

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will take a couple minutes, and then I believe we are done.

To respond in a short fashion to what the Senator from Florida said, we have 14 States that have a separate inheritance tax. In addition, the tax due to the State will continue to be paid through the year 2007.

The repeal basically happens because we increase the unified credit so rapidly, and this is a direct result of the American taxpayers having spoken by the thousands that they want immediate relief.

The President of the United States in his proposal did his death tax repeal with \$260 billion. The bill before us does it with \$145 billion.

The President does not increase the unified credit. So, yes, his plan is a proportionate reduction, but the Senate and the taxpayers wanted immediate relief, and that is why we end up where we are.

Obviously, there are problems for some Senators. I respect their objection, but we did it in the best way we could in a compromising fashion, trying to do as much as we could with a lesser amount of money than what the President was trying to do in his tax program, and do it in a bipartisan fashion.

As we end this evening's debate, and we will continue it Monday with votes well into Monday evening to finish this bill, I hope I can speak for people who have wanted to see a tax bill passed, and that includes Senator BAUCUS and me, that we have defeated amendments that have come before this body to change this legislation.

If we had taken the second alternative of bringing this bill before this body, that second alternative would have been perhaps—if we had been fortunate—a Republican-only measure that would have been voted on in committee 10-10. I believe a lot of the amendments we defeated today would have been adopted.

We brought a bipartisan bill out of committee 14-6. We have had quite a few bipartisan votes today. I hope people who are reflecting upon what they want in a tax bill, if they have what they want without the bipartisan cooperation—when I say “what they want,” again I remind everybody this is a work of compromise—more importantly, bipartisan compromise—so nobody has really gotten what they want. But I know there is more of an urgency on my side for the reduction of marginal rates than there is maybe on the other side.

It could be that people on my side do not like the 36 percent that I agreed to with Senator BAUCUS, but looking at some of these votes, and particularly how hard Senator BAUCUS was working to make sure this bipartisan position

won, without that, some of these amendments, and maybe a lot of others, would have been adopted.

I say that because there is Friday, Saturday, and Sunday to think about this before we adopt a final bill, and then there is Tuesday and Wednesday—and maybe not even that much time—to work on a conference report with which Senator BAUCUS is going to be involved. We have to think in terms of what is possible to get through here when it comes out of conference.

I don't really know how to end this except to say that we worked hard for 4 months to get where we are. I hope people realize what we have put together has been sustained. We ought to think about that as people who may not be totally satisfied with what we are going to pass in the Senate try to use the rest of the process to gain something that is not doable in the final analysis.

I would like to have everybody think between now and when that conference committee has to end sometime not too far down in the future, to be a little bit realistic. I think I have been realistic. I think Senator BAUCUS has been realistic or we wouldn't be here in the first place. For sure, we wouldn't be here sustaining this mark the way we have.

I ask my colleagues, particularly on my side of the aisle, to think of this for the next few days.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I urge the Senate to heed the wise words of the chairman of the committee. They were important. That is, in the final analysis, this will come down to whether there are 51 votes to adopt the conference report. This is an evenly divided Senate, 50/50, for all intents and purposes. I am sure the Vice President can break the tie, but it is basically 50/50 and it comes down to whether there are 50 or 51 votes.

I do believe very strongly that the bill we are working on today is a very significant improvement from my point over what we otherwise would be passing in this body and that it is a bill very similar to that offered by the President and passed by the House.

This bill before the Senate today is much better in terms of distribution, child tax credit, refundability, more for education, tuition deduction provided for, a whole host of provisions. It is a lot better from my point of view and the point of view of the vast majority of Members of this side.

I urge Members, as our very wise chairman has said, to think about this over the next several days, because when we do come back from conference, the conferees are going to have to come up with the result, to sustain not only in the House, which is very easy, but to sustain in the Senate, which is more difficult.

I urge the conferees and I urge Senators to be prudent, wise, and to remember there must be 51 votes in the Senate to adopt a conference report. I commend the chairman of our committee, but particularly Members on my side of the aisle who have offered amendments. There have been good amendments, very well intended, and I wish I could have ordered more of them. I could not, in the view to get a better bill for all Senators, Democrats and Republicans.

I think it is important for all Senators to vote for a tax cut that they think is better than otherwise we would be facing. Some Senators are not going to vote for a tax vote that the conferees will bring back. It will not happen. But I think it is my responsibility to bring back a conference report for which some Senators on my side of the aisle can vote. It is my hope we can bring back a conference report that does have the support not only of 51 Senators but significantly more than 51 Senators so it truly is bipartisan. That very much depends on the conferees.

I thank my good friend from Iowa who has been so decent and straightforward and honest as the day is long, a very wonderful person. We have more miles to travel, and my expectation is we will travel those in the same spirit of cooperation.

I see my good friend from New Jersey standing ready to leave. I say to my good friend from New Jersey, I appreciate his efforts, particularly on the stimulus amendment. There will be another day when we can adopt very good amendments as proposed by my friends from Florida as well as New Jersey.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

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

WORLD WAR II MEMORIAL

Mr. STEVENS. Mr. President, in the early part of the Eisenhower years, I joined that administration and later came to Washington and then met a whole series of World War II veterans. We talked and dreamed then of a memorial to a war in which we had just been. Fourteen years ago, the World War II memorial was conceived and the process started, to have it built here in Washington, DC. Eight years ago, the Congress authorized this memorial; 6 years ago the first of 22 public hearings on the site and design of the memorial commenced.

Construction was scheduled to start last month, but the memorial is now bogged down in legal and procedural issues.

Of the 16 million men and women who served in World War II, only 5 million are alive today. We are now losing veterans of the greatest generation at the rate of 1,100 veterans a day. I questioned that, but we checked it; 1,100 veterans of World War II are passing away each day. By the year 2004, there will be less than 4 million of us.

In my home State of Alaska, in the last 10 years, we lost one-third of the veterans whom I had known and worked with so long.

The site design of our memorial has been endorsed by the Historic Preservation Officer of the District of Columbia, it has received four endorsements of the District of Columbia's Preservation Review Board, and five approvals each from the Committee on Fine Arts and the National Capital Planning Commission.

The memorial is governed by the Commemorative Works Act of 1986. That act gave the final site and design approval to the Commission on Fine Arts and the National Capital Planning Commission and the Secretary of the Interior.

Eight sites were considered for the memorial. In 1998, the design was approved by the Commission on Fine Arts and the National Capital Planning Commission and the site selection was reaffirmed. In 1998, the National Park Service, in accordance with the National Environmental Policy Act, completed an environmental assessment and issued a finding of no significant impact. In the year 2000, the final design was approved by the Commission on Fine Arts and the National Capital Planning Commission, and on November 11 of last year, the year 2000, a ceremonial groundbreaking took place for this memorial.

More than 500,000 Americans have sent donations to the fundraising campaign, 48 State legislatures have done the same thing, 1,100 schools and more than 450 veterans groups, who represent 11 million veterans.

Even though all the procedural steps have been taken, the memorial has now been delayed because of a procedural issue involving the National Capital Planning Commission. The National Capital Planning Commission decision of 2 years ago of including a World War II memorial has been placed in question because the former National Capital Planning Commission chairman continued to serve after the expiration of his term. The legislation that would originally establish this commission permitted members to serve until replaced, but when that law was amended, inadvertently the language allowing continuous service fell out with no explanation. That created a technicality that has forced a review now, again, by the National Capital Planning Commission.

This memorial has been through 22 public hearings, it has complied with

every applicable law, and this technicality regarding the National Capital Planning Commission Board should not penalize the millions of veterans who served our country honorably when asked to do so. They want to see this memorial.

I congratulate the House of Representatives, particularly Congressman Stump, for sending this legislation to the Senate. I thank all who have been very considerate in trying to work out the problems relating to it. I believe I am joined by all the veterans of World War II who serve in this body in urging that the House bill be enacted and sent to the President for his signature immediately.

For many of us, this year marks the 55th year since we left the military service. We were in World War II and returned home.

We want to see this memorial finished while a significant number of our comrades are still alive. We want to be there when this memorial is opened.

Memorial Day for 2001 is just 1 week from next Monday. The veterans of this Nation intended to celebrate the initiation of this memorial on that day. They will not be able to do so unless the bill gets to the President in time to sign it. This is more than a dream of our veterans; it is a demand on our country. I urge no Senator stand in the way of the prompt enactment of this bill.

REQUEST FOR ABSENCE FROM THE SENATE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from the voting in the Senate until 6:30 p.m. next Tuesday, commencing at the adjournment today.

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

DEPARTMENT OF JUSTICE NOMINATIONS

Mr. LEAHY. Mr. President, I come to the Senate to report on the progress the Judiciary Committee is making with respect to a number of administration nominations to the Department of Justice.

Over the last several weeks, I have been working to reach an understanding on how this committee will handle nominations. A number of procedural and substantive issues have been raised in these regards for both Executive and Judicial Branch nominations. The Democratic members have sought to work out arrangements and understandings so that all members of the committee would know what our rules are, know what our practices and procedures will be, and understand how this committee will approach our important responsibilities with respect to nominations.

Over the last 2 weeks the chairman's insistence that the committee proceed

with nominations before those practices and procedures had been agreed upon has led to public reference to outstanding issues that we should have resolved first. I always regret when we are not able to work out matters through reason and cooperation. I do not believe it was appropriate for Republican members of this committee to deride Democratic members as acting "irresponsibly" or "despicably" or "in breach of their constitutional duties." I know that it was not helpful.

Nonetheless, I was proud of the Democratic members of this committee when we jointly sent our May 4 letter to the chairman and provided a way out of the impasse in spite of the name calling. A few days later the chairman responded with language that reflected our respectful tone and for which I thank him.

While I disagree with much of what the chairman argues and asserts in his letter, I appreciate that he has now indicated that with respect to judicial nominations, he "intends to be fully respectful of [Democratic Senators'] views and will assist in any way to ensure that you and our other Senate colleagues receive real, meaningful consultation by the White House on judicial nominees." I appreciate that in his letter he writes that he "respect[s our] views and efforts in ensuring [we] will be appropriately consulted in a meaningful manner on nominees to vacancies in [our] home states."

For the last several weeks, we have also been seeking to resolve concerns about how this committee handles certain confidential information about nominations, information that may reflect on their fitness for office, and may be relevant to how Senators in this committee vote on reporting nominations to the Senate, as well as how Senators vote on confirmations. Those concerns have also been pending for several weeks now without resolution. Those concerns are what prompted our request for an executive session in accordance with Rule 26.5 of the Standing Rules of the Senate so that we could fully discuss these very important matters in accordance with the confidentiality rules that bind us.

Those concerns made it inappropriate to proceed on certain matters over the last few weeks. Although our Republican colleagues knew about our concerns, they nonetheless berated us without any acknowledgment that those open issues, which affect executive as well as judicial nominations, were still unresolved. That, too, was most unfortunate.

Over the last several days I have also reached out to the Bush administration to work with us on ways to resolve these concerns. Those outreach efforts may provide the opportunity to reach a mutually acceptable resolution of these matters. I hope so.

In light of the cooperation we began receiving from the administration last