

knew that was a likely target. We were not telling the terrorists anything they didn't know. We knew it was a problem.

I hope to God I am never in a position where, by even implication, I have to say, I told you so. There is no way out of the tunnels. There is no lighting. There is no ventilation. There is no way out.

I apologize, I am getting angry about it. Again, I can understand my friend from Arizona and others objecting to Amtrak. They do not think Amtrak is efficacious. I got it. I understand. They are wrong. I am willing to debate that. I would love a chance to debate it. However, this is drop dead common sense. I close to resent not being able to have a chance for the Senator from Pennsylvania, the Senator from Delaware, the Senators from New York, in addition to the Senators where Amtrak goes—these are gigantic targets.

They once asked Willie Sutton: Why rob banks? And his answer was: That is where the money is.

What do terrorists do? Why do they pick the two largest buildings in the United States, instead of coming to Delaware and hitting a 12-story building in Delaware? Why? Because that is where the most people are. That is where the biggest targets remain.

I thank my friend from Nevada. He has been a staunch supporter and tried like the devil to help.

The concluding point I make: My hold is not secret. I would like to know who is holding up the ability of the Senate to pass a bill that we were promised on October 15 would get action; that we passed out of the Commerce Committee unanimously, without amendment; that, in fact, nobody has made a substantive argument why any of this is not needed. I want to know why. I want to know why and who. Who is saying we cannot vote on it? And why do they think we should not have this?

I am a big boy. We have a vote. I win; I lose. But I want a vote.

I yield the floor.

Mr. SPECTER. If the Senator from Delaware would respond to a question, the holds which are placed anonymously on legislation preclude a Senator such as the Senator from Delaware from finding out who has taken that action, and therefore there is no opportunity to talk to that colleague, reason with that colleague, perhaps find a way to resolve the issue.

The simple question: Is it time the rules of the Senate were modified to stop secret holds which preclude sensible action on a matter such as rail safety?

Mr. BIDEN. The Senator is preaching to the choir. I fully agree with the Senator.

As the Senator knows, that is above my pay grade. There are only six Senators who have been here longer than I, but a lot have more institutional power than I do. I think it is a reasonable proposal, and I have shared that view of the Senator for a long time.

Mr. SPECTER. I don't disagree with the Senator from Delaware very often, but I disagree when he says it is above his pay grade.

I compliment the Senator from Delaware for his impassioned presentation. I concur with him. I thank the Senator from Nevada for articulating the view of the leadership.

It is true the Northeast has special considerations: When you pass through the tunnels in Baltimore, you pass through the Philadelphia train stations, the tunnels going into New York City. It is time we considered the matter.

I hope the passion the Senator from Delaware has articulated will move some Senator who has a secret hold on the legislation.

I yield the floor.

Mr. BIDEN. Madam President, I will just take 10 seconds. I conclude by saying, I say to my friend, Senator MCCAIN, I will lift the hold on these two nominees the moment we get a vote on the security bill.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 724 and Calendar No. 725.

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

Mr. REID. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon appear at the appropriate place in the RECORD as though read, and the Senate return to legislative session.

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

The nominations were considered and confirmed, as follows:

THE JUDICIARY

Jeanette J. Clark, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF COMMERCE

Louis Kincannon, of Virginia, to be Director of the Census.

LEGISLATIVE SESSION

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 5:48 p.m., adjourned until Thursday, March 14, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 2002:

CONSUMER PRODUCT SAFETY COMMISSION

HAROLD D. STRATTON, OF NEW MEXICO, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ANN BROWN.

HAROLD D. STRATTON, OF NEW MEXICO, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 2006, VICE ANN BROWN.

DEPARTMENT OF STATE

DAVID A. GROSS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY IN THE BUREAU OF ECONOMIC AND BUSINESS AFFAIRS AND U.S. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL PACK, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE DARRYL J. GLESS, TERM EXPIRED.

DEPARTMENT OF JUSTICE

DAVID PHILLIP GONZALES, OF ARIZONA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE ALFRED E. MADRID, TERM EXPIRED.

EDWARD ZAHREN, OF COLORADO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE ERNESTINE ROWE, TERM EXPIRED.

CHARLES M. SHEER, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE ROBERT BRADFORD ENGLISH, TERM EXPIRED.

GORDEN EDWARD EDEN, JR., OF NEW MEXICO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE JOHN STEVEN SANCHEZ, TERM EXPIRED.

JOHN LEE MOORE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE NORRIS BATISTE, JR., TERM EXPIRED.

WILLIAM P. KRUZIKI, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE NANNETTE HOLLY HEGERTY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LESLIE F. KENNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM R. LOONEY III, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. STONE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH WYSOCKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A).

To be colonel

RICHARD L. FULLERTON, 0000

DAVID S. GIBSON, 0000
WILLIAM P. WALKER, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILLIAM P. ALBRO, 0000
THOMAS E. ALLEN, 0000
THORNE S. AMBROSE, 0000
RANDALL R. BALL, 0000
DAVID H. BARNHART, 0000
EARL S. BELL, 0000
KATHLEEN F. BERG, 0000
JAMES T. BOLING, 0000
PETER A. BONANNI, 0000
JEANETTE B. BOOTH, 0000