purposes. This seriously threatens the retirement benefits of current workers. While the Bush budget is vague on just how this money will be used, it appears that more than $500 billion of it will be used to finance the Administration's scheme to create private retirement accounts. Money is diverted from the Social Security Trust Fund to finance those accounts. I believe it would be terribly wrong to take money out of Social Security to finance private accounts. Without the guarantee of Social Security's monthly benefit check, one half the nation's elderly would be living in poverty. Taking money out of the Social Security Trust Fund will weaken the program's ability to meet its legal obligations to the senior citizens it serves.

The President also plans to use current payroll taxes to finance prescription drug assistance for some seniors. But these dollars already belong to Social Security and Medicare, and they are needed to pay current benefits. The Bush plan really just tells Medicare to offer a prescription drug benefit without providing one new dollar to fund that benefit. His plan spends the same dollars twice. It is a cruel hoax.

The Bush budget also allows part of this $900 billion in payroll tax revenue to be used for purposes ranging from military preparedness to farm aid, flagrantly violating what I have taken to be broad bipartisan agreement to protect payroll taxes for Social Security and Medicare.

The threat posed by the Bush budget to Social Security and Medicare is very real. Not only does it fail to reserve any of the on-budget surplus to financially strengthen Social Security and Medicare by paying down the debt; it invades the Social Security and Medicare Trust Funds by removing $900 billion that already belong to these essential programs.

Democrats are committed to keeping Social Security and Medicare strong. We do this by reserving all payroll taxes to pay for the retirement and medical benefits that are now promised to seniors under current law. No qualifications, no exceptions. This commitment means that workers' payroll taxes are not available to fund income tax and estate tax cuts, private retirement accounts, or new spending.

Third, this budget alleges that it meets the nation's core health needs. America's seniors desperately need access to prescription drugs, but this budget provides only a placebo. President Bush said the right things about how high a priority prescription drugs are for America's seniors, but the numbers in his budget show that his words can't pass the truth in advertising test.

While the Administration's budget lavishes new tax breaks on the wealthy, it leaves little for the elderly whose lives often depend on prescription drugs. The budget gives five times more money to the wealthiest one percent of taxpayers than it allows for the Medicare drug benefits that 39 million senior and disabled citizens need.

There can be no question about the urgent need for a Medicare prescription drug benefit. A third of senior citizens—12 million people—have no prescription drug coverage at all. Only half of all senior citizens have prescription drug coverage throughout the year. Meanwhile, last year alone prescription drug costs increased an average 17 percent.

President Bush's budget responds with baby steps toward prescription drug coverage. After adjusting for inflation, President Bush's budget actually proposes one-third less than the inadequate amount he proposed in his campaign. His ''immediate helping hand'' program for the lowest income senior citizens virtually exhausts the resources that he allocates, leaving the majority of seniors with nothing. This plan is even less generous than the Republican bill passed by the House last year. And the Congressional Budget Office said that the House Republican

plan was so underfunded that over half of all senior citizens with no coverage today would not be able to participate under it. Yet this budget allocates less money than the House Republican plan.

Medicare is a solemn promise to senior citizens.. It says, ''Work hard, pay into the trust fund during your working years, and you will have health security in your retirement years.'' But this promise is being broken each and every day, because Medicare does not cover prescription drugs. The sad reality is that the Bush budget does not mend that broken promise—and it is now the responsibility of the Congress to keep faith with senior citizens.

The Administration's budget also fails to address the needs of the nation's uninsured. An uninsured family is exposed to financial disaster in the event of serious illness. Unpaid medical bills account for 200,000 bankruptcies annually. Over 9 million families spend more than one fifth of their total income on medical costs.

The health consequences of being uninsured are even more devastating. In any given year, one-third of the uninsured go without needed medical care. Eight million uninsured Americans fail to take medication their doctors prescribe because they cannot afford to fill the prescription. Four hundred thousand children suffering from asthma never see a doctor. Five hundred thousand children with recurrent earaches never see a doctor. Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured. Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has already spread in their bodies.

The chilling bottom line is that eighty-three thousand Americans die every year because they have no insurance. Being uninsured is the seventh leading cause of death in America. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

The Administration's budget provides only a small amount for refundable tax credits to purchase health insurance policies—an amount too small to help the vast majority of the uninsured. In this time of unprecedented budget surpluses, isn't it more important to assure that children and their parents can see a doctor when they fall ill than it is to provide new tax breaks for millionaires?

Fourth, this budget does not meet the education needs of school children. The claim that this budget increases education funding by $4.6 billion or 11.5 percent is just plain wrong. This budget contains little more than a cost of living increase for our nation's schools, and few new investments to improve them.

The Administration's budget counts $2.1 billion that President Clinton and Congress approved last year as part of this year's increase. If President Bush did nothing on education, almost half of his ''increase'' would happen anyway. The real increase that he proposes is $2.4 billion only 5.7 percent above current levels. The reality is that President Bush proposes only $1.8 billion in new money for education next year, a mere 4 percent above inflation.

We need strong new investments to turn around our failing schools. But this budget does not even keep up with the average 13 percent annual increase Congress has provided for education over the last 5 years, and it will not enable communities and families across the country to meet their education needs.

I applaud President Bush for trying to make education a top priority. I applaud him for challenging the nation to ''leave no child behind.'' But I am disappointed that this budget fails to provide the resources needed to produce the action that we all agree is necessary.

President Bush says that he will increase funding for ESEA programs by $1.6 billion, including $600 million more for the Reading First program. I support the Reading First increase, but it leaves only $1 billion for new investments in all other elementary and secondary education priorities.

This year, schools confront record enrollments of 53 million elementary and secondary school students, and that number will continue to rise steadily, reaching an average six percent increase in student enrollment each year. The Administration's budget fails to keep pace with population growth in schools, and it is possible that under the budget he proposes, federal education support per student will decrease over the next ten years.

Schools and communities will have to educate millions more children and help them meet higher standards of learning while addressing overcrowded classrooms, a shortage of qualified teachers, increased safety concerns, and a lack of adequate after-school programs. Schools simply cannot face these challenges alone. They need the help of their communities, their states, and the federal government to provide the best opportunities for all children.

I am prepared to work with the President to enact his proposal for annual testing. But communities will need resources to develop and implement the tests, and ensure that they are of the highest quality. If overall education funding per student does not increase significantly, the nation cannot expect to achieve the right balance between investing in strategies that work and increasing accountability for results.

Parents across the country will give President Bush and Congress a test at the end of the year. If our education investments do not help communities turn around every failing school, help all qualified students afford to go to college, and ensure that workers have the training they need, this Republican Congress and this Republican White House will deserve a failing grade on education.

I hope we will work together to make the improvements in President Bush's budget that will be needed to earn an A+ from the nation's parents.

Finally, this budget claims that its tax cut is fair to working families. In reality, the wealthiest 1 percent of taxpayers, who pay 20 percent of all federal taxes, would receive 43 percent of the tax benefits from Bush's plan. Their average annual tax cut would be more than $46,000, more than a majority of American workers earn in a year.

The contrast is stark. Eighty percent of American families have annual incomes below $65,000. They would receive less than 30 percent of the tax benefits under Bush's plan. The average tax cut those families would receive each year is less than $400. Twelve million low-income families who work and pay taxes would get no tax cut at all under Bush's plan. If we are going to return a share of the surplus to the people, that certainly is not a fair way to do it.

Because the Bush tax cut is slanted so heavily to the wealthy, it is possible to enact a tax cut that costs less than half of President Bush's proposal, yet actually provides more tax relief for working families. That is what Congress should accomplish this year.

A close look at the Administration's budget only confirms that indeed we cannot have it all. There is no way to eliminate the national debt, provide massive tax cuts, and meet all of the nation's legitimate needs.

President Bush's budget asks working families to sacrifice while the wealthiest families in America collect far more than their fair share. Overall, this budget threatens our prosperity and ignores the most fundamental national needs.

Governing is all about choices. And I believe that this budget makes the wrong choices for working families in America.

HONORING MRS. MATILDA TSCHETTER OF HURON, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, a few weeks ago, South Dakota, and the country, lost a friend. Mrs. Matilda Tschetter of Huron, South Dakota was laid to rest on February 3rd in Freeman, SD.

This chamber is no stranger to great men and women, and the RECORD is replete with recognition of their accomplishments. From Presidents to civil rights leaders, we often come to the floor to recognize Americans who have made a difference in our country. Matilda Tschetter may not have been featured on the front page of the newspaper, but she was certainly a great South Dakotan, and a great American.

And she, too, made a difference in this world.

Matilda Tschetter represents all that is great about our people. Strong, smart, and committed to her family, she spent much of her life serving others. Matilda and her late husband Henry were both educators. They raised a family, and Matilda remained active in Democratic politics throughout her life. I got to know Matilda when she served as a Senior Intern in my office. I was impressed by both her kindness and her informed thoughts on the issues confronting our country and the world. I understand that in the last election, Matilda voted absentee and made a point to remind everyone in her family to vote on election day. Matilda certainly understood the responsibility that comes with the privilege of living in a democracy.

In South Dakota, and throughout the country, people like Matilda Tschetter quietly make our country a better place. They are committed to their families, to their communities and to their country. They persevered through the Great Depression and are the reason our country is as strong as it is. Matilda Tschetter will certainly be missed.

Today the Senate joins me in paying tribute to an admirable woman. My sincere condolences go out to Matilda Tschetter's surviving family: her daughter, Dianne Sandvick, and her son-in-law, Dr. Roger Sandvick. In this difficult time, my thoughts and prayers are with them, and with Matilda's many friends.

RULES OF THE COMMITTEE ON ENVIRONMENT

Mr. SMITH of New Hampshire. Mr. President, in accordance with the rule XXVI (2) of the Senate. I ask unanimous consent that the rules of the Committee on Environmental and Public Works, adopted by the committee February 28, 2001, be printed in the RECORD.

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

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking member shall preside. If neither the chair nor the ranking member is present, the responsibility for presiding shall alternate between the parties for the members present, beginning with the chair's party and based on seniority.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking member of the subcommittee shall preside. If neither the chair nor the ranking member is present, the responsibility for presiding shall alternate between the parties, beginning with the chair's party and based on seniority.

(3) At the request of the ranking member, the ranking member or his or her designee may chair a hearing of the full committee or a subcommittee, with the concurrence of the chair of the full committee or subcommittee.

(4) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, including at least three members of each party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, including at least two members of each party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall, after consultation with the ranking member, make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing. The chair and ranking member shall seek to attain an equal balance of the interests of the two parties when selecting subjects for and scheduling hearings.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) For any hearing, both the chair and the ranking member are entitled to an equal number of non-federal government witnesses.

(5) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall, after consultation with the ranking member of the committee or the subcommittee, provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday. The chair and ranking member shall seek to attain an equal balance of the interests of the two parties when setting the agenda of business meetings.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee and the ranking member of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Clean Air, Wetlands, Private Property, and Nuclear Safety; Transportation and Infrastructure; Fisheries, Wildlife, and Water; and Superfund, Waste Control, and Risk Assessment.

(b) MEMBERSHIP: The committee chair and the ranking member shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted. A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

RULES AND SUBCOMMITTEE ASSIGNMENTS FOR THE AGRICULTURE COMMITTEE

Mr. LUGAR. Mr. President, today the Committee on Agriculture, Nutrition, and Forestry conducted a business meeting where the committee funding resolution, committee rules and subcommittee assignments were considered favorably and passed out of the Committee. I ask unanimous consent that a copy of the rules of the committee and a memorandum of understanding be printed in the RECORD.

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

JURISDICTION OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

(a)(1) Committee on Agriculture, Nutrition, and Forestry, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

1. Agricultural economics and research.
2. Agricultural extension services and experiment stations.
3. Agricultural production, marketing, and stabilization of prices.
4. Agriculture and agricultural commodities.
5. Animal industry and diseases.
6. Crop insurance and soil conservation.
7. Farm credit and farm security.
8. Food from fresh waters.
9. Food stamp programs.
10. Forestry, and forest reserves and wilderness areas other than those created from the public domain.
11. Home economics.
12. Human nutrition.
13. Inspection of livestock, meat, and agricultural products.
14. Pests and pesticides.
15. Plant industry, soils, and agricultural engineering.
16. Rural development, rural electrification, and watersheds.
17. School nutrition programs.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition, and hunger, both in the United States and in foreign countries, and rural affairs, and report thereon from time to time.

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Rule 1—Meetings

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

Rule 2—Meetings and Hearings in General

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

Rule 3—Hearing Procedures

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that

special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

Rule 4—Nominations

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resumé which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

Rule 5—Quorums

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

Rule 6—Voting

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

Rule 7—Subcommittees

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

Rule 8—Investigations, subpoenas and depositions

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

Rule 9—Amending the rules

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CHAIRMAN AND RANKING DEMOCRATIC MEMBER, U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

This Memorandum of Understanding (MOU) between Chairman Richard Lugar and Ranking Democratic Member Tom Harkin addresses Senate Agriculture Committee operational details and budget issues for the duration of the 107th Congress.

HEARINGS AND BUSINESS SESSIONS

We agree that all hearings and business sessions will be called by Chairman Lugar. The Chairman agrees to also schedule hearings and business meetings requested by Senator Harkin. Business sessions will only be

held at the full Committee level. All hearings and business sessions in Washington, D.C. will be Chaired by Chairman Lugar. Field Hearings will be chaired by Chairman Lugar or by Senator Harkin at the election of Chairman Lugar. With respect to any investigation authorized by the Committee, Chairman Lugar and Senator Harkin will resolve issues related to subpoenas and depositions consistent with the foregoing understanding.

HEARING WITNESSES

We agree that Republican and Democratic Committee staff will work together in planning hearings and in the selection of witnesses. Staff shall work to develop an agreed upon list of specific witnesses for hearings. To the extent there is disagreement concerning the naming of a specific witness or witnesses, accommodation will be reached between the Committee staff directors. We agree that to the maximum extent possible, the list of witnesses should be evenly divided between Republican and Democratic choices.

SUBCOMMITTEES

Subcommittee Chairmen and Democratic Ranking Members are encouraged to carefully review hearing and hearing witness agreements between Chairman Lugar and Senator Harkin at the full Committee level when considering and selecting witnesses for subcommittee-level hearings.

10% ADMINISTRATIVE FUNDS

S. Res. 8 states that up to an additional 10% of the committee budget shall be allocated for administrative expenses. We agree these funds shall be evenly divided between the majority and minority budgets with each having discretion on the use of such funds, pending Rules Committee authorization.

ADMINISTRATIVE AND OFFICE MAIL FUNDS

Funds for official mail and administrative expenses shall be utilized between Chairman Lugar and Senator Harkin in a manner that is equitable in light of the evenly divided membership of the Committee and consistent with accomplishing the necessary work of the Committee.

NON-DESIGNATED STAFF

The Republican and Democratic Staff Directors will consult on hiring non-designated staff, with the understanding that there will be parity in the availability of non-designated staff to assist both Republican and Democratic Committee members and staff in the performance of the Committee's work.

OFFICE SPACE

It is understood that Agriculture Committee office space will be evenly divided between Republican and Democratic staff.

RICHARD G. LUGAR,
Chairman.
TOM HARKIN,
Ranking Democratic Member.

RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that a copy of the rules of procedure adopted today by the Committee on Rules and Administration for the 107th Congress be printed in the RECORD.

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted Feb. 28, 2001)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR–301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings——

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least a week in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, in accordance with rule XXVI, paragraph 2, of

the Standing Rules of the Senate, I ask unanimous consent that a copy of the rules of the Special Committee on Aging be printed in the RECORD.

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

RULES OF THE SPECIAL COMMITTEE ON AGING—RULES OF PROCEDURE

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. Notice and Agenda:

(a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other-witnesses called by the Committee. The chairman shall inform the Committee of such requests for appearance or cross-examination. If the committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

IX. AMENDMENT OF RULES

The Rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

RULES OF THE COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, I ask unanimous consent that a copy of the Rules of the Committee on the Budget for the 107th Congress as adopted by the Committee be printed in the RECORD.

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

RULES OF THE COMMITTEE ON THE BUDGET—ONE-HUNDRED-SEVENTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The Committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two

parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the Committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest time.

(2) A number of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

(1) Graphic displays used during any meetings or hearing of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the Senator's seat or at the rear of the committee room.

When: only at the time the Senator is speaking.

Number: no more than two may be displayed at a time.

RULES OF THE COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, consistent with standing rule XXVI, I ask unanimous consent that a copy of the Rules of the Senate Committee on Small Business be printed in the RECORD.

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

RULES OF THE COMMITTEE ON SMALL BUSINESS FOR THE 107TH CONGRESS

(Note: Changes are in italic)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on *5 business* days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the Office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, *such member of the Committee as the Chairman shall designate* shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record §3231 (daily edition March 21, 1986)

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote *on the date of the meeting* to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the *Offices of the Chairman and the Ranking Member* at least *2 business days* prior to the meeting. This subsection may be waived by *agreement of* the Chairman *and Ranking Member* or by a majority vote of the members of the Committee.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approved of a request by any Member of the Committee. *If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days.* Written notice of all hearings, *including the title, a description of the hearing, and a tentative witness list* shall be given *at least 5 business days in* advance, *where* practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, *but must be in writing.*

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) *The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness.* Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, *but must be in writing.* Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material spending to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent the rules of the Committee on Health, Education, Labor, and Pensions for the 107th Congress adopted by the committee on February 28, 2001 be printed in the RECORD.

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

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in

subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrent of a majority of the members who are actually present at the time such actions is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The president officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or a subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter prior of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committees' rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by an person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.
2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.
3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.
4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed.

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee

(as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

ADDITIONAL STATEMENTS

TRIBUTE TO MR. ROBERT C. McWILLIAMS III

• Mr. HUTCHINSON. Mr. President, I rise today to pay tribute to a man who through his service and dedication made a significant difference in the lives of those who work at the Pine Bluff Arsenal in my home State of Arkansas. Mr. Robert C. McWilliams passed away recently, and the State will mourn his loss.

Robert McWilliams, was commissioned into the Army in 1964 as a second lieutenant of armor. He served two tours in Vietnam as an Army aviator and was awarded the Distinguished Flying Cross, Air Medal, Bronze Star Medal, Army Commendation Medal, National Defense Service Medal and was decorated with Senior Aviator Wings. After his service in Vietnam, he was stationed at Pine Bluff Arsenal, where he served as Provost Marshal, Chief of Security, and finally president of the local chapter of the American Federation of Government Employees.

It was in that last position that Bob truly emerged as a tireless advocate for the hundreds of men and women who work at the Pine Bluff Arsenal, toiling on behalf of our nation's security. I enjoyed the many conversations I had with Bob, for he never wasted an opportunity to argue for higher wages and more job security for those he represented. I knew that whenever I needed a candid opinion of how decisions made in Washington, D.C., would affect life in Jefferson County, I could call on him. Now that he is gone, I will miss him.

Robert C. McWilliams served his nation with dignity and honor. To those who knew him, he is remembered with fondness. I wish to extent my deepest sympathies for his passing to his family and loved ones.•

NIST CENTENNIAL

• Mr. LIEBERMAN. Mr. President, I rise today to celebrate the centennial of the founding of one of this country's technology treasures, the National Institute of Standards and Technology, or NIST.

For 100 years, the National Institute of Standards and Technology has helped to keep U.S. technology on the cutting edge. It has been a reliable and critical source of assistance to industry, science, and government. NIST's research, measurement tools, and technical services are integrated deeply into the many systems and operations that drive our national economy.

There are few aspects of our everyday lives and no corner of this country that is not touched by the work of NIST. In my State of Connecticut and in every State across this country, factories, communication and transportation networks, laboratories, hospitals, educational institutions, gas stations, coffee shops, and the extended enterprises of both the traditional and new economies are dependent on the work of NIST, its talented staff, and its ahead-of-the-curve research.

In order to understand the role that NIST has played in helping to make this country the economic powerhouse it is, we should take a little trip back in time, say about 100 years, to the beginning of the last century. It was a time before air conditioning, before plastics, before airplanes. Teddy Roosevelt had just become President and a middle-class income was no more than $5,000. We were at the dawn of the age of technology and we were excited about the opportunities for the rapidly evolving advances in science and technology.

We were also very confused. There were no authoritative national standards for any quantities or products. For example, there were eight separate values for the gallon. It was difficult, sometimes impossible, for Americans to conduct fair transactions or to get parts to fit together properly. Construction materials were of an uneven quality. Household products were unreliable. This commercial chaos hindered economic growth.

As the 1800s rolled into the 1900s, this country was in a precarious position. We were dependent on the research and scientific work of other countries. Few Americans were working as scientists, because most scientific work was performed overseas. American instruments were shipped abroad to be calibrated, and American scientists and engineers had to wait for their ships to come in, literally, before they could move ahead. The confusion and reliance on other nations was handicapping the United States in competition with trade rivals, such as Germany and England, countries which already had their own national measurement laboratories.

I am pleased to say that as they entered the 20th century, our predecessors in Congress acted wisely to remedy this commercial chaos and scientific competitive disadvantage. In 1901, in the final hours of its final session, the 56th Congress voted overwhelmingly to tackle a pervasive national need by creating the National Bureau of Standards, now known as NIST. Working closely with the leading scientists and industrialists of the time, this body, with great foresight, endorsed the concept of a national standards laboratory just as the century was beginning.

A century later, NIST has become an organization of 3,200 employees, plus 2,000 field agents who partner with NIST in all 50 states and Puerto Rico, 1,600 guest researchers and another 1,500 industrial research partners. A lot has happened to science and technology over the past century and NIST has helped to lay the foundations for our nation's progress.

I would like to spend just a few minutes reviewing some key contributions the Institute has made to industry, science, technology, national security and consumers. In the early years of the century, thousands of train derailments were caused by broken rails, wheel flanges and axles. NIST ran tests, and reported that the steel industry had not established uniform practices in manufacturing rails and wheels. By 1930, as better steel went into rails and trains, with NIST's help in standardizing materials and processing, the rate of accidents from these causes fell by two-thirds.

At the end of the century, industry had become increasingly dependent on information and knowledge and NIST continued to be relevant in that area. For example, financial services, telecommunications companies, and hardware and software products relied heavily on the data encryption standard issued by NIST in 1977, the first publicly available standard of this type and the first cryptographic algorithm endorsed by the Federal Government. Today, NIST is coordinating a successor standard, having run an Olympics-type worldwide competition.

The Global Positioning System and other communications and navigation technologies are more accurate, thanks to improved timekeeping, a trend promoted by NIST's operation of the first atomic clock, which was based on the ammonia molecule, in 1949. Progress in cooling atoms to within the tiniest fraction of ''absolute zero'' enabled NIST to build one of the world's most accurate atomic clocks, NIST F–1, which is used to maintain the nation's time standard.

NIST's critical role for industry has not been limited to research. Its Manufacturing Extension Partnership program has been boosting the competitiveness of this country's 361,000 smaller manufacturers since 1989. In 1999, more than 23,000 firms took advantage of its services, increasing or retaining billions of dollars in sales, saving hundreds of millions of dollars in costs, and creating or retaining tens of thousands of jobs.

Another relatively recent and important addition to NIST's work has been its Malcolm Baldrige National Quality Award program that has helped thousands of organizations to improve their overall performance. The Baldrige Criteria for Performance Excellence have been used by tens of thousands of organizations and they have been called the ''single most influential document in the modern history of American business.''

The once-troubled $7 billion U.S. printed wiring board industry, with its 200,000 jobs, was turned around by a research project co-funded by NIST's Advanced Technology Program. The joint venture led to dramatic efficiencies in research and development, accelerated research, and produced significant technological advances. ATP has played a key role in pushing ahead emerging critical technologies.

NIST's work extends to national security. During military conflicts, NIST was called on to perform numerous tasks, ranging from development of a synthetic substitute for rubber to improving submarine communications to helping design the ''Bat,'' the first fully automated guided missile to be used successfully in combat. Important initial research on the atomic bomb was carried out by NIST, which served as a central control lab for determination of the properties of uranium.

Like industry and our security forces, consumers also count heavily on NIST. For example, withdrawals from automated teller machines are among the billions of dollars worth of electronic data transaction that have been secured for many years with the first publicly available data encryption standard, issued by NIST in 1977. Today, NIST is coordinating the development of an even more powerful successor standard.

Today, patients receive accurate radiation doses in disease diagnosis and treatment today thanks to NIST radiation measurement and standards activities under way since the 1970s. NIST's contributions to the safe medical use of radiation began many years ago. It included efforts to help bring about the 1931 X-ray safety code, which set guidelines for protective devices for patients and operators.

The U.S. death rate from fires declined by 50 percent between the early 1970's and late 1990's, in large part because smoke detectors are now installed in 95 percent of homes. NIST made this improvement possible by developing, with Underwriters Laboratories' participation, the first fire performance standard for smoke detectors and recommendations on number, type and placement of the extinguishers.

It is clear that over its first 100 years, NIST has become part of the fabric of the U.S. economy and society. Our homes, factories, laboratories, hospitals, schools, police and fire departments, and military all have benefitted from NIST's technical handiwork. NIST's importance to this country is as true today as at any time in the agency's 100 year history.

Now we must look to the future as we celebrate this highly valued institution. Science, technology and society obviously have been transformed over the century and NIST's challenges are changing, too.

What's next for NIST? As science and technology advance, the need for new and more accurate measurements also grows. To meet the exacting needs of electronic manufacturers, for example, NIST researchers have developed methods for counting electrons, one by one. And to open the frontier of nanotechnology, where feature sizes are hundreds and even thousands of times smaller than the diameter of a human hair, they are devising molecular rulers, derived from interatomic spacings in perfectly ordered crystals.

Standards have become crucial for efficient business entry into emerging technologies. Standards have also become a tool of other nations for creating mercantile trade barriers. NIST's role in setting sound global technology standards is becoming critical to U.S. performance in the global economy.

Information Technology security is fundamental to our electronic infrastructure, and NIST is addressing those challenges with special attention to helping other government agencies to improve the security of their systems.

With tough global competition and a growing productivity gap compared with larger manufacturers, small firms will sorely need even greater the access to a nationwide system of technical and business assistance offered by NIST's Manufacturing Extension Partnership.

The Baldrige criteria for organizational improvement are just taking hold in the education and healthcare sectors, and manufacturers and service firms continue to find these evolving criteria to be effective guideposts to help them meet increasing customer demands for excellence.

The new technologies fostered over the past decade by NIST's cost-sharing of high-risk research through the Advanced Technology Program, will be emerging at a quickening pace over the next several years as companies turn these enabling technologies into marketplace offerings.

As NIST moves into its second century, it is clearly committed to working with industry, building the science, technology and business infrastructure needed to ensure future economic prosperity and a higher quality of life for all Americans. We are building a new economy in this century that is based on innovation. NIST is playing an important role in support of the private sector, in building that new economy.

As with our predecessors a century ago, it is the responsibility of this body to support NIST in meeting those challenges. As NIST celebrates its centennial and looks forward to even greater accomplishments, let us in this body reaffirm our commitment to creating new generations of science, technology, economic growth and security. Congress has played an important role in NIST's first century of success. Now as NIST begins its second century of service to U.S. industry and all Americans, it is Congress' responsibility to keep this treasure a strong resource that will help prepare us for the century ahead.●

HONORING THE FAMILY OF KAYLA ROLLAND

● Mr. LEVIN. Mr. President, there is a family in my home State of Michigan who is to be honored for its courage. The family of Kayla Rolland, the little girl who was shot by her first-grade classmate, has been a source of inspiration to all families who have lost loved ones in gun tragedies.

Despite her own suffering, Kayla's mother, Veronica McQueen, found the strength to speak out to all Americans about her family's tragedy at the Million Mom March. The memory of Kayla and Mrs. McQueen's words of courage helped lead thousands of families from our State to march in Washington for sensible and safe gun laws.

Mrs. McQueen continues to speak out with hope that she can prevent another family from suffering what her family has suffered. Last weekend, as family and friends gathered together to memorialize the one year shooting death of young Kayla, Mrs. McQueen, said:

> I pray to God that by being here and sharing with you our sorrow and grief in some way we have made people more aware of gun and school safety and common sense gun laws and to protect our children from guns and, hopefully, save children from what happened to my special little angel, Kayla. This is so important to us.
>
> It has been a very horrible year for all of us. The pain will not go away. I miss her more as time goes on, but Kayla's behind me. Her spirit is driving me on to help save other children from gun violence, and I hope and pray you all will—help save our children.
>
> In a few days, it will be one year since I lost a piece of my heart with Kayla's death. Please—mother, fathers, sisters, brothers, everywhere—please never forget how my baby died.
>
> Let's always put our children first and speak out for their safety.

I regret that I could not be at the memorial service for Kayla, but I want to assure Mrs. McQueen and her family that I stand by her words and her mission. Kayla will always be in my thoughts and prayers and hopefully she will be the spirit that guides us all to put the safety of children first.

U.S. POSTAL INSPECTION SERVICE

● Mr. AKAKA. Mr. President, I rise today to pay tribute to the exceptional men and women of the U.S. Postal Inspection Service, a premiere Federal law enforcement agency and protector of the U.S. mail. Founded by Benjamin Franklin, the Nation's first postmaster general, it is one of the oldest Federal law enforcement agencies. The Postal

Inspection Service has a long, proud, and successful history of enforcing laws against those who would use the Nation's postal system to defraud, endanger, or otherwise harm the American people.

America has long entrusted her secrets and commerce to the Postal Service. Dedicated postal workers have delivered untold love letters from sweethearts, care packages from home, financial instruments from bankers, and mail-order parcels from merchants. Preserving this trust is the Postal Inspection Service. In days past, Postal Inspectors protected colonial America's post offices from theft and embezzlement and protected the American people from mail fraud swindles following the Civil War. Postal Inspectors solved the last known stagecoach robbery in the United States in 1916 and protected the transfer of the Nation's $15.5 billion gold reserve from New York to Fort Knox in 1934. Postal Inspectors organized the massive military mail system during World War II and protected the priceless Hope Diamond when it was transferred to the Smithsonian Institution in 1958. In recent years, Postal Inspectors have conducted major investigations from Wall Street insider trading to child pornography to international art fraud. The Postal Inspection Service was one of three Federal law enforcement agencies assigned to the Unabomber task force.

As a testament to their reputation and professionalism, postal inspectors were selected by former Senator John Danforth to serve as the primary investigators looking into the confrontation at Waco, TX. In 1996, Postal Inspectors served on the Federal task force investigating the shootout at Ruby Ridge, ID.

In addition to its expertise as a Federal law enforcement agency, the Postal Inspection Service serves as the security arm of the U.S. Postal Service. When natural disasters or civil disorders occur, postal inspectors and postal police officers are among the first to respond, protecting the U.S. mail, postal workers, and property. Immediately following these emergencies, the Postal Inspection Service works with the Federal Emergency Management Agency to re-establish basic Government mail service, and safeguards delivery of the tons of private relief and aid that is often sent through the U.S. mail.

The Service continues to work to preserve America's confidence in the U.S. mail, even as the Internet assumes a prominent role in our society. Just as it has adapted from stagecoach robberies to Wall Street insider trading schemes, the Postal Inspection Service has now set its sights on Internet fraudsters and cyber-criminals who use the U.S. mail as part of their schemes. It is appropriate that the Service is currently giving significant prevention and investigative attention to the issue of identity theft where thieves steal other's identifying information—name, address, date of birth, Social Security number and mother's maiden name—to take over the victim's financial accounts.

Today, there are approximately 2,000 postal inspectors stationed throughout the United States responsible for enforcing more than 200 Federal criminal statutes.

As the ranking Democrat on the Subcommittee on International Security, Proliferation, and Federal Services, I have the privilege of providing legislative support and oversight of this distinguished department. I am continually impressed with the quality and breadth of service they provide the American public. In addition to a large cadre of postal inspectors, the Postal Inspection Service includes uniformed postal police officers, forensic specialists, and a host of other professional and technical employees. I thank the men and women of the Postal Inspection Service, and recognize them in this special way for their outstanding dedication and service to the country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Finance.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "A BLUE PRINT FOR NEW BEGINNINGS: A RESPONSIBLE BUDGET FOR AMERICA'S PRIORITIES"—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and the Budget.

To the Congress of the United States:

With a great sense of purpose, I present to the Congress my budget. It offers more than a plan for funding the Government for the next year; it offers a new vision for governing the Nation for a new generation.

For too long, politics in Washington has been divided between those who wanted big Government without regard to cost and those who wanted small Government without regard to need. Too often the result has been too few needs met at too high a cost. This budget offers a new approach—a different approach for an era that expects a Federal Government that is both active to promote opportunity and limited to preserve freedom.

Our new approach is compassionate:

It will revitalize our public schools by testing for achievement, rewarding schools that succeed, and giving more flexibility to parents of children in schools that persistently fail.

It will reinvigorate our civil society by putting Government on the side of faith-based and other local initiatives that work—that actually help Americans escape drugs, lives of crime, poverty, and despair.

It will meet our Nation's commitments to seniors. We will strengthen Social Security, modernize Medicare, and provide prescription drugs to low-income seniors.

This new approach is also responsible:

It will retire nearly $1 trillion in debt over the next four years. This will be the largest debt reduction ever achieved by any nation at any time. It achieves the maximum amount of debt reduction possible without payment of wasteful premiums. It will reduce the indebtedness of the United States, relative to our national income, to the lowest level since early in the 20th Century and to the lowest level of any of the largest industrial economies.

It will provide reasonable spending increases to meet needs while slowing the recent explosive growth that could threaten future prosperity. It moderates the growth of discretionary spending from the recent trend of more than six percent to four percent, while allowing Medicare and Social Security to grow to meet the Nation's commitments to its retirees.

It will deliver tax relief to everyone who pays income taxes, giving the most dramatic reductions to the least affluent taxpayers. It will also give our economy a timely second wind and reduce the tax burden—now at the highest level as a percentage of Gross Domestic Product since World War II.

Finally, this new approach begins to confront great challenges from which Government has too long flinched. Social Security as it now exists will provide future beneficiaries with the equivalent of a dismal two percent real rate of return on their investment, yet the system is headed for insolvency. Our new approach honors our commitment to Social Security by reserving every dollar of the Social Security payroll tax for Social Security, strengthening the system by making further necessary reform feasible.

Medicare as it exists does not adequately care for our seniors in many ways, including the lack of prescription drug coverage. Yet Medicare spending already exceeds Medicare taxes and premiums by $66 billion this year, and Medicare will spend $900 billion more than it takes in over the next 10 years. Reform is urgently needed. Our new approach will safeguard Medicare by ensuring that the resources for reform will be available.

New threats to our national security are proliferating. They demand a rethinking of our defense priorities, our force structure, and our military technology. This new approach begins the work of restoring our military, putting investments in our people first to recognize their importance to the military of the future.

It is not hard to see the difficulties that may lie ahead if we fail to act promptly. The economic outlook is uncertain. Unemployment is rising, and consumer confidence is falling. Excessive taxation is corroding our prosperity. Government spending has risen too quickly, while essential reforms, especially for our schools, have been neglected. And we have little time before the demographic challenge of Social Security and Medicare becomes a crisis.

We cannot afford to delay action to meet these challenges. And we will not. It will demand political courage to face these problems now, but I am convinced that we are prepared to work together to begin a new era of shared purposes and common principles. This budget begins the work of refining those purposes and those principles into policy—a compassionate, responsible, and courageous policy worthy of a compassionate, responsible, and courageous Nation.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2001*.

MESSAGE FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 14) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, and the order of the House of Wednesday, February 14, 2001, the Speaker on Thursday, February 15, 2001 appointed the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Co-chairman, Mr. WOLF of Virginia, Mr. PITTS of Pennsylvania, Mr. WAMP of Tennessee, and Mr. ADERHOLT of Alabama.

The message further announced that pursuant to section 8002 of the Internal Revenue Code of 1986, the Committee on Ways and Means designated the following Members to serve on the Joint Committee on Taxation for the 107th Congress: Mr. THOMAS, Mr. CRANE, Mr. SHAW, Mr. RANGEL, and Mr. STARK.

The message also announced that pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), the Speaker appoints the following Members of the House of Representatives to be accredited by the President as official advisers to United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the 107th Congress: Mr. THOMAS of California, Mr. CRANE of Illinois, Mr. SHAW of Florida, Mr. RANGEL of New York, and Mr. LEVIN of Michigan.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 39. Concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 39. Concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–830. A communication from the Acting General Counsel for the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Report of Tabulation of Population to States and Localities Pursuant to 13 USC 141(c) and Availability of Other Population Information; Revocation of Delegation of Authority'' (RIN0607–AA33) received on February 21, 2001; to the Committee on Governmental Affairs.

EC–831. A communication from the Acting Director of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a report containing the list of government activities not inherently governmental in nature for the year 2000; to the Committee on Governmental Affairs.

EC–832. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–579, ''Anthony W. Simms Tunnel Designation Act of 2000''; to the Committee on Governmental Affairs.

EC–833. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–581, ''Freedom of Information Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–834. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–578, ''Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–835. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–573, ''Public Access to Automated External Defibrillator Act of 2000''; to the Committee on Governmental Affairs.

EC–836. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–575, ''Individuals with Disabilities Parking Reform Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–837. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–602, ''Galen Tait Memorial Park Designation Act of 2000''; to the Committee on Governmental Affairs.

EC–838. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–601, ''Closing of a Public Alley in Square 741, S.O. 00–82, Act of 2000''; to the Committee on Governmental Affairs.

EC–839. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–600, ''Uniform Child-Custody Jurisdiction and Enforcement Act of 2000''; to the Committee on Governmental Affairs.

EC–840. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 10–594, ''Tree Protection Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–841. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–598, ''Closing of a Public Alley in Square 209, S.O. 2000–37, Temporary Act of 2001''; to the Committee on Governmental Affairs.

EC–842. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–596, ''Fire/EMS Excepted Service Designation Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–843. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–592, ''Motor Vehicle and Safe Driving Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–844. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–574, ''Technical Amendments Act of 2000''; to the Committee on Governmental Affairs.

EC–845. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–577, ''Fair Phone Charges for Prisoners Act of 2000''; to the Committee on Governmental Affairs.

EC–846. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–582, ''Waverly Alley Designation Act of 2000''; to the Committee on Governmental Affairs.

EC–847. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–588, ''John T. 'Big John' Williams Building Designation Temporary Act of 2000''; to the Committee on Governmental Affairs.

EC–848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–589, ''Necessity for Council Review and Approval of Standards for Public Art on Special Signs in the District of Columbia Temporary Act of 2001''; to the Committee on Governmental Affairs.

EC–849. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 13–591, ''Harry L. Thomas, Sr., Recreation Center Designation Act of 2000''; to the Committee on Governmental Affairs.

EC–850. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–583, ''Closing of a Public Alley in Square 209, S. O. 2000–37, Act of 2000''; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 31: An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry.

From the Committee on Foreign Relations, without amendment:

S. Res. 32: An original resolution authorizing expenditures by the Committee on Foreign Relations.

From the Special Committee on Aging, without amendment:

S. Res. 33: An original resolution authorizing expenditures by the Special Committee on Aging.

From the Committee on Environment and Public Works, without amendment:

S. Res. 34: An original resolution authorizing expenditures by the Committee on Environment and Public Works.

From the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 35: An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

From the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 36: An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

From the Committee on Finance, without amendment:

S. Res. 37: An original resolution authorizing expenditures by the Committee on Finance.

From the Committee on Armed Services, without amendment:

S. Res. 38: An original resolution authorizing expenditures by the Committee on Armed Services.

From the Committee on Rules and Administration, without amendment:

S. Res. 39: An original resolution authorizing expenditures by the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WARNER. Mr. President, for the committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated.

Air Force nomination of Robert V. Garza, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Linda M. Christiansen and ending Robert M. Monberg, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning *Charles G. Beleny and ending Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Jay O. Aanrud and ending *Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Marcus G. Coker, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Eugene K. Ressler, Jr., which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Kenneth W. Smith, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Timothy I. Sullivan, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Virginia G. Barham and ending James C. Butt, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Felix T. Castagnola and ending Aaron R. Kenneston, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning William P. Blaich and ending Ira K. Weil, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Gregory O. Block and ending Robert D. Teetsel, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Moses N. Adiele and ending Horace J. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Norman F. Allen and ending Daria P. Wollschlaeger, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Stephen C. Allison and ending Stacey YoungMccaughan, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations of Robert M. Nagle, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning James M. Ivey and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2001.

Army nomination of Steven L. Powell, which was received by the Senate and appeared in the Congressional Record on January 13, 2001.

Army nomination of Mark R. Withers, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Army nominations beginning Danny W. Agee and ending Ronald K. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Army nominations beginning Arthur D. Bacon and ending Richard T. Vann, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Paul D. Wolfowitz, of Maryland, to be Deputy Secretary of Defense.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

TO BE VICE ADMIRAL

Rear Adm. Albert H. Konetzni, Jr., 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

TO BE VICE ADMIRAL

Rear Adm. Timothy W. LaFleur, 0000.

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

TO BE REAR ADMIRAL

Rear Adm. (lh) James S. Allan, 0000.
Rear Adm. (lh) Howard W. Dawson, Jr., 0000.
Rear Adm. (lh) Karen A. Harmeyer, 0000.
Rear Adm. (lh) Maurice B. Hill, Jr., 0000.
Rear Adm. (lh) James M. Walley, Jr., 0000.

Navy nomination of Kevin D. Sullivan, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of Stephen L. Cooley, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of Brian J.C. Haley, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of William J. Nault, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of James P. Scanlan, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination beginning Douglas J. Adams and ending Gregory J. Zacharski, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of Mark R. Munson, which was received by the Senate and appeared in the Congressional Record on February 3, 2001.

Navy nomination of Thomas F. Kolon, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of Bernadette M. Semple, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of John D. Carpenter, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of Darren S. Harvey, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of Travis C. Schweizer, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nominations beginning Francis R. Baucus and ending Scott W. Stuart, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Marine Corps nominations beginning Ronald S. Culp and ending Christopher J. Loria, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

(The above nominations were reported with the recommendation that they be confirmed.)

Marine Corps nominations beginning Educardo A. Abisellan and ending Richard D.

Zyla, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

By Mr. GRASSLEY for the Committee on Finance.

Mark A. Weinberger, of Maryland, to be an Assistant Secretary of the Treasury.

John M. Duncan, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. DURBIN):

S. 409. A bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAPO:

S. 410. A bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, Mr. WELLSTONE, Mrs. CLINTON, Mr. CORZINE, Mr. LEAHY, Mr. DODD, Mr. KOHL, Mr. SARBANES, Mr. EDWARDS, Mr. TORRICELLI, Mr. HARKIN, Mr. REED, Mr. BIDEN, Ms. CANTWELL, Mr. DURBIN, Ms. STABENOW, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, and Mr. WYDEN):

S. 411. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 412. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. DODD):

S. 413. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, and Mr. BREAUX):

S. 414. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. GRASSLEY):

S. 415. A bill to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. DEWINE, Mrs. BOXER, and Mr. KOHL):

S. 416. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Ms. MIKULSKI):

S. 417. A bill to amend section 203 of the National Housing Act to provide for 1 percent downpayments for FHA mortgage loans for teachers and public safety officers to buy homes within the jurisdictions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S. 418. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 419. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 31. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. CRAIG:

S. Res. 33. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. SMITH of New Hampshire:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. MCCAIN:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. GRASSLEY:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. WARNER:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. SANTORUM:

S. Con. Res. 19. A concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 38

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 131

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 149

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 161

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Ms. STABENOW), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 161, a bill to establish the Violence Against Women Office within the Department of Justice.

S. 168

At the request of Mr. BROWNBACK, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 168, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan.

S. 177

At the request of Mr. AKAKA, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 220

At the request of Mr. GRASSLEY, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Delaware (Mr. BIDEN), and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 220, a bill to amend title 11, United States Code, and for other purposes.

S. 267

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 272

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 272, a bill to rescind fiscal year 2001 procurement funds for the V–22 Osprey aircraft program other than as necessary to maintain the production base and to require certain reports to Congress concerning that program.

S. 275

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Georgia (Mr. MILLER), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Dakota (Mr. CONRAD), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 295

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 327

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 332

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 332, a bill to provide for a study of anesthesia services furnished under the medicare program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. SMITH), the Senator from Georgia (Mr. CLELAND), the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 351

At the request of Ms. COLLINS, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 388

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 389

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 393

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 397

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 397, a bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under the Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 17

At the request of Mr. SARBANES, the names of the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. RES. 20

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 20, a resolution designating March 25, 2001, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as ''National Safe Place Week.''

S. RES. 29

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Res. 29, a resolution honoring Dale Earnhardt and expressing condolences of the United States Senate to his family on his death.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. DURBIN):

S. 409. A bill to amend title 38, United States Code, to clarify the standards for compensation of Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator DURBIN of Illinois to offer legislation on a very important issue for those men and women who served during the Persian Gulf War. A companion bill was introduced in the House by Congressman MANZULLO from Illinois. This bill will amend the Persian Gulf War Veterans' Benefits Act, title I of Public Law 103–446. That law provides for the payment of compensation to Persian Gulf veterans suffering from a chronic disability resulting from an undiagnosed illness or a combination of undiagnosed illnesses. This bill will extend the presumptive period from December 31, 2001 to ''from December 31, 2011 or such a later date as the Secretary may prescribe by regulation.'' Additionally, the bill further expands the definition of an undiagnosed illness and gives a comprehensive list of signs or symptoms that may be manifestation of an undiagnosed illness such as fatigue, muscle pain, joint pain, gastrointestinal signs and symptoms to name a few. Today, 10 years after the end of the Persian Gulf War many of our veterans are suffering from undiagnosed illnesses.

President Bush in a speech titled ''Our Debt of Honor'' on November 10, 1999, Veterans Day, said of our Persian Gulf War Veterans, ''They should not have to go to elaborate lengths to prove that they are ill, just because their malady has yet to be fully explained. A 1994 law was passed to grant them the presumption of disability. Yet even now they are met with skeptical looks and paper-shuffling excuses for withholding coverage. If I have anything to say about it, all that is going to end. In the military, when you are called to account for a mistake, you are expected to give one simple answer: ''No excuse, sir.'' And that should be the attitude of any government official who fails to make good on our public responsibilities to veterans. There are no excuses for it.

Of the nearly 700,000 U.S. military personnel who served in the Persian Gulf in 1990 and 1991, more than 100,000 have complained of an array of symptoms that have become known as the Gulf War Syndrome. These symptoms include chronic fatigue, muscle and joint pain, memory loss, sleep disorders, depression and concentration problems among others. Approximately 9,000 of those were denied claims under the 1994 law.

There are some who question whether or not such a syndrome actually exists and many continue to theorize that these symptoms are largely psychological and brought about by post-traumatic stress. I believe the evidence is increasingly clear that this is not stress related. We have an obligation to ensure Gulf War veterans are properly diagnosed and treated effectively and compensated for any service connected disabilities.

What we do know is that our veterans were exposed to a host of pharmaceuticals, chemicals and environmental toxins. Indeed those who served were apparently exposed to some veritable witch's brew of known and potential hazards to health including blowing dust and sand particles, smoke from oil well fires, petroleum fuels and their combustion products, possible exposure to chemical warfare nerve agents and biological warfare agents, pyridostigmine bromide pills to protect against organophosphate nerve agents, insecticides, vaccinations, infectious diseases, depleted uranium, and psychological and physiological stress.

This bill will be a step in the right direction and is the way to help repay our debt to these veterans. Not only is it the right thing and fair thing to do, but during these times of increased deployments and personnel shortages, it is in our national interest to continue to show our dedicated service members that we appreciate their sacrifice and commitment.

I commend the Senator from Illinois for his support on this issue and urge other Senators to join us in this effort.

By Mr. CRAPO:

S. 410. A bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise today to introduce legislation that is an important step in continuing to recognize the victims of dating violence. The bill I am introducing today would allow victims of dating violence to qualify for federal legal assistance grants authorized under the Violence Against Women Act.

Dating violence is a predominately little-known and misunderstood aspect of domestic violence. Historically, domestic violence laws have only been applied in cases where the victims have been married or cohabitating with the abuser, or where the couple shares a child together. Unfortunately, this criteria ignores the equally dangerous violence that can occur in dating relationships. Victims of domestic violence are victims regardless of their relationship to the abuser. These victims face the same trauma and the same manipulation as every other domestic violence victim. As Congress focuses its attention on providing necessary assistance to the states for prevention and treatment of domestic violence, we must not allow victims of dating violence to be left behind.

The lack of recourse for victims of dating violence was brought to my attention through a tragic incident in my home State of Idaho. In December 1999, Cassie Dehl, a seventeen-year-old girl from Soda Springs, Idaho, was killed in an accident involving her abusive boyfriend. Despite documentation of years of vicious and life-threatening abuse, Cassie's parents were unable to obtain legal protection for their daughter because neither Federal or Idaho domestic violence law applied to teenage dating relationships. Although the abuse was evident and the need for assistance was clear, no one was able to offer Cassie the help that was needed to prevent this senseless act.

Last year, Congress overwhelmingly reauthorized a number of important domestic violence programs under the Violence Against Women Act. In addition to continuing the existing programs, the VAWA reauthorization included two new provisions of particular importance. First, a legal definition of dating violence was created, the first such definition under federal law. Secondly, a new grant program to provide civil legal assistance to victims of domestic violence was authorized. Unfortunately, while many of the existing VAWA programs were expanded to include dating violence, the new legal assistance grant was not. My legislation will correct this discrepancy.

The victims of dating violence require and deserve the same legal assistance given to other victims of domestic violence. The ability to obtain a legal protection order or pursue other legal remedies can be the difference in a victim being able to break the cycle of oppressive abuse and regain control of their life. Under my legislation, victims of dating violence will have the same legal standing as all other victims of domestic violence when seeking civil legal assistance.

I applaud Congress for coming together last year to bring attention to the continuing problem of domestic violence. In order to build upon the advances we made last year, I urge my colleagues to support my legislation that takes another step toward achieving an equal status for victims of dating violence.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended—

(1) in subsection (a), by inserting ''dating violence,'' after ''domestic violence,'';

(2) in subsection (b)—

(A) by inserting before paragraph (1) the following:

''(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph, by inserting ''dating violence,'' after ''domestic violence,'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting—

(i) '', dating violence,'' after ''domestic violence''; and

(ii) ''dating violence,'' after ''domestic violence,'';

(B) in paragraph (2), by inserting ''dating violence,'' after ''domestic violence,''; and

(C) in paragraph (3), by inserting ''dating violence,'' after ''domestic violence,'';

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', dating violence,'' after ''domestic violence'';

(B) in paragraph (2), by inserting '', dating violence,'' after ''domestic violence'';

(C) in paragraph (3), by inserting '', dating violence,'' after ''domestic violence''; and

(D) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)(2)(A), by inserting ''dating violence,'' after ''domestic violence,''.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, Mr. WELLSTONE, Mrs. CLINTON, Mr. CORZINE, Mr. LEAHY, Mr. DODD, Mr. KOHL, Mr. SARBANES, Mr. EDWARDS, Mr. TORRICELLI, Mr. HARKIN, Mr. REED, Mr. BIDEN, Ms. CANTWELL, Mr. DURBIN, Ms. STABENOW, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, and Mr. WYDEN):

S. 411. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I am pleased today to introduce, along with 23 of my colleagues, legislation to protect forever the Arctic National Wildlife Refuge from oil exploration and other potentially harmful development. Our legislation will bequeath, undisturbed, the vital heart of America's greatest, most pristine wilderness ecosystem and wildlife sanctuary to future generations.

Advocates of drilling offer the Refuge as a quick fix for our country's energy woes and a long-term solution to our debilitating dependence on foreign oil. It is neither.

Proponents of drilling argue that there is a princely sum of black gold lying beneath the Refuge. But not according to the scientific experts of the U.S. Geological Survey, who in a 1998 study determined that a six to eight-month supply of oil would likely be recovered from the Refuge over its 50-year lifespan because most of the oil there is simply too expensive to extract. This is not the low end estimate; it is the most likely one. And not a drop of oil would emerge from ANWR for about 10 years. This is hardly the answer to our energy needs, now or in the future.

In fact, the only thing we know for certain about drilling in the Refuge, as a result of years of analysis and experience, is that it would immeasurably and irreversibly damage one of the last preserves of its kind in the world. To drill for oil in the Arctic Refuge is like chopping down the California Redwoods for firewood, or capping Old Faithful for geothermal power, or damming the Grand Canyon for hydroelectric power, unthinkable acts because the cost in lost natural treasures is obviously too high.

To judge the environmental threat, listen to the ecologists and biologists who have extensively studied the impact of drilling, not to the politicians. Scientific analyses by the U.S. Fish & Wildlife Service have concluded that drilling would severely harm the refuge's abundant populations of caribou, polar bears, musk oxen, and snow geese.

Advocates of drilling claim that these concerns are grossly exaggerated because drilling would only impact an area the size of an airport. But what they don't tell you is that this ''airport'' has terminals outside that spread all over the Refuge. A spider web of infrastructure, including hundreds of miles of roads and pipelines, production facilities, ports, and housing and services for thousands of people would be required. As was recently said on ''60 Minutes,'' it would be ''urban sprawl on the tundra.''

The probable environmental consequences of drilling also go well beyond the animals of the North Slope. The Trans-Alaska and Prudhoe Bay oil fields have averaged more than 400 spills a year of everything from crude oil to acid, including an oil spill of approximately 9,000 barrels just last week. Current oil operations on Alaska's North Slope emit tons of harmful pollutants every year which cause smog and acid rain and contribute to global warming.

And that gets to the larger point. We have a long-term energy problem in America, but drilling in the Arctic Refuge will not help solve it. In fact, drilling in the Arctic deludes us into thinking we can oil-produce our way out of our energy problem. We can't because nature has left us with too little oil within our control to meet our needs. We must draw what we can from our own resources in an environmentally-protective way.

But, in the end, that will not be enough. To become more energy independent and environmentally-protective, we must also conserve, we must be more efficient, use alternative energy sources and rapidly develop new technologies like fuel cells.

That is why we want to protect the Arctic Refuge, and why we will fight all attempts to drill there for oil with any legislative weapon we possess, including a filibuster in the Senate.

In short, for the sake of America's energy and environmental future, we are once again today drawing a line in the Arctic tundra. We will do everything necessary to protect it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).''.

Mr. FEINGOLD. Mr. President, I have joined with the Senior Senator from Connecticut, Mr. LIEBERMAN, as a co-sponsor of legislation he has introduced today to designate the coastal plain of the Arctic Refuge as a wilderness area. I have been a co-sponsor of this bill since I became a member of this body. I am concerned that Congress will be forced to consider whether or not to drill on the coastal plain of the Refuge before we take substantive action about whether or not the area should be designated as wilderness. Establishment of drilling on the coastal plain would be allowing a use on the coastal plain that is generally considered to be incompatible with areas designated as wilderness under the Wilderness Act. I want my colleagues to be aware that this is the situation, and that we are not going to increase the supply of oil in the near term, or reduce today's high gasoline or other high energy prices by drilling in the Refuge. I fear that drilling in the Refuge is being promoted not to help us address our current energy situation. As a member of Budget Committee I fear that this idea is again being proposed so that we can reaping the revenue from the leasing of the coastal plain so that we can entertain large tax cuts.

Second, I oppose drilling in the Refuge because it does not advance our domestic energy security. I cannot believe that the American people want energy security at the expense of the protection of a substantial asset such as the Arctic Refuge's coastal plain. I stand ready to work to find other sources of energy, to use existing sources more efficiently, to address consumption and to promote sustainable sources.

Third, I oppose drilling in the Refuge because of its potential impact upon existing wilderness, that's right existing wilderness which has already been designated in the Arctic Refuge. East of the coastal plain are 8 million acres that have already been designated as wilderness. We have had very little discussion about the impact of drilling in the Refuge on areas we have already designated and I want colleagues to be aware that the drilling question threatens not only our ability to make future wilderness designations in the Refuge but also could endanger areas that we believed had already protected in the public trust.

I want to speak today specifically to colleagues who may be considering the potential of possible oil discoveries in the Arctic National Wildlife Refuge in light of current high oil prices. Colleagues should keep in mind that the Senate's consideration of the coastal plain as a source of oil is not triggered by any new developments or changes in the geology or economics that affect potential development of Arctic resources. The United States Geological Survey has already re-considered those factors in its 1998 re-assessment of the Arctic Refuge coastal plain's oil potential. Rather, the current discussion, in my view, is prompted by the rhetoric and opportunistic efforts of those interests that have long advocated drilling in the Arctic Refuge, to exploit public concern about the current high prices of domestic heating oil, aviation gas and motor fuels.

First, I want to address the issue, at the forefront of many of my colleagues' minds, of whether drilling in the Arctic Refuge constitutes a meaningful or appropriate response to the fact that the U.S. oil production is declining and exports are increasing. To answer that question, I want to review some import, export and consumption data compiled by two federal agencies, the Energy Information Agency and the Maritime Administration.

I'm sure it will not surprise my colleagues that the last two decades have been marked by a steady decline in total domestic crude oil production, which includes crude oil plus natural gas liquids. Moreover, after a decline in petroleum consumption during the 1980s, oil use is again on the rise. In addition during the 1989–99 period, North Slope production declined from 1.885 million barrels per day to approximately 1.06 million barrels per day; the North Slope thus accounted for three quarters of the total domestic production decline which was a 1.105 million barrels per day decline in production during this period.

At the same time that imports are increasing, U.S. export of oil products and crude oil totals nearly 1.0 million barrels per day. Of that total, most, approximately seven barrels out of eight, is refined product. As far as crude exports are concerned, Maritime Agency data indicate that export of Alaska North Slope crude in 1999 averaged about approximately 7.1 percent of total Alaska North Slope production.

These data point to the complicated, transnational nature of the world petroleum market, a market in which the U.S. continues to export nearly a million barrels of petroleum products per day, nearly 5 percent of total consumption. In light of the fact that we exist in a global economy, the United States is not likely to be able to produce its way out of the current petroleum shortages. When one looks at the fact that the Middle East possesses the preponderance of world oil reserves, it becomes clear that concerns about increasing use of imported oil might be better addressed by decreasing consumption through conservation and the switch to alternative energy sources.

In addition, we have heard, over the course of several debates here on the floor, that the Arctic Refuge has the ''potential'' of yielding 16 billion barrels of oil. I also wanted to address the issue of the likelihood that 16 billion barrels of oil will be discovered beneath the coastal plain of the Arctic Refuge. First of all, that figure represents the outside limit of probabilities for an assessment area that includes the area of the Arctic Refuge coastal plain currently barred from drilling, plus adjacent areas where exploration has taken place. When one just examines the area within the Arctic Refuge that is under consideration, the correct low-probability estimate of oil is 11.8 billion barrels of undiscovered oil , 25 percent less than the 16 billion barrel figure we have heard to date. A field capable of that production has been discovered only once on this continent, at Prudhoe Bay. Moreover, despite recent advances in exploration technology, the U.S. Geological Survey has abandoned the notion of finding a super-giant field and looks instead to the possibility of discovering several much smaller fields beneath the coastal plain of the Arctic Refuge. Rather, the USGS assigns a probability of 5 percent or one chance in twenty, to the possibility that a field of that magnitude will be discovered. The mean estimate for technically recoverable oil is considerably lower and the figure for oil that is economically recoverable is lower still. In fact, the USGS concluded that it would expect to find four fields scattered across the refuge capable of producing, altogether, approximately 3.2 billion barrels of oil, one fifth the amount of oil that we have heard might be available.

However, even if one accepts a higher number for the coastal plain's petroleum potential, members of this body need seriously to consider whether there is any connection between oil that might be found in the Arctic Refuge and the current high prices of petroleum products. I feel, simply, that the Arctic Refuge is not a solution to the current situation.

For starters, it might take a decade to bring to market any oil that might be discovered in the Arctic Refuge. Exploration, discovery and assessment, field design and installation and pipeline design and construction are all time-consuming endeavors. The people of Wisconsin want lower gas prices now, not ten years from now.

Moreover, the price of oil is determined by global supply and demand factors, not by the presence or absence of an individual oil field. Consider the

case of Prudhoe Bay. In 1976, the year before the nation's largest oil field, the largest ever discovered in North America entered production, a barrel of West Texas intermediate crude oil sold for $12.65 and standard gasoline averaged $0.59 per gallon. Two years later, with Prudhoe Bay adding more than a million barrels per day to domestic supply in 1978, West Texas crude had increased by more than 15 percent, to $14.85 per barrel, and gasoline averaged nearly $0.63 per gallon. During the next two years, as Prudhoe production increased, oil prices skyrocketed to $37.37 per barrel, while gasoline nearly doubled, to $1.19 per gallon. In 1985, with Prudhoe Bay and Kuparuk both operating at full throttle, a barrel of West Texas crude sold for more than $28.00 per barrel and gasoline averaged $1.12 per gallon.

So Mr. President, if drilling may impair our ability to make a decision about the wilderness-qualities of the Refuge in the future, if the Refuge does not contain as much oil as we thought, and if opening the coastal plain to drilling may do little to impact our current domestic prices, why are we considering doing so? The facts don't point toward drilling in the Refuge: the Refuge may not contain as much oil as we think, and opening the coastal plain to drilling may have only a minor impact on our current domestic prices.

Finally, I have concerns about the arguments that I have heard in recent days that oil drilling and environmental protection are compatible. Only days ago I was traveling through the Niger Delta region of Nigeria by boat, where I observed firsthand the environmental devastation caused by the oil industry. The terrible stillness of an environment that should be teeming with life made a very powerful impression on me. These are the same multinational companies that have access to the same kinds of technologies, and though they are operating in a vastly different regulatory regime, I was profoundly struck by the environmental legacy of oil development in another ecologically rich coastal area.

For these reasons, I support my colleague from Connecticut. I appreciate the fundamental concern that we need to develop a new energy strategy for this country. However, I disagree strongly when drilling would occur in this particular location which I feel is deserving of wilderness designation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 412. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I rise today with Senator RICHARD LUGAR to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation creates an additional temporary judgeship for the Southern District of Indiana to help ease the strain that has resulted from an extremely heavy caseload of civil and criminal litigation.

The Southern District is in dire need of an additional judge. Last year, the District's caseload was much higher than the national average and greater than any other court in the Seventh Circuit. In fact, there were 599 filings per judge, a number almost twenty percent greater than the national average of 474.

In addition to an increase in the number of criminal cases filed in recent years, the Federal Bureau of Prisons death row, located at the United States Penitentiary in Terre Haute, IN, is in the Southern District and houses approximately twenty-one inmates currently under a federal sentence of death. Hence, the Southern District also must be able to manage the habeas corpus petitions that are typically filed by death row inmates.

Further, our State capital of Indianapolis is located in this district, and as a growing urban center, is significantly contributing to the number and complexity of the cases before the Southern District. Federal and local law enforcement are aggressively prosecuting drug crimes, but if we expect them to succeed in making our communities safer, we must give them the tools they need. An additional judgeship for the Southern District would be one such tool.

There is wide support for an additional judgeship in this district. As early as 1996, the Judicial Conference recommended to Congress that the Southern District of Indiana receive a new temporary judgeship. In 1999, the Judicial Conference again urged Congress to create a temporary judgeship for this district. The legislation Senator LUGAR and I introduce today follows this recommendation and aims to aid the Southern District in the timely and efficient adjudication of its cases. I urge my colleagues to give this legislation their serious consideration and support.

Mr. LUGAR. Mr. President, I rise today with Senator EVAN BAYH to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation will help remedy the strain experienced by the Federal Court for the Southern District of Indiana from its extremely heavy caseload.

The Southern District's caseload far exceeds the national average and is more than any other district court in the 7th Circuit. Indeed, the most recent report of the Judicial Business of the United States Courts indicates that the Southern District had 599 filings per judge, compared to a national average of 474. Over the last 10 years, the area of Indiana comprising the Southern District has seen explosive population growth, the designation of the penitentiary at Terre Haute, IN, as the place of confinement for those sentenced to death under federal law, and a large increase in the amount of multi-district litigation. Yet, despite these changes, Indiana has not had a new judgeship added since 1990. I am pleased, therefore, to join with Senator BAYH to help ensure that the delivery of justice is unimpeded.

There is wide agreement about the need for this additional judgeship, and the Judicial Conference of the United States has called upon Congress since 1996 to add a temporary judge to the Southern District. I urge my colleagues to support this legislation.

By Mr. COCHRAN (for himself and Mr. DODD):

S. 413. A bill to amend part F of title X of the Elementary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut, Mr. DODD, has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

''We the People . . . The Citizen and the Constitution,'' has proven to be a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of professionals as well as community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital. I am proud that Ocean Springs High School will be representing Mississippi at this year's competition in April.

The 32nd Annual Phi Delta Kappa/Gallup Poll of 2000 indicated that preparing students to become responsible citizens was one of the most important purposes of public schools. The popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning.

Studies by the Education Testing Service have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

In addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which links American civic educators with counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Last year, Mississippi became the latest state to participate in this important international exchange program. Ms. Susie Burroughs, Mississippi's Civic Education program director, joined the exchange program to Hungary and helped train Hungarian teachers in lessons of democracy. Under Ms. Burroughs direction, more Mississippi teachers than ever began participation in the We the People program.

We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

Mr. DODD. Mr. President, I rise to join my friend and colleague from Mississippi, Senator COCHRAN, in introducing the Education for Democracy Act.

The Education for Democracy Act reauthorizes grants to The Center for Civic Education to provide a course of instruction on Constitutional principles and history and on the roles of State and local governments in the Federal system, and, in coordination with the National Council on Economic Education, curriculum and teacher training programs in civics, government, and economics for teachers from many foreign countries.

The strength of our democracy comes from the informed participation of citizens, whether voting in an election, spending time on jury duty, volunteering for community service, or simply keeping aware of current affairs. The purpose of this bill is to improve the quality of civics and government education, and to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

Thomas Jefferson said: ''I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.'' In addition to offering instruction in the core subject areas, it is essential that our schools prepare our children to be informed, effective, and responsible citizens.

Comprehension of and commitment to democratic values is of particular consequence for every American. The values, principles, and beliefs that we share not only have provided a foundation for the stability of our government, they have spurred efforts by individuals and groups which have brought us closer to realizing our goal of liberty and justice for all.

College freshmen in 1999 demonstrated the lowest levels of political interest in the 22-year history of surveys conducted by the Higher Education Research Institute at the University of California at Los Angeles. That finding should serve as a warning to protect our democracy by ensuring that our children receive instruction in civic education.

Our founding documents, the Declaration of Independence and the Constitution, proclaim that ultimate political authority rests with the people, who have the power to create, alter, or abolish government. As wielders of such awesome power, it is imperative that the people, all the people, be educated to exercise their power judiciously.

The programs for teachers from other countries also are of great importance. America's greatness and power flow from our democratic principles. Exporting those principles will promote human rights and ensure international stability.

Senator DOMENICI and I recently introduced the Strong Character for Strong Schools Act to help expand States' and schools' ability to make character education, including civics education, a central part of every child's education. I think that good citizenship is an essential part of good character, and I ask my colleagues to join Senator COCHRAN and me in support of the Education for Democracy Act.

By Mr. CLELAND (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, and Mr. BREAUX):

S. 414. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Mr. President, last October the U.S. Department of Commerce published its latest report on Internet access in the United States. According to the Department's Falling Through the Net: Toward Digital Inclusion, more Americans than ever are connected to the Internet and groups that have traditionally been digital ''have nots'' are making significant gains. Although a record number of Americans have Internet access, the report concludes that a ''digital divide'' still exists ''between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual-parent families, and those with and without disabilities.''

Increasing numbers of Americans are using the Internet to vote, shop, pay bills, take education courses, and acquire new skills. Now more than ever it is critical that all Americans have the tools necessary for full participation in the Information Age economy. However, the Commerce report finds that in some cases, the digital divide has expanded over the last 20 months. For example, the gap in Internet access rates between African American households and the nation as a whole is now 18 percent, 3 percent more than in December 1998. And the gap in Internet access between Hispanic households and the national average is 17.9 percent, 4.3 percent more than it was 20 months ago.

America's higher education institutions are demonstrating similar trends, persistent inequities in a generally improving picture. Last year the Department of Commerce teamed up with the National Association for Equal Opportunity in Higher Education, NAFEO, to undertake, for the first time ever, an in-depth study of Internet access at Historically Black Colleges and Universities, HBCUs, across America. The result was the landmark Historically Black Colleges and Universities: An Assessment of Networking and Connectivity. The report found that 98 percent of the 80 HBCUs surveyed had basic access to the Internet, World Wide Web, and campus networks. At the same time, however, the report also found ''serious areas of digital divide in student access, high-speed connectivity and insufficient infrastructure.''

In particular, the Commerce study reported that fewer than 25 percent of HBCU students, or only 1 out of every 4, personally own computers, compared to 49 percent of students in institutions of higher education as a whole. Further, only two HBCUs, or 3 percent, indicated that financial aid was available to help their students close the ''computer ownership gap.'' In addition, half of the HBCU campuses surveyed did not provide student access to computing resources at a critical location—the campus dormitory. And most of the campuses lacked high-speed connectivity to the Internet and World Wide Web, a key area and one that the report speculated may ''restrict HBCUs from making the digital leap into the 21st Century.'' In regard to rural, private HBCUs, the Commerce report found ''a significant technology gap.''

There have been to date no published studies of Internet-connectivity at either Hispanic-Serving Institutions, HSIs, or Tribal Colleges and Universities which are comparable to the October 2000 U.S. Department of Commerce report. Nevertheless, we have hard data which point to this alarming conclusion: Serious digital divide issues exist which affect the ability of Minority-Serving Institutions, MSIs, to be competitive with other institutions of higher learning in the Information Age. With their high level of poverty, and with only 8 percent of all American Indian households having Internet access, Jose C. de Baca, executive director of the American Indian Science and Technology Education Consortium, says that ''American Indians are the ethnic group most likely to

be caught on the wrong side of the digital divide.'' Tribal Colleges offer an important technology opportunity for these isolated American Indian reservation communities. However, studies show that while most U.S. universities need access to T–3 lines for necessary research and data flow, only one Tribal College currently has access to that bandwidth. Moreover, less than half of the Tribal Colleges can access smaller T–1 lines and this access is sporadic. In fact, many Tribal Colleges are not even networked to provide intra-campus e-mail service (''Circle of Prosperity: A Vision for the Technological Future of Tribal Colleges and American Indians'').

Similarly, Hispanic-Serving Institutions can have a powerful impact on the Digital Divide in the Hispanic community, but in testimony to the Congressional Web-based Education Commission, Dr. Antonio Perez, representing the Hispanic Association of Colleges and Universities, HACU, stated that there is an acute shortage of Hispanic faculty in the areas of information technology. According to the Computing Research Association Taulbee Survey of institutions granting doctoral degrees in computer science and computer engineering, only two percent of the Computer Science and one percent of the Computer Engineering Ph.D. recipients were Hispanics for 1998–1999. Dr. Perez stated that this proportion ''typifies Hispanic and minority professional participation in Information Technology in general,'' and in his testimony he underscored the need for federal assistance if Hispanic-Serving Institutions are to become ''equal partners'' in this new Information Age.

In an effort to address the technology gap that exists at Minority-Serving Institutions across the country, today I am joined by my distinguished colleagues, Senator HOLLINGS, Senator STEVENS, and Senator INOUYE, in introducing the National Technology Instrumentation Challenge Act. This legislation would create a new grant program within the Department of Commerce, the center of technological expertise and innovation in the federal government. Our bill would provide up to $250 million to help Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities bridge the Digital Divide. The grant money could be used for such activities as campus wiring, equipment upgrade, technology training, and hardware and software acquisition. A Minority-Serving Institution, for example, could use funds provided under this legislation to offer its students universal access to campus networks and computing resources. Or they might choose to use their grant money to dramatically increase their connectivity speed rates beyond the T–1 level. In sum, this legislation offers a significant opportunity for those institutions serving the largest concentrations of the nation's minority students to keep pace with the advancing technologies of the 21st Century.

In the ever expanding and always exciting world of the Information Highway, it should be our mandate to work to ensure that no one in this country is left behind, least of all our leaders of tomorrow. The National Technology Instrumentation Challenge Act is a positive step in creating digital opportunity for all students in America, in whose hands the future of this great nation rests. The legislation is endorsed by the National Association for Equal Opportunity in Higher Education, the National Association for the Advancement of Colored People, the Hispanic Association of Colleges and Universities, the American Indian Higher Education Consortium, the Alliance for Equity in Higher Education, the League of United Latin American Citizens, the National Indian Education Association, the Native Hawaiian Education Association, the National Indian School Board Association, the United National Indian Tribal Youth, and the Atlanta University Center.

Mr. President, I ask unanimous consent that the text of the bill and the letters of support be printed in the RECORD.

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

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NTIA Digital Network Technology Program Act''.

SEC. 2. ESTABLISHMENT OF PROGRAM.

The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

''PART D—DIGITAL NETWORK TECHNOLOGY PROGRAM

''SEC. 171. PROGRAM AUTHORIZED.

''The Secretary shall establish, within the NTIA's Technology Opportunities Program a digital network technologies program to strengthen the capacity of eligible institutions to provide instruction in digital network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction.

''SEC. 172. ACTIVITIES SUPPORTED.

''An eligible institution shall use a grant, contract, or cooperative agreement awarded under this part—

''(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure necessary to teach students and teachers about technology in the classroom;

''(2) to develop and provide educational services, including faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education;

''(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

''(4) implement a joint project to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority business or a business located in HUB zones, as defined by the Small Business Administration; or

''(5) provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education.

''SEC. 173. APPLICATION AND REVIEW PROCEDURE.

''(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The Secretary, in consultation with the panel described in subsection (b), shall establish a procedure by which to accept such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(b) PEER REVIEW PANEL.—The Secretary shall establish a peer review panel to aid the Secretary in establishing the application procedure described in subsection (a) and selecting applicants to receive grants, contracts, and cooperative agreements under section 171. In selecting the members for such panel, the Secretary may consult with appropriate cabinet-level officials, representatives of non-Federal organizations, and representatives of eligible institutions to ensure that the membership of such panel reflects membership of the minority higher education community, including Federal agency personnel and other individuals who are knowledgeable about issues regarding minority education institutions.

''SEC. 174. MATCHING REQUIREMENT.

''The Secretary may not award a grant, contract, or cooperative agreement to an eligible institution under this part unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant, contract, or cooperative agreement awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

''SEC. 175. LIMITATION.

''An eligible institution that receives a grant, contract, or cooperative agreement under this part that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this part until every other eligible institution has received a grant, contract, or cooperative agreement under this part.

''SEC. 176. ANNUAL REPORT AND EVALUATION.

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, contract, or cooperative agreement under this part shall provide an annual report to the Secretary on its use of the grant, contract, or cooperative agreement.

''(b) EVALUATION BY SECRETARY.—The Secretary, in consultation with the Secretary of Education, shall—

''(1) review the reports provided under subsection (a) each year;

''(2) evaluate the program authorized by section 171 on the basis of those reports; and

''(3) conduct a final evaluation at the end of the third year.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress based on the final evaluation within 1 year after conducting the final evaluation. In the report, the Secretary shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.''.

SEC. 3. DEFINITIONS.

Section 102(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901(a) is amended by adding at the end the following:

''(6) Eligible institution defined.—The term ''eligible institution'' means an institution that is—

''(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C) of the Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

''(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

''(F) an institution determined by the Secretary, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce not more than $250,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2007, to carry out part D of the National Telecommunications and Information Administration Organization Act.

ALLIANCE FOR EQUITY
IN HIGHER EDUCATION,
Washington, DC, February 21, 2001.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Alliance for Equity in Higher Education—a national coalition of higher education associations that serves over 320 member institutions and educates more than one-third of all students of color in the United States—we would like to extend our joint support and appreciation for the ''National Technology Instrumentation Challenge Act'' legislation.

The Alliance for Equity in Higher Education, which was established in July 1999 by the American Indian Higher Education Consortium (AIHEC), the Hispanic Association of Colleges and Universities (HACU), and the National Association for Equal Opportunity in Higher Education (NAFEO), has identified the technology gap facing Tribal Colleges and Universities (TCUs), Hispanic-Serving Institutions (HSIs), and Historically and Predominantly Black Colleges and Universities (HBCUs) as one of its primary policy focuses. In fact, the Alliance is hosting an interactive planning meeting at the end of this month to explore the application of information technology at minority-serving colleges and universities. Your legislation will provide our students, faculty, and staff with the essential skills and training in the use of technology, a significant need on all our campuses.

As you know, among minority groups, the need to increase the capacities of students and faculty as active participants in the world of technology is paramount. For example, approximately 75 percent of students attending 80 NAFEO-member HBCUs indicated that they do not own their own computers, and 85 percent of surveyed HBCUs do not offer academic degrees through distance learning. Many TCUs cannot even provide intra-campus email to students and faculty, and only one TCU has access to a high speed bandwidth. In addition, only 24 percent of Hispanic households had Internet access in 2000, and HSIs serve a majority of Hispanic students entering postsecondary education.

The Alliance for Equity in Higher Education appreciates you spearheading this effort and encouraging our students and institutions to be competitive players in the higher education community as well as the 21st Century workforce. We welcome the opportunity of offer our assistance in championing this important initiative.

Sincerely,

ANTONIO FLORES,
President, HACU.
GERALD GIPP,
Executive Director, AIHEC.
HENRY PONDER,
President, NAFEO.

NATIONAL ASSOCIATION FOR EQUAL
OPPORTUNITY IN HIGHER EDUCATION,
Silver Spring, MD, February 14, 2001.

Hon. MAX CLELAND,
U.S. Senate, Senate Dirksen Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the National Association for Equal Opportunity in Higher Education (NAFEO), we want to thank you for introducing legislation which will help address one of the greatest challenges facing the American educational system today—the emerging digital divide between students who have access to the information highway and those who do not. We strongly support your legislation, the National Technology Instrumentation Challenge Act, which would provide an essential tool in bridging the growing high-tech gap which exists for certain of this nation's institutions of higher learning.

As revealed in a recent survey of 80 Historically Black Colleges and Universities (HBCUs) by the U.S. Department of Commerce and NAFEO, fifty percent of these institutions do not have computers available in the location most accessible to students, their dormitories. Additionally, most HBCUs do not have high-speed connectivity to the Internet and World Wide Web, and only three percent of these colleges and universities indicated that financial aid was available to help their students close the ''computer ownership gap.''

Making high tech grant money available to HBCUs, Hispanic-serving institutions and tribal colleges and universities would help these institutions acquire computers, wire their campuses and provide technology training. In doing so, your bill would provide these institutions with the opportunity to become competitive with other colleges and universities in the Information Age. The National Technology Instrumentation Challenge Act would make a significant contribution by helping to place the tools of tomorrow's technology into the hands of tomorrow's leaders. Once again, we commend you on the introduction of this important piece of legislation.

Thanks for all you do in ''keeping the doors of opportunity open.''

Sincerely,

HENRY PONDER,
CEO/President.

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Alexandria, VA, February 2001.

DEAR SENATOR: On behalf of the nation's 32 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC), we respectfully request your support for legislation to be introduced by Senator Cleland in the very near future. This legislation to be titled the ''National Technology Instrumentation Challenge Act, will establish a program within the Department of Commerce, National Institute for Standards and Technology (NIST) to fund Tribal Colleges and Universities, as well as Historically Black College and Universities, Hispanic Serving Institutions of Higher Education and Alaska Native and Native Hawaiian educational organizations in an effort to teach technology skills to both teachers and students.

Tribal Colleges serve remote, isolated American Indian reservation communities, many of which are located on federal trust lands, and therefore do not have the resources or tax base to fully support a college. State governments provide little or no funding, while the Federal government funds the colleges at only slightly over half of the authorized level. For many Tribal College students the next nearest college is more than 100 miles away. With other priorities, such as fixing leaky roofs and upgrading substandard wiring and inadequate heating systems, it is nearly impossible to keep pace with advancing technologies.

Among American Indian households, only 9 percent have computers compared to 23.2 percent of African American households, 25.5 percent of Hispanic and about 47 percent of White Americans. For necessary research and information flow, most US universities need access to T–3 lines. Currently, only one Tribal College has access to that bandwidth. Many Tribal Colleges are not even networked to provide intra-campus e-mail service. Without financial help to secure the proper facilities equipment and training, we will rapidly fall behind in our ability to prepare our teachers and students in uses of current and emerging technology systems.

AIHEC's 32 member colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Cleland for championing this effort and for your support. The success of this legislation will be a tremendous step in bringing the Tribal Colleges and other MSIs much needed resources to prepare our students to compete in the workforce of the 21st Century.

Respectfully,

DR. JAMES SHANLEY,
President, Fort Peck Community College.

NATIONAL INDIAN
EDUCATION ASSOCIATION,
Alexandria, VA February 13, 2001.

Hon. MAX CLELAND,
U.S. Senate,
Washington, DC.

SENATOR CLELAND: The National Indian Education Association (NIEA) is pleased to

offer its support for the proposed ''National Technology Instrumentation Challenge Act'' you intend to introduce before Congress today. As a national advocate on behalf of the education concerns of American Indians, Alaska Natives, and Native Hawaiians, the National Indian Education Association is pleased to see a legislative proposal that targets one of the most pressing needs in Indian and Native Hawaiian communities.

As administered by the Secretary of Commerce, the program would empower minority institutions, including tribal colleges and Alaska Native organizations, to carry out national technology instrumentation programs. These programs will teach technology skills to teachers and students in uniquely rural and urban settings. Indian communities will stand to benefit greatly from this initiative as they struggle to meet the ever-increasing needs of their tribal members. Experience has shown that reservation communities often are the last segment of the population to benefit from the power that technology can offer. These dollars will allow for an equal playing field as our Indian institutions prepare students for the challenges of the new millennium.

This legislation will also equip tribal and minority-serving institutions with the tools, services and infrastructure needed to teach the latest advancements in technology as they relate to the student in the classroom. Students have the uncanny ability to grasp the meaning of technology faster than many adults and this endeavor captures that youthful ability to learn.

We look forward to working with your office and the Secretary of Commerce when this legislation becomes law. We are also pleased to inform the Senator that we have gained additional support for this legislation from three of our national American Indian/Alaska Native and Native Hawaiian partners. These include: The National Indian School Board Association (NISBA); United National Indian Tribal Youth (UNITY); and the Native Hawaiian Education Association (NHEA).

Again, on behalf of the three thousand members of NIEA and our educational partners, we look forward to a fruitful and productive 107th Congress. Thank you for your support.

With Best Regards,

JOHN W. CHEEK,
Executive Director.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. GRASSLEY):

S. 415. A bill to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, the time has come for the Congress to really understand what is going on in the airline industry. It is an industry that no longer competes. Passengers no longer matter. We are like cattle in a stockade.

Today, I am introducing legislation to restore the public's interest in our aviation system, to reclaim it from the carriers. Senator MCCAIN joins me in sponsoring this bill.

We have spent countless hearings listening to various airline executives, government officials and expert witness talk about the problems confronting the traveling public. it is time we put all of that information and knowledge together to benefit the traveling public.

Let's start with the hubs. There are twenty major airports, essential facilities, where 1 carrier has more than fifty percent of the total enplaned passengers. Study after study has told us, warned us, that concentrated hubs lead to higher fares, particularly for markets to those hubs with no competition. Average fares are higher by 41 percent according to DOT, and even higher for smaller, shorter haul markets, by as much as 54 percent. DOT estimates that for only 10 of the hubs, 24.7 million people are overcharged, and another 25 to 50 million choose not to fly because of high fares.

We have got to take a can opener and pry open the lids to the hubs, for without competition, whatever benefits deregulation has brought, will quickly fade away. Our legislation will ensure that other air carriers have the ability to compete, the ability to provide people with options, and the ability to threaten to serve every market out of the dominated hubs. Gates, facilities and other assets will need to be provided where they are unavailable, or where competition dictates a need for such facilities. Dominant air carriers have relied upon Federal dollars to expand these facilities, and they have taken advantage of those monies by establishing unregulated local monopolies. It is time to use the power and leverage of the Federal government to restore a balance to the marketplace.

Right now, the air carriers are attempting to dictate what the industry will look like. If they are successful, all of the concerns raised by countless studies, will not only be realized, but they will be exacerbated. The public's needs, the public's convenience, are something that must be first and foremost as we watch this industry evolve.

Airline deregulation forced the carriers to compete on price for a while, but not on service. Congress had to threaten legislation in 1999 before the airlines even began to even understand the depth of consumer anger towards the airlines. Today though, they no longer compete on price. Instead, they seek to acquire one another to create massive systems, perhaps only three will survive, leaving us all far worse tomorrow than we are today. And clearly today, we are not getting what is needed.

What are the facts: United wants to buy US Airways, and create DC Air. American want to buy TWA, a failing company with a hub in St. Louis, and then American wants to buy a part of US Airways. Continental and Delta have a 25 year marketing relations, and Delta, Continental and Northwest are all eying other deals.

Right now there are 20 major cities where one carrier effectively controls airline service. Department of Transportation, General Accounting Office, National Research Council and others have all documented abuses, high fares, market dominance, hoarding of facilities at airports so other carriers can not enter, and let's not forget poor service. It must stop. It is not enough for the antitrust laws to look at each transaction in a vacuum. The public's interest, its needs, and its convenience must be reasserted.

DOT, in its January 2001 study, made three key observations:

> The facts are clear. Without the presence of effective price competition, network carriers charge much higher prices and curtail capacity available to price sensitive passengers at the hubs. . . . With effective price competition, consumers benefit from both better service and lower fares, citing Atlanta and Salt Lake City as examples where a low cost carrier is able to provide competition to a dominant hub carrier.
>
> The key to eliminating market power and fare premiums is to encourage entry into as many uncontested markets as possible.
>
> . . . barriers to entry at dominated hubs are most difficult to surmount considering the operational and marketing leverage a network carrier has in it hub markets.

In its 1999 study, the Department stated most clearly what we are trying to achieve:

> Moreover, unless there is reasonable likelihood that a new entrant's short term and long term needs for gates and other facilities will be met, it may simply decide not to serve a community.—FAA/OST Task Force Study, October 1999, at page iii.

I urge my colleagues to cosponsor this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 415

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Competition Restoration Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The airline industry continues to evolve into a system dominated by a few large air carriers and a handful of smaller, niche air carriers. Absent Congressional action, access to critical markets is likely to be foreclosed.

(2) In testimony before the Commerce Committee in 1978, the then-President of Eastern Airlines testified that the top 5 air carriers had 68.6 percent of the domestic market. If the mergers and acquisitions proposed in 2000 and 2001 are consummated, the 5 largest network airlines in the United States will account for approximately 83 percent of the air transportation business (based on revenue passenger miles flown in 1999).

(3) According to Department of Transportation statistics, taking into account the proposed mergers of United Airlines and US Airways, and of American Airlines and TWA, there will be at least 20 large hub airports in the United States where a single airline and its affiliate air carriers would carry more than 50 percent of the passenger traffic.

(4) The continued consolidation of the airline industry may inure to the detriment of public convenience and need, and the further concentration of market power in the

hands of even fewer large competitors may lead to unfair methods of competition.

(5) A more concentrated airline industry would be likely to result in less competition and higher fares, giving consumers fewer choices and decreased customer service.

(6) The Department of Transportation has documented that air fares are relatively higher at those main hub airports where a single airline carries more than 50 percent of the passenger traffic, and studies indicate that unfair methods of competition are more likely to occur at such airports, thus inhibiting competitive responses from other carriers when fares are raised or capacity reduced.

(7) The General Accounting Office has conducted a number of studies that document the presence of both high fares and problems with competition in the airline industry at dominated hub airports.

(8) The National Research Council of the Transportation Research Board has recognized that higher fares exist in short haul markets connected to concentrated hub airports.

(9) A Department of Transportation study indicates that the entry and existence of low fare airline competitors in the marketplace has resulted in a reported $6.3 billion in annual savings to airline passengers.

(10) While the antitrust rules generally govern mergers and acquisitions in the air carrier industry, and will continue to do so, the public concern about the importance of air transportation, the impact of over scheduling, increasing flight delays and cancellations, poor service, and continued hub domination requires the Department of Transportation to assert its authority in analyzing proposed transactions among air carriers that affect consumers.

SEC. 3. PUBLIC INTEREST REVIEW OF AIR CARRIER ACQUISITIONS AND MERGERS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 41722. Mergers and acquisitions

''(a) PROTECTION OF PUBLIC INTEREST; COMPETITION TEST.—

''(1) IN GENERAL.—An air carrier may not acquire, directly or indirectly, any voting securities or assets of another air carrier if, after the acquisition, the air carrier resulting from the acquisition would have more than 10 percent of the passenger enplanements in the United States (based on projections from the most recent annual data available to the Secretary of Transportation) if the Secretary determines that the effect of the acquisition—

''(A) would be substantially to lessen competition, or

''(B) would result in reasonable industry concentration, excessive market domination, monopoly powers, or other conditions that would tend to allow at least 1 air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation at any large hub airport (as defined in section 47134(d)(2)) or in at least 10 percent of the top 500 markets for passenger air transportation in the United States.

''(2) EXCEPTION.—Notwithstanding paragraph (1), such an acquisition may proceed if the Secretary finds that—

''(A) the anticompetitive effects of the proposed transaction are outweighed in the public interest by the probable effect of the acquisition in meeting significant transportation conveniences and needs of the public; and

''(B) those significant transportation conveniences and needs of the public may not be satisfied by a reasonably available alternative having materially less anticompetitive effects.

''(b) DOMINANT CARRIERS REQUIRED TO RELINQUISH SOME GATES, FACILITIES, AND ASSETS AT HUB AIRPORT.—

''(1) IN GENERAL.—An air carrier may not acquire, directly or indirectly, any voting securities or assets of another air carrier if, after the acquisition, the air carrier resulting from the acquisition would be a dominant air carrier at any large hub airport (as defined in section 47134(d)(2)) unless the Secretary of Transportation finds that—

''(A) the air carrier resulting from the acquisition will provide gates, facilities, and other assets at the hub airport on a fair, reasonable, and nondiscriminatory basis to another air carrier that—

''(i) holds a certificate issued under chapter 411 authorizing it to provide air transportation for passengers;

''(ii) has fewer than 15 percent of the average daily passenger enplanements at that airport; and

''(iii) is able, or will be able, to utilize the gate, facility, or other asset provided to it at a reasonable level of utilization; or

''(B) gates, facilities, and other assets are available, or will be made available in a timely manner, on a fair, reasonable, and nondiscriminatory basis to accommodate competitive access to that airport by other air carriers.

''(2) LIMITATION.—Paragraph (1) does not require an air carrier to relinquish control, or otherwise dispose, of more than 10 percent of the gates, facilities, and other assets controlled by that air carrier at any airport, as determined by the Secretary.

''(3) PLAN REQUIRED.—Before the Secretary may make a finding under paragraph (1), the acquiring air carrier and the air carrier being acquired shall file a joint plan in writing with the Secretary that states with such specificity as the Secretary may require exactly how the air carrier resulting from the acquisition will comply with the requirements of paragraph (1).

''(4) ENFORCEMENT OF PLAN.—If the Secretary determines, more than 90 days after the date on which an acquisition described in paragraph (1) is completed, that the air carrier has failed substantially to carry out the plan submitted under paragraph (3), the Secretary may—

''(A) withdraw approval of the acquisition;

''(B) withdraw authority for the air carrier to serve international markets; or

''(C) take such other action as may be necessary to compel compliance with the plan.

''(c) NOTIFICATION; WAITING PERIOD; FINAL RULE.—

''(1) IN GENERAL.—In order for the Secretary to be able to make the determination required by subsection (a)—

''(A) each air carrier (or in the case of a tender offer, the acquiring air carrier) shall submit a notification to the Secretary, in such form and containing such information as the Secretary may require; and

''(B) wait until the waiting period described in paragraph (2) has expired before effecting the acquisition.

''(2) Waiting period.—

''(A) IN GENERAL.—The waiting period begins on the date of receipt by the Secretary of a completed notification required by paragraph (1)(A) and ends on the thirtieth day after that date, or (in the case of a cash tender offer) the fifteenth day after that date.

''(B) WAIVER; MODIFICATION.—The Secretary may waive the notification requirement, shorten the waiting period, or extend the waiting period (by not more than 180 days), in order to coordinate action under this subsection with the Department of Justice under the antitrust laws of the United States.

''(3) COORDINATION WITH DOJ.—The Secretary and the Attorney General may enter into a memorandum of understanding to ensure that the determination required by subsection (a) is made within the same time frame as any Department of Justice review of a proposed acquisition under section 7A of the Clayton Act (15 U.S.C. 18a).

''(4) FINAL ACTION WITHIN 180 DAYS.—The Secretary shall take final action with respect to any acquisition requiring a determination under subsection (a) within 180 days after the date on which the Secretary receives the notification required by paragraph (1)(A).

''(d) AIR 21 COMPETITION PLAN REVIEW.—The Secretary shall examine any hub airport affected by a proposed acquisition described in subsection (a) to determine whether that airport has complied with the competition plan requirement of sections 47106(f) or 40117(k) of title 49, United States Code, and whether gates and other facilities are being made available at costs that are fair and reasonable to air carriers in accordance with the requirements of section 41712(c)(3). The sponsor (as defined in section 47102(19)) of any hub airport shall cooperate fully with the Secretary in carrying out an examination under this subsection.

''(e) DEFINITIONS.—In this section:

''(1) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' means an airport—

''(A) that each year has at least .25 percent of the total annual boardings in the United States; and

''(B) at which 1 air carrier accounts for more than 50 percent of the enplaned passengers.

''(2) DOMINANT AIR CARRIER.—The term 'dominant air carrier' means an air carrier that accounts for more than 50 percent of the enplaned passengers at an airport.

(3) CONTROL.—With respect to whether a corporation or other entity is considered to be controlled by another corporation or other entity, the term 'control' means that more than 10 percent of the ownership, voting rights, capital stock, or other pecuniary interest in that corporation or entity is owned, held, or controlled, directly or indirectly, by such other corporation or entity.

''(4) ENPLANEMENTS.—The term 'passenger enplanements' means the annual number of passenger enplanements, as determined by the Secretary of Transportation, based on the most recent data available.

''(5) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(b) SPECIAL RULE.—For the purpose of applying section 41722 of title 49, United States Code, to an acquisition or merger involving major air carriers proposed after January 1, 2000, that has not been consummated before February 15, 2001—

(1) subsection (c) of that section shall not apply; but

(2) the Secretary of Transportation shall require such information from the acquiring air carrier and the acquired air carrier, or the merging air carriers, as may be necessary to carry out that section, and shall complete the review required by that section within a reasonable period that is not to exceed 180 days from the date on which the Secretary receives the requested information from all parties.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following;

''41722. Mergers and acquisitions''.

SEC. 4. COMPETITIVE ACCESS TO GATES, FACILITIES, AND OTHER ASSETS.

(a) Subchapter I of chapter 417, as amended by section 3, is further amended by adding at the end thereof the following:

"§ 41723. Competitive access to gates, facilities, and other assets

''(a) DOT REVIEW OF GATES, FACILITIES, AND ASSETS.—Within 90 days after the date of the enactment of Aviation Competition Restoration Act, the Secretary of Transportation shall investigate the assignment and usage of gates, facilities, and other assets by major air carriers at the largest 35 airports in the United States in terms of air passenger traffic. The investigation shall include an assessment of—

''(1) whether, and to what extent, gates, facilities, and other assets are being fully utilized by major air carriers at those airports;

''(2) whether gates, facilities, and other assets are available for competitive access to enhance competition; and

''(3) whether the reassignment of gates, facilities, and other assets to, or other means of increasing access to gates, facilities, and other assets for, air carriers (other than dominant air carriers (as defined in section 41722(e)(2)) would improve competition among air carriers at any such airport or provide other benefits to the flying public without compromising safety or creating scheduling, efficiency, or other problems at airports providing service to or from those airports.

''(b) AUTHORITY OF SECRETARY TO MAKE GATES, ETC., AVAILABLE.—The Secretary shall require a major air carrier, upon application by another air carrier or on the Secretary's own motion to make gates, facilities, and other assets available to other air carriers on terms that are fair, reasonable, and nondiscriminatory to ensure competitive access to those airports if the Secretary determines, on the basis of the investigation conducted under subsection (a), that such gates, facilities, and other assets are not available and that competition would be enhanced thereby at those airports.

''(c) DEFINITIONS.—

''(1) MAJOR AIR CARRIER.—In this section the term 'major air carrier' means an air carrier certificated under section 41102 that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of each year, as reported to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, and identified as a reporting carrier periodically in accounting and reporting directives issued by the Office of Airline Information.

''(2) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41722 the following:

''41723. Competitive access to gages, facilities, and other assets''.

SEC. 5. UNFAIR METHODS OF COMPETITION IN AIR TRANSPORTATION.

(a) UNFAIR COMPETITION THROUGH USE OF GATES, FACILITIES, AND OTHER ASSETS.—Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(c) UNDERUTILIZATION OF GATES, FACILITIES, OR OTHER ASSETS.—

''(1) IN GENERAL.—It is an unfair method of competition in air transportation under subsection (a) for a dominant air carrier at a dominated hub airport—

''(A) to fail to utilize gates, facilities, and other assets fully at that airport; and

''(B) to refuse, deny, or fail to provide a gate, facility, or other asset at such an airport that is underutilized by it, or that will not be fully utilized by it within 1 year, to another carrier on fair, reasonable, and nondiscriminatory terms upon request of the airport, the other air carrier, or the Secretary.

''(2) REQUESTING CARRIER MUST FILE WITH DOT.—An air carrier making a request for a gate, facility, or other asset under paragraph (1) shall file a copy of the request with the Secretary when it is submitted to the dominant air carrier.

''(3) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports where a 'majority-in-interest clause' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other essential facilities.

''(4) DEFINITIONS.—In this subsection:

''(A) DOMINANT AIR CARRIER.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

''(B) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

''(C) COVERED AIRPORT.—The term 'covered airport' has the meaning given that term by section 47106(f)(3).

''(D) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(b) CONFORMING AMENDMENT.—Section 155 of the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century (49 U.S.C. 47101 nt) is amended by striking subsection (d).

SEC. 6. AIP COMPETITION FUNDING.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by adding at the end the following:

"§ 47138. Competition enhancement program

''(a) IN GENERAL.—The Secretary of Transportation shall make project grants under this subchapter from the Airport and Airway Trust Fund for gates, related facilities, and other assets to enhance and increase competition among air carriers for passenger air transportation.

''(b) SECRETARY MAY INCUR OBLIGATIONS.—The Secretary may incur obligations to make grants under this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Airport and Airway Trust Fund $300,000,000 for fiscal year 2002, such amount to remain available until expended.''.

(b) AIP GRANTS.—Section 47107 of title 49, United States Code, is amended by adding at the end the following:

''(q) GATES, FACILITIES, AND OTHER ASSETS.—

''(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant at a dominated hub airport only if the Secretary—

''(A) receives appropriate assurances that the airport will provide gates, facilities, and other assets on fair, reasonable, and nondiscriminatory terms to air carriers, other than a dominant air carrier, to ensure competitive access to essential facilities; or

''(B) determines that gates, facilities, and other assets are available at that airport on a fair, reasonable, and nondiscriminatory basis to air carriers other than a dominant air carrier.

''(2) DEFINITIONS.—In this subsection:

''(A) DOMINANT AIR CARRIER.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

''(B) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

''(C) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(c) PFC FUNDS.—Seciton 40117 of title 49, United States Code, is amended by adding at the end the following:

''(1) FACILITIES FOR COMPETITIVE ACCESS.—

''(1) IN GENERAL.—The Secretary may approve an application under subsection (c) for a project at a dominated hub airport only if the Secretary—

''(A) receives appropriate assurances that the airport will provide gates, facilities, and other assets on fair, reasonable, and nondiscriminatory terms to air carriers, other than a dominant air carrier, to ensure competitive access to essential facilities; or

''(B) determines that gates, facilities, and other assets are available at that airport on a fair, reasonable, and nondiscriminatory basis to air carriers other than a dominant air carrier.

''(2) DEFINITIONS.—In this subsection:

''(A) DOMINANT AIR CARRIER.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

''(B) DOMINATED HUB AIRPORT.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

''(C) ASSET.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).''.

(d) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 471 of such title is amended by inserting after the item relating to section 47137 the following:

''47138. Competition enhancement program''.

Mr. MCCAIN. Mr. President, today I join my colleague, Senator HOLLINGS, in introducing the Aviation Competition Restoration Act. This legislation would give the Department of Transportation additional authority to review airline industry mergers and to enhance competition and access at dominated hub airports. If Congress does not act quickly to address the problems of industry consolidation and the reduction in meaningful competition, consumers will suffer as air fares inevitably increase and choices decline.

Not since deregulation of the airline industry have we faced such a critical point in the history of air transportation in this country. We are closer than ever to seeing an industry totally dominated by three mega-airlines. Last year, United proposed purchasing US Airways. Earlier this year, American Airlines announced that it would purchase a faltering TWA and join with United to carve up US Airways. Since then, Delta and Continental have talked about some type of combination if the other mergers occur. These developments do not bode well for consumers.

I recognize that there may be some benefits to these mergers. But the harm that will be inflicted on consumers far outweighs any gains. As the number of competitors dwindles, air travelers are almost certain to get squeezed. The Commerce Committee has held numerous hearings since the first deal was announced. I continue to believe that these proposals are not good for the consumer.

Last year, the Commerce Committee approved a Senate Resolution expressing deep concern about the proposed United-US Airways deal. Expressions of

concern are no longer enough. We must act to ensure that the Executive Branch has the tools to thoroughly evaluate these proposals and their effect on competition. We must also give them the tools to effectuate a more competitive environment. The Airline Competition Restoration Act would give the Department the authority to ensure that carriers have competitive access to critical airport markets by reallocating gates, facilities and other assets used or controlled by an air carrier prior to approving a merger or in other non-competitive circumstances.

This bill is just one piece of a potential solution to the tremendous problems that air travelers face on a daily basis. More people are flying now than ever before. That means that more people are affected by the lack of capacity, antiquated air traffic control, and over scheduling that continue to plague aviation travel. We had 674 million people fly last year. That number is expected to reach one billion within 10 years. One billion air travelers in a system that has basically reached gridlock today should be of great concern to all of us.

This is not a partisan issue. This is not a rural or urban issue. This is an issue that affects the business traveler and the leisure traveler. We must act to enhance competition and prevent further gridlock and delay in our aviation system. I look forward to working with my colleagues to try and address these issues in the coming months.

By Mr. KERRY (for himself, Mr. DEWINE, Mrs. BOXER, and Mr. KOHL):

S. 416. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing legislation, along with Senator DEWINE, Senator BOXER, and Senator KOHL, that will set minimum standards for gun safety locks. Discussion is swirling around the U.S. Congress, in state legislatures throughout the country, and in our cities and towns about the use of handgun safety locks to prevent children from gaining access to dangerous weapons. To date, eighteen states have Child Access Protection, or CAP laws in place, which permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others.

An important element that is largely missing from the debate over the voluntary or required use of gun safety locks is the quality and performance of these locks. Mr. President, a gun lock will only keep a gun out of a child's hands if the lock works. There are many cheap, flimsy locks on the market that are easily overcome by a child. There are 12 safety standards for every toy, but there is not even a single safety standard for a gun lock.

Earlier this month the Consumer Product Safety Commission, CPSC, and the National Sport Shooting Foundation announced a voluntary recall of 400,000 gun safety locks that were distributed by Project HomeSafe, a nationwide program whose purpose is to promote safe firearms handling and storage practices through distribution of gun locks and safety education messages. And last July the CPSC and MasterLock joined together in another voluntary recall of 752,000 gun locks. Both of the gun locks recalled could be easily opened with paper clips, tweezers, or by banging it on a table. When testing gun locks to replace the recalled locks, the CPSC found that all but two of the 32 locks tested could be opened without a key. I find this astonishing. Millions of Americans have come to depend on gun locks as a way to prevent their children from gaining access to a handgun, and it is extremely disturbing to learn that so many locks could be overcome.

The legislation that we are introducing today requires the Consumer Product Safety Commission to set minimum regulations for safety locks and to remove unsafe locks from the market. Our legislation empowers consumers by ensuring that they will only purchase high-quality lock boxes and trigger locks. The legislation does not require the use of gun safety locks. It only requires that gun safety locks meet minimum standards. The legislation does not regulate handguns. It applies only to after-market, external gun locks.

Storing firearms safely is an effective and inexpensive way to prevent the needless tragedies associated with unintentional firearm-related death and injury. And I am pleased that several states, including my home state of Massachusetts, have required the use of gun safety locks. During the 106th Congress, the Senate passed an amendment that would require the use of gun safety locks by a vote of 78–20.

While I am encouraged by this trend of increasing the use of gun safety locks, I am genuinely concerned that with the hundreds of different types of gun locks on the market today it is difficult, probably impossible, for consumers to be assured that the lock they purchase will be effective. In early February President Bush announced the Administration's support for a five-year, $75 million-a-year federal program to distribute free gun locks to every gun owner. I commend the President's proposal to distribute free gun locks, but believe that it is critically important that the locks function as intended.

The latest data released by the Centers for Disease Control in 1999 revealed that accidental shootings accounted for 7 percent of child deaths and that more than 300 children died in gun accidents, almost one child every day. A study in the Archives of Pediatric and Adolescent Medicine found that 25 percent of 3- to 4- year olds and 70 percent of 5- to 6- year olds had sufficient finger strength to fire 59, or 92 percent, of the 64 commonly available handguns examined in the study. Accidental shootings can be prevented by simple safety measures, one of which is the use of an effective gun safety lock.

The Senate has been gridlocked over the issue of gun control. And you can be sure that young lives have been needlessly lost due to our inaction. This legislation, which I truly believe every Senator can support, would make storing a gun in the home safer by ensuring safety devices are effective. It would empower consumers. And most importantly it would protect children and decrease the numbers of accidental shootings in this country.

Mr. DEWINE. Mr. President, I rise today as an original cosponsor of the Gun Lock Consumer Protection Act being introduced by my friend from Massachusetts, Senator KERRY. I support this bill because I believe it will save lives.

Recently, we have all borne witness to a disturbing trend. Increasingly, we are hearing shocking news reports that another child has died because of his or her access to a loaded, unlocked firearm. In 1999 alone, this was an almost daily occurrence. Last year, more than 300 children died in gun accidents. Most of these accidents occurred in a child's own home, or the home of a close friend or relative. Places where these children should feel the safest.

The mixture of children and loaded firearms is certainly extremely combustible. An estimated 3.3 million children in the United States live in homes with firearms that are always or sometimes kept loaded and unlocked. Now, I believe that the majority of parents with firearms believe they are being responsible about gun storage and other safety measures dealing with firearms. But, the fact is that, some parents have a fundamental misunderstanding of a child's ability to gain access to and fire a gun, distinguish between real and toy guns, make good judgements about handling a gun, and consistently following rules about gun safety. In fact, nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, one study found that when a gun was in the home, 75 to 80 percent of first and second graders knew where the gun was kept.

Many gun owners, State and local governments, as well as this Senate, have begun to recognize the combustible relationship between children and loaded, accessible firearms. This recognition has led many gun owners to purchase gun safety locks to ensure safe storage of their handguns and to prevent children from gaining access to weapons. In some States, gun locks are required at the time handguns are purchased. At least seventeen States have laws that require or encourage the use of gun locks that deter child access to handguns. And, finally, the Senate

passed an amendment to the juvenile justice bill last Congress that would require the use of gun safety locks.

Despite the facts that gun owners are buying more firearm safety devices and governments are rushing to mandate their use, there are no minimal safety standards for these devices. There are many different types of trigger locks, safety locks, lock boxes, and other devices available. There is a wide range in the quality and effectiveness of these devices. Some are inadequate to prevent the accidental discharge of the firearm or to prevent a child access to the firearm.

As governments move toward mandated safety devices, I believe it is important that consumers know that the device they are buying is actually adequate to serve its intended purpose. If States are going to prosecute adults when a child uses a firearm, these gun owners should have at least some peace of mind that their gun storage or safety lock device is adequate.

Many of the safety lock devices currently on the market will not provide that peace of mind. Over the past year, the Consumer Product Safety Commission has tested thirty-two different lock devices. Thirty did not work as they were intended to work. In other words, 90 percent of the lock devices tested by the CPSC do not work! To date, CPSC has worked with two organizations to recall faulty locks. Because of the organizations' willingness to work with the CPSC, over 1.1 million safety locks have been recalled and replaced.

The legislation I am introducing today with Senator KERRY would help responsible gun owners and parents know that the safety device they are buying is at least minimally adequate. This legislation is just common sense. It simply requires the Consumer Product Safety Commission, CPSC, to formulate minimum safety standards for gun safety locks and to ensure that only adequate locks meeting that standard are available for purchase by consumers. The standard to be used by the Commission requires that gun safety locks are sufficiently difficult for children to deactivate or remove and that the safety locks prevent the discharge of the handgun unless the lock has been deactivated or removed.

It is important to note what this bill does not do. First of all, it does not give CPSC any say in standards of firearms or ammunition. In other words, it is not intended to regulate firearms themselves in any way whatsoever. Second, it will not have the effect of mandating what gun lock device is used. As I said earlier, there are many different types of gun locks currently available. Some of these allow for easy access and use of firearms for adults should they decide that is important to them. Other devices are more cumbersome and do not provide quick and easy access. Gun owners would be free to decide what device is best for them. This legislation would have no effect on that issue. Finally, this legislation does not require the use of gun safety locks. While the Senate has already passed legislation to do this, if that language is removed in conference, this legislation will not affect that.

As I said earlier, I support this legislation because I believe it will save lives. But, more than that, this legislation will empower parents who decide that they want to have a gun safety lock but are awash in a sea of different devices, to purchase only gun safety locks that provide adequate protection for their children. I urge my colleagues to join Senator KERRY and I in support of this bill.

By Mr. INOUYE:

S. 418. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment, to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

The business meals and entertainment expenses deduction was reduced from 80 percent to 50 percent, in the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Its results have been detrimental to small businesses, the self-employed, and independent and traveling sales representatives. These groups rely on one-on-one meetings, usually during meals, for their marketing strategy, and the reduction of the business meals and entertainment deduction has impacted their marketing efforts.

Many small business organizations have shown their support for an increase in this deduction. The National Restaurant Association, National Federation of Independent Business, National Employees and Restaurant Employees International Union, National Association of the Self-Employed, and the American Hotel and Motel Association, have all spoken of the need for the reestablishment of the 80 percent deduction for business meal and entertainment expenses.

For example, traveling and independent sales representatives incur substantial travel and entertainment expenses from spending, annually, an average of 150 nights on the road. Home-based businesses also rely heavily on meeting with clients outside of the home and over meals. Such businesses have been harmed by the reduction of this deduction to 50 percent.

Currently, there are approximately 23.2 million persons who spend money on business meals in the U.S., down from 25.3 million in 1989. The total economic impact on small businesses of restoring the business meal deduction from 50 percent to 80 percent ranges from $5 to $690 million, depending on the state. In the state of Hawaii, the estimated economic impact ranges from $32 to $43 million.

I urge my colleagues to join me in cosponsoring this important legislation. Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

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

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2001	68
2002	74
2003 or thereafter	80.''.

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 419. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to recognize the historical significance of the Abel and Mary Nicholson House, located in Salem County New Jersey. I am pleased to have Senator CORZINE join me in this important effort, and would like to announce that Congressman LOBIONDO will introduce companion legislation in the House of Representatives.

The Nicholson House was built in 1722 and is a rate surviving example of an early 18th century patterned brick building. It is a classic example of architecture of this period. The original portion of the house has survived for over 280 years with only routine maintenance. It is a unique resource which

can provide significant opportunities for studying our nation's history and culture. As one of the most significant ''first period'' houses surviving in the Delaware Valley, the Nicholson House represents a piece of history from both Southern New Jersey and early American life.

In addition, it is situated in an area known for its early American economy. Delaware Bay schooners patrolled the waters of the Delaware River throughout the 18th and 19th centuries harvesting clams and oysters. This industry was an integral part of the region's economy, and contribute to the culture and history of New Jersey.

The site is listed on the New Jersey Register of Historic Places, as well as the National Register of Historic Places. In addition, the National Park Service recognized the importance and historical value of the this site by designating the Nicholson House and a National Historic Landmark.

The Salem County Historical society and the Salem County Department of Economic Development both endorse the establishment of a national park at this site. A national park would encourage ecotourism in the area and spur economic growth. In addition, the site is located at the southern end of the New Jersey Coastal Heritage Trail. This theme trail runs along the New Jersey coastline and introduces visitors to the region and encourages them to take full advantage of the many natural and cultural attractions. The Nicholson House National Park would be the southern anchor of this interpretive trail and would enhance tourism and understanding of the culture and history of the region.

This area is truly a valuable asset to the State of New Jersey, and I feel it is only proper to share this wonderful resource with the entire nation by establishing the Nicholson House as a unit of the National Park Service, (NPS).

The Federal Government has already acknowledge the significance of the Nicholson House, by designating the area a national historic landmark. Establishing it as a unit of the NPS would increase the presence the site, and the NPS would provide staff and tours, and allow for a better, more educational interpretation.

My legislation would take the first step towards this important designation by directing the NPS to study the feasibility of establishing a national park at the Nicholson House. I ask that my colleagues join me in support of this worthy effort, so that an important element of our culture may be preserved for future generations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 31—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry, which was referred to the Committee on Rules and Administration.

S. RES. 31

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committees on Agriculture, Nutrition and Forestry is authorized from March 1, 2001, through September 30, 2001; October 1, 2001 to September 30, 2002; and October 1, 2002 through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate; (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,794,378, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) The expenses of the committee for the period October 1, 2001, through September 30, 2002, under this resolution shall not exceed $3,181,922, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 212(j) of the Legislative Reorganization Act of 1946).

(c) The expenses of the committee for the period October 1, 2002, through February 28, 2003, under this resolution shall not exceed $1,360,530, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 212(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the distribution of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationary, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002 through February 28, 2003 to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration.

S. RES. 32

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,495,457, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $4,427,295, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,893,716, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization

Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

S. RES. 33

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,240,422, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $2,199,621, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $940,522, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH of New Hampshire submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Environment and Public Works.

S. RES. 34

Resolved,

SECTION 1. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (referred to in this resolution as the ''committee'') is authorized from March 1, 2001, through February 28, 2003, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2001.—The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this section shall not exceed $2,318,050, of which amount—

(1) not to exceed $24,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2002 PERIOD.—The expenses of the committee for the period October 1, 2001, through September 30, 2002, under this section shall not exceed $4,108,958, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2003.—For the period October 1, 2002, through February 28, 2003, expenses of the committee under this section shall not exceed $1,756,412, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2001, through September 30, 2001, for the period October 1, 2001, through September 30, 2002, and for the period October 1, 2002, through February 28, 2003, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration.

S. RES. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $3,895,623, of which amount (1) not to exceed $32,500 may be expanded for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expanded for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $6,910,215, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,955,379, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2002 and February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, October 1, 2001 through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration.

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,968,783, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $5,265,771, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,251,960, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2002, and February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 37—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. GRASSLEY submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration.

S. RES. 37

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rules XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $3,230,940, of which amount (1) not to exceed $17,500 may be expended for the

procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $5,729,572, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,449,931, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001 through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquires and Investigations.''

SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration.

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period Marchd 1, 2001, through September 30, 2001, under this resolution shall not exceed $3,301,692, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $5,859,150, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,506,642, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations of legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. The Committee on Armed Services is authorized from March 1, 2001, until otherwise provided by law, to expend not to exceed $10,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, foreign armed forces, and intergovernmental organizations.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Se4rgeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States, Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquires and Investigations.''

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL submitted the following resolution; from the Committee on Rules an Administration; which was placed on the calendar.

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and, Oct. 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,183,041, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2001, expenses of the committee under this resolution shall not exceed $2,099,802, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2001, through February 28, 2003, expenses of the committee under this resolution shall not exceed $898,454, of which amount (1) not to exceed

$21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE CONCURRENT RESOLUTION 19—HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED BY AN IRAQI MISSILE ATTACK ON FEBRUARY 25, 1991, DURING OPERATION DESERT STORM, AND RESOLVING TO SUPPORT APPROPRIATE AND EFFECTIVE THEATER MISSILE DEFENSE PROGRAMS

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on Armed Services.

S. CON. RES. 19

Whereas during Operation Desert Storm, Iraq launched a Scud missile at Dhahran, Saudi Arabia early in the evening of February 25, 1991;

Whereas 1 Patriot missile battery on a Dhahran airfield was not operational and another nearby battery did not track the Scud missile effectively;

Whereas the Scud missile hit a warehouse serving as a United States Army barracks in the Dhahran suburb of Al Khobar, killing 28 soldiers and injuring 100 other soldiers;

Whereas the thoughts and prayers of Congress and the American people remain with the families of those soldiers;

Whereas this single incident resulted in more United States combat casualties than any other battle during or since Operation Desert Storm;

Whereas Scud missile attacks paralyzed the country of Israel during Operation Desert Storm;

Whereas the Patriot missile batteries, which were used in Operation Desert Storm for missile defense, were not originally designed for missile defense;

Whereas the United States and our allies still have not fielded advanced theater missile defenses;

Whereas missile technology proliferation makes missile attacks on United States forces increasingly possible; and

Whereas February 25, 2001, is the 10th anniversary of the Scud missile attack which caused the deaths of these brave soldiers who died in service to their country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) on behalf of the American people, extends its sympathy and thanks to the families of Specialist Steven E. Atherton, Corporal Stanley Bartusiak, Specialist John A. Boliver, Jr., Sergeant Joseph P. Bongiorni III, Sergeant John T. Boxler, Specialist Beverly S. Clark, Sergeant Allen B. Craver, Corporal Rolando A. Delagneau, Specialist Steven P. Farnen, Specialist Duane W. Hollen, Jr., Specialist Glen D. Jones, Specialist Frank S. Keough, Specialist Anthony E. Madison, Specialist Steven G. Mason, Specialist Christine L. Mayes, Specialist Michael W. Mills, Specialist Adrienne L. Mitchell, Specialist Ronald D. Rennison, Private First Class Timothy A. Shaw, Specialist Steven J. Siko, Corporal Brian K. Simpson, Specialist Thomas G. Stone, Specialist James D. Tatum, Private First Class Robert C. Wade, Sergeant Frank J. Walls, Corporal Jonathan M. Williams, Specialist Richard V. Wolverton, and Specialist James E. Worthy, all of whom were killed by an Iraqi missile attack on February 25, 1991, while in service to their country; and

(2) resolves to support appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing which was previously scheduled before the Committee on Energy and Natural Resources on Thursday, March 1, 2001, at 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building, has been rescheduled for Thursday, March 15, 2001, at 9:30 a.m., in room SH–216 of the Senate Hart Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 26, a bill to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market, S. 80, California Electricity Consumers Relief Act of 2001, and S. 287, a bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and amendment No. 12 to S. 287.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC–2 Senate Russell Courtyard, Washington, DC 20510–6150.

For further information, please call Trici Henninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 28, 2001. The purpose of this hearing will be to review the statutes conservation programs in the current farm bill and to conduct a committee business meeting to discuss the committee rules and budget.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 28, 2001, at 10:30 a.m., to conduct a business meeting to act on the following agenda items:

1. Committee rules for the 107th Congress.

2. Committee funding resolution for the 107th Congress.

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

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, to hear testimony regarding the nomination of Mark A. Weinberger.

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

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, to hear testimony regarding Revenue Proposals in the President's Budget.

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

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, to organize for the 107th Congress.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent

that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, February 28, 2001, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 28, 2001, at 9 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing to receive the views of the Department of the Interior on matters of Indian Affairs.

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

COMMITTEE ON THE JUDICIARY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, February 28, 2001, at 9:30 a.m., The markup will take place in Dirksen Room 226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, at 9:30 a.m., to conduct its organizational meeting for the 107th Congress.

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

COMMITTEE ON SMALL BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, beginning at 9 a.m., in room 428A of the Russell Senate Office Building to hold its Organizational Meeting for the 107th Congress.

Immediately following the Organizational Meeting, we will turn to official Committee business including: (1) S. 295, Small Business Energy Emergency Relief Act of 2001; (2) S. 174, Microloan Program Improvement Act of 2001; (3) The Independent Office of Advocacy Act of 2001; and (4) The White House Quadrennial Small Business Summit Act of 2001.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Veterans of Foreign Wars. The hearing will be held on Wednesday, February 28, 2001, at 10 a.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, at 2 p.m., to hold a closed hearing on intelligence matters.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nominations at the desk just reported by the Armed Services Committee.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF THE TREASURY

John M. Duncan, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

DEPARTMENT OF DEFENSE

Paul D. Wolfowitz, of Maryland, to be Deputy Secretary of Defense.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Albert H. Konetzni Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy W. LaFleur, 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) James S. Allan, 0000
Rear Adm. (lh) Howard W. Dawson Jr., 0000
Rear Adm. (lh) Karen A. Harmeyer, 0000
Rear Adm. (lh) Maurice B. Hill Jr., 0000
Rear Adm. (lh) James M. Walley Jr., 0000

IN THE AIR FORCE

The following named officer for appointment to the grade indicated in the United States Air Force, under title 10, U.S.C., section 1552:

To be major

Robert V. Garza, 0000

Air Force nominations beginning Linda M. Christiansen, and ending Robert M. Monberg, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Charles G. Beleney, and ending Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Jay O. Aanrud, and ending Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

IN THE ARMY

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Marcus G. Coker, 0000

The following named officer for appointment as a Permanent Professor of the United States Military Academy in the grade indicated under title 10 U.S.C. section 4333(b):

To be colonel

Eugene K. Ressler Jr., 0000

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Kenneth W. Smith, 0000

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Timothy I. Sullivan, 0000

Army nominations beginning Virginia G. Barham, and ending James C. Butt, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Felix T. Castagnola, and ending Aaron R. Kenneston, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning William P. Blaich, and ending Ira K. Weil, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Gregory O. Block, and ending Robert D. Teetsel, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Moses N. Adiele, and ending Horace J. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Norman F. Allen, and ending Daria P. Wollschlaeger, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Stephen C. Allison, and ending Stacy Young McCaughan, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., section 12203 and 12211:

To be colonel

Robert M. Nagle, 0000

Army nominations beginning James M. Ivey, and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be lieutenant colonel

Steven L. Powell, 0000

The following named officer for Regular appointment to the grade indicated in the United States Army Medical Corps under title 10, U.S.C., sections 531, 624 and 3064:

To be lieutenant colonel

Mark R. Withers, 0000 MC

Army nominations beginning Danny W. Agee, and ending Ronald K. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Army nominations beginning Arthur D. Bacon, and ending Richard T. Vann Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

IN THE MARINE CORPS

Marine Corps nominations beginning Ronald S. Culp, and ending Christopher J. Loria, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Marine Corps nominations beginning Eduardo A. Abisellan, and Ending Richard D. Zyla, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

IN THE NAVY

The following named officer for original Regular appointment as a permanent limited duty officer to the grade indicated in the United States Navy under title 10, U.S.C., sections 531 and 5589:

To be lieutenant

Kevin D. Sullivan, 0000

The following named officer for Regular appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 531:

To be lieutenant commander

Stephen L. Cooley, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Brian J.C. Haley, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

William J. Nault, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

James P. Scanlan, 0000

Navy nominations beginning Douglas J. Adams, and ending Gregory J. Zacharski, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Mark R. Munson, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Thomas K. Kolon, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Bernadette M. Semple, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

John D. Carpenter, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Darren S. Harvey, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Travis C. Schweizer, 0000

Navy nominations beginning Frances R. Baccus, and ending Scott W. Stuart, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nomination of BILL FRIST, and that the Senate immediately proceed to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

Mr. LOTT. This is so Senator FRIST will be the representative of the United States to the 55th Session of the General Assembly of the U.N.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF STATE

Bill Frist, of Tennessee, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: The Senator from Iowa (Mr. GRASSLEY); the Senator from Utah (Mr. HATCH); the Senator from Alaska (Mr. MURKOWSKI); the Senator from Montana (Mr. BAUCUS); and the Senator from West Virginia (Mr. ROCKEFELLER).

UNANIMOUS CONSENT AGREEMENT—COMMITTEE BUDGETS AND RULES

Mr. LOTT. Mr. President, I ask unanimous consent that in accordance with the provisions of S. Res. 189 of the 106th Congress, there be authorized for the period of March 1, 2001, through March 10, 2001, funds for the expenses of each of the standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs, and such sums as may be necessary for agency contributions related to the compensation of the employees of such committees for the above described period, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

I further ask unanimous consent that such sums be 1/15 of the amount provided the committees under S. Res. 189 for the period of October 1, 2000, through February 28, 2001.

I further ask unanimous consent that notwithstanding the provisions of rule XXVI of the Standing Rules of the Senate, for the purposes of the 107th Congress, the publication date for committee rules shall not be later than March 10, 2001.

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

AUTHORITY FOR JUDICIARY COMMITTEE TO FILE BANKRUPTCY LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the Judiciary Committee have until 8 p.m. tonight to file the bankruptcy legislation.

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

HONORING DALE EARNHARDT

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 29, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 29) honoring Dale Earnhardt and expressing condolences of the U.S. Senate to his family on his death.

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

Mr. SHELBY. Mr. President, last October, Dale Earnhardt drove his familiar black Goodwrench Chevrolet, with the silver No. 3 painted on each side, past a waving checkered flag to win the Winston 500 at Talladega Superspeedway. The victory was Earnhardt's tenth first place NASCAR Winston Cup race at Talladega, a feat no other driver has accomplished. It was the 76th win of his career; sadly, it was his last.

A week ago Sunday, Dale Earnhardt died in a tragic accident on the last turn of the last lap of one of the last

great American traditions, the Daytona 500. NASCAR lost one of its greatest drivers who was in large part responsible for the tremendous growth of the sport from a regional pastime to an international success. Winston Cup drivers lost a fierce competitor whose aggressive style set the standard for a generation. Millions of fans lost the ''Intimidator,'' a hero admired as much for his charismatic demeanor as his talent as a driver and tenacity during a race. Whether you cheered for him or against him, you couldn't help but admire the passion with which he pursued the checkered flag.

There is a bittersweet irony in that Dale Earnhardt finished his career at Daytona. The track at Daytona defined Earnhardt as a racer. He won 34 races there, more than any other driver. This earned him the reputation as the best superspeedway racer of all time. The Intimidator, however, did not win the Daytona 500 until the 1998 season. It took 20 years, but he finally took the greatest of all superspeedway races.

No other measure of success was as elusive to Dale Earnhardt. In 1979, he beat Harry Gant, Terry Labonte, and Joe Milliken for the Rookie of the Year in one of the most competitive rookie battles ever. He joined Richard Petty as the only other driver to win the NASCAR Winston Cup Championship seven times. He was voted National Motorsports Press Association Driver of the Year five times. Dale Earnhardt was the only driver to win the Winston Cup title the year after winning the rookie title.

Although he did his best to live up to his nickname the ''Intimidator'' during a race, Dale Earnhardt was the first to extend a hand and offer congratulations after it was over. This is the mark of a true champion.

Dale Earnhardt often expressed frustration at the practice of NASCAR to require artificial devices to reduce speeds on some tracks and the type of racing it produced. Nevertheless, he excelled at these so-called restrictor-plate races. In fact, Dale Earnhardt mastered the draft so well at these races that the fellow racers he passed remarked, ''it was like he can see air.''

In Alabama, we look forward to seeing the black No. 3 car on the high banks at Talladega twice a year. No matter where he started at the beginning of the race, you could count on Dale Earnhardt to be near the front by the end. His victories at the world's biggest and fastest track include, as I mentioned earlier, ten NASCAR Winston Cup races, as well as one NASCAR Busch Grand national race and three IROC races where he bested the greatest drivers of his time.

Dale Earnhardt was intensely loyal to his family. He was a father whose pride in his children was greater than his desire in winning races. Our thoughts are with his wife Teresa, and his children: Kerry, Kelly, Dale, Jr. and Taylor Nicole. May God bless all of them and watch over them in this time of need.

Former driver and now television analyst Darrell Waltrip perhaps best captured the sentiment of drivers and fans alike when he said, ''The scariest thing on the track used to be seeing Dale Earnhardt in your rear view mirror. Now the scariest thing is not seeing him there at all.''

The world will miss Dale Earnhardt and his competitive spirit. We pray that his family and friends find some comfort in the way his fans admired this truly unique American sports icon.

Mr. CARPER. Mr. President, today we stand and honor the life and accomplishments of ''The Man'' Dale Earnhardt.

Millions of Americans will remember him as a NASCAR legend, perhaps the best that ever raced. But the people I've spoken with and read about who knew him well remember better a kind father, a loving husband, and a trusted friend.

For over 21 years, Dale Earnhardt delighted hundreds of thousands of people at the Dover Downs, International Speedway in my state of Delaware. Like most of the places Dale raced, at Dover Downs he won, and won big.

But the people of my State honor him for more than his wins at our NASCAR track, three first-place finishes, or the money he earned there, the most of any Winston Cup driver in history.

The reverence and respect from NASCAR fans stems from his constant pursuit of excellence and his refusal to give less than his all every time he took to the track.

They called him ''The Intimidator,'' and on the track, that was true, but to the fans in Dover that he spent time with signing autographs, shaking hands, and in some cases sharing dinner at their kitcken table, Dale Earnhardt was known as ''The Man.''

Last Friday, Dover Downs opened up to those who needed a chance to say ''good bye.'' Even though a blizzard had blown through our State the night before, over 5,000 people turned out to pay their respects. In a moving display of affection, families created in the winner's circle a shrine of flowers, posters, hats, pictures, and poems honoring their hero.

I was told once that the greatest measures of a man's life are the people he has touched, the difference he has made and the standards he has set for others to follow.

Despite his passing, Dale Earnhardt's legacy of excellence will forever influence his sport and its millions of fans. We honor him today for the lives he touched and the Children he inspired.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 29) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in the RECORD of February 27, 2001, under ''Statements on Submitted Resolutions.'')

Mr. LOTT. This is a resolution by Senator EDWARDS of North Carolina.

RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE PEACE CORPS

Mr. LOTT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 18, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) recognizing the achievements and contributions of the Peace Corps over the past 40 years, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, en bloc, with no intervening action, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 18) was agreed to.

The preamble was agreed to.

(The text of the concurrent resolution is located in the RECORD of February 27, 2001, under ''Statements on Submitted Resolutions.'')

ORDERS FOR THURSDAY, MARCH 1, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, March 1. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 1 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions:

Senator MURKOWSKI from 10 a.m. until 10:15 a.m.; Senator ENSIGN from 10:15 a.m. to 10:30 a.m.; Senator THOMAS from 10:30 a.m. to 11 a.m.; Senators WELLSTONE and DAYTON from 11 a.m. to 11:25 a.m.; Senator CLINTON from 11:25 a.m. to 11:40 a.m.; Senator DORGAN from 11:40 a.m. to 12 p.m.; Senator HUTCHISON from 12 p.m. to 12:30 p.m.; and Senator DURBIN, or his designee, from 12:30 p.m. to 1 p.m.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 1 p.m. Following morning business, the Senate hopes to begin consideration of the bankruptcy bill which was reported out today by the Judiciary Committee. We will consult with Senators and see if we can find a way to proceed to that. We also may consider other nominations that will be available for floor action. We believe there will be some who will be available, so there is a strong possibility there will be a vote or votes tomorrow. We will let the Senators know, after I consult with Senator DASCHLE, exactly when those votes might occur and when the business for the week will be completed.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Thursday, March 1, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 2001:

DEPARTMENT OF THE TREASURY

DAVID AUFHAUSER, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE NEAL S. WOLIN, RESIGNED.

JOHN M. DUNCAN, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE RUTH MARTHA THOMAS.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28, 2001:

DEPARTMENT OF THE TREASURY

JOHN M. DUNCAN, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

DEPARTMENT OF DEFENSE

PAUL D. WOLFOWITZ, OF MARYLAND, TO BE DEPUTY SECRETARY OF DEFENSE.

DEPARTMENT OF STATE

BILL FRIST, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALBERT H. KONETZNI, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY W. LA FLEUR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JAMES S. ALLAN, 0000
REAR ADM. (LH) HOWARD W. DAWSON, JR., 0000
REAR ADM. (LH) KAREN A. HARMEYER, 0000
REAR ADM. (LH) MAURICE B. HILL, JR., 0000
REAR ADM. (LH) JAMES M. WALLEY, JR., 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTION 1552:

To be major

ROBERT V. GARZA, 0000

AIR FORCE NOMINATIONS BEGINNING LINDA M. CHRISTIANSEN, AND ENDING ROBERT M. MONBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

AIR FORCE NOMINATIONS BEGINNING *CHARLES G. BELENY, AND ENDING MICHELE R. ZELLERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

AIR FORCE NOMINATIONS BEGINNING JAY O. AANRUD, AND ENDING *DANIEL S. ZULLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARCUS G. COKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10 U.S.C. SECTION 4333 (B):

To be colonel

EUGENE K. RESSLER, JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH W. SMITH, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY I. SULLIVAN, 0000

ARMY NOMINATIONS BEGINNING VIRGINIA G. BARHAM, AND ENDING JAMES C. BUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING FELIX T. CASTAGNOLA, AND ENDING AARON R. KENNESTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING WILLIAM P. BLAICH, AND ENDING IRA K. WEIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING GREGORY O. BLOCK, AND ENDING ROBERT D. TEETSEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING MOSES N. ADIELE, AND ENDING HORACE J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING NORMAN F. ALLEN, AND ENDING DARIA P. WOLLSCHLAEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING STEPHEN C. ALLISON, AND ENDING STACEY YOUNGMCCAUGHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT M. NAGLE, 0000

ARMY NOMINATIONS BEGINNING JAMES M. IVEY, AND ENDING DOUGLAS C. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN L. POWELL, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be lieutenant colonel

MARK R. WITHERS, 0000 MC

ARMY NOMINATIONS BEGINNING DANNY W. AGEE, AND ENDING RONALD K. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

ARMY NOMINATIONS BEGINNING ARTHUR D. BACON, AND ENDING RICHARD T. VANN JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RONALD S. CULP, AND ENDING CHRISTOPHER J. LORIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

MARINE CORPS NOMINATIONS BEGINNING EDUARDO A. ABISELLAN, AND ENDING RICHARD D. ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR ORIGINAL REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be lieutenant

KEVIN D. SULLIVAN, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEPHEN L. COOLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRIAN J.C. HALEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILLIAM J. NAULT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES P. SCANLAN, 0000

NAVY NOMINATIONS BEGINNING DOUGLAS J. ADAMS, AND ENDING GREGORY J. ZACHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MARK R. MUNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS F. KOLON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BERNADETTE M. SEMPLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN D. CARPENTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DARREN S. HARVEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TRAVIS C. SCHWEIZER, 0000

NAVY NOMINATIONS BEGINNING FRANCES R. BACCUS, AND ENDING SCOTT W. STUART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.