PN537 Army nominations (11) beginning ROBERT E. ELLIOTT, and ending PETER G SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2001.

PN539 Army nominations (9) beginning BRUCE M. BENNETT, and ending GRANT E. ZACHARY, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2001.

PN519 Marine Corps nomination of Donald E. Gray, Jr., which was received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN438 Navy nomination of Charlie C. Biles, which was received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN439 Navy nominations (235) beginning JAMES W ADKISSON, III and ending MIKE ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN487 Navy nomination of William J Diehl, which was received by the Senate and appeared in the Congressional Record of June 5, 2001.

PN521 Navy nomination of Christopher M Rodrigues, which was received by the Senate and appeared in the Congressional Record of June 12, 2001.

PN522 Navy nominations (19) beginning ROGER T BANKS, and ending CARL ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record of June 12, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORGANIZATION OF THE SENATE

Mr. DASCHLE. Madam President, I now ask unanimous consent that the Senate proceed to S. Res. 120, the organizing resolution submitted earlier today by myself and Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 120) relative to the organization of the Senate during the remainder of the 107th Congress.

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

Mr. DASCHLE. Madam President, I ask unanimous consent that three letters with reference to the resolution be printed in the RECORD.

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


DEAR COLLEAGUE: We are cognizant of the important constitutional role of the Senate in connection with Supreme Court nominations. We write to inform you of our decision to examine carefully and assess such presidential nominations.

We both recognize and have every intention of following the practices and precedents of the Committee and the Senate when considering Supreme Court nominees. Sincerely,

Patrick J. Leahy, Chairman.

Orrin G. Hatch, Ranking Republican Member.

U.S. Senate, Committee on Rules and Administration, Washington, DC, June 29, 2001.

DEAR COLLEAGUE: On June 29, 2001, the Senate passed the organizing resolution which states, in part, that subject to the authority of the Standing Rules of the Senate, any agreements entered into regarding committee funding and space prior to June 5, 2001, between the Chairman and Ranking member of each committee shall remain in effect, unless modified by subsequent agreement between the Chairman and Ranking member.

The resolution (S. 120) was agreed to, without objection, it is so ordered.

The resolution (S. 120) was agreed to, as follows:

S. Res. 120
Resolved, That the Majority Party of the Senate for the 107th Congress shall have a one seat majority on every committee of the Senate, except that the Select Committee on Ethics shall continue to be composed equally of members from both parties.

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

Resolved, That the Majority Party of the Senate for the 107th Congress shall have a one seat majority on every committee of the Senate, except that the Select Committee on Ethics shall continue to be composed equally of members from both parties.

The PRESIDING OFFICER. The Resolution (S. 120) was agreed to, as follows:

SEC. 1. The Senate shall have a one seat majority on every committee of the Senate, except that the Select Committee on Ethics shall continue to be composed equally of members from both parties.

SEC. 2. The Senate shall determine its Speaker and the Speaker pro tempore of the Senate without a roll call vote.

SEC. 3. The Senate shall adopt a resolution amending the Standing Rules of the Senate, not inconsistent with the Standing Orders of the Senate, to provide that the Senate shall make no rules or regulations that will reduce the authority of the Senate as a whole.

SEC. 4. The provisions of this resolution shall become effective, except for Sec. 3, if the ratio in the full Senate on the date of adoption of this resolution changes.

Mr. DASCHLE. Madam President, the resolution we have just adopted is one that provides for the reorganization of the U.S. Senate.

This is a unique time of transition for the Senate, and I understand that it is a difficult time for many of my Republican colleagues.

If there is one thing that supercedes the status of any Senator or any party, it is our desire to do what we were sent here to do. That, of course, requires getting the Senate organized to do it.

By passing this resolution, our colleagues can take action on legislation, and importantly, we can move forward with Presidential nominations.

This organizing resolution is the result of thorough bipartisan negotiations over the last several weeks.

Many people deserve credit. First and foremost, I thank Senator LOTT. Senator LOTT and I have been through many challenges together. Each of those challenges has strengthened our friendship, and our understanding of one another, and this is no exception.

I also thank Senators McCONNELL, DOMENICI, GRAMM, HATCH, and SPECH. Their good faith in the negotiating process, and their patience as the process played out, were instrumental in helping us reach this point.

This resolution provides for a one-seat margin on Senate committees,
which is consistent with Senate precedent.

It clarifies that—subject to the standing rules of the Senate—the agreements on funding and space that were made between chairman and ranking members early in this Congress will remain in effect for the duration of this Congress.

This resolution also makes it clear that all of these provisions will sunset if the ratio in the Senate changes during this Congress.

I especially commend Senator LEAHY. Senator LEAHY, in his typically fair and wise way, played a critical role in solving the most difficult questions we faced in these negotiations: those involving Supreme Court and other Presidential nominees.

Together, he and Senator HATCH were able to find a constructive solution to the way in which we handle “blue slips,” and the way in which we consider nominees to the Supreme Court.

On the subject of blue slips, Senators LEAHY and HATCH have agreed that these forms—traditionally sent to home-state Senators to ask their views on nominees to be U.S. Attorneys, U.S. Marshals, and federal judges—will now be treated as public information.

I share their belief that this new policy of openness will benefit not only the Judiciary Committee, but the Senate as a whole. I also share their hope that this policy will continue in the future, regardless of which party is in the majority.

In the course of our negotiations, a number of our Republican colleagues also raised concerns about how Democrats would deal with potential Supreme Court nominations, should that need arise.

A second letter to which Senators LEAHY and HATCH agreed says clearly that all nominees to the Supreme Court will receive full and fair consideration.

This is the same position I stated publicly many times during our negotiations, and I intend to see that the Senate lives up to this commitment.

It has been the traditional practice of the Judiciary Committee to review Supreme Court nominees to the Senate floor only after the committee has completed its consideration. This has been true even for a number of nominees that were defeated in the Judiciary Committee.

Now, Senators LEAHY and HATCH have put in writing their intention that consideration of Supreme Court nominees will follow the practices and precedents of the Judiciary Committee and the Senate.

In reaching this agreement, we have avoided an unwarranted change to the Standing Rules of the Senate and a sweeping revision to the Senate’s constitutional responsibility to review Supreme Court nominees.

In sum, this is a good, balanced, resolution—one that will enable us to run this Senate in a spirit of fairness.

Mr. LOTT. Madam President, I ask unanimous consent to insert in the RECORD a memo from the Congressional Reference Service. As this memo makes clear, the Senate has a long record of allowing the Supreme Court nominees of the President to be given a vote on the floor of the Senate. No matter what the vote in committee on a Supreme Court nominee, it is the precedent of the Senate that the individual nominated is given a vote by the whole Senate.

The letter inserted in the RECORD as a part of the agreement accompanying the organization resolution refers to the “traditional” practice of reporting Supreme Court nominees for a vote on the floor. This memo from CRS shows that since 1881, there is only one case where the nominee was not given a floor vote: in that case, there was no opening on the Court for the nominee to fill and thus the nominee was withdrawn. So this precedent is even purer than the “99 and 44/100ths” soap test.

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

Congressional Research Service

Senate Consideration of Supreme Court Nominations since 1880

HON. TRENT LOTT,
Senate Republican Leader.

This memorandum is in response to your request, made during our telephone conversation earlier today, for a short written answer to the specific question, “Is it the case that since 1880 all Supreme Court nominations, irrespective of Judiciary Committee recommendation, have received consideration by, and a vote of, the full Senate?”

Research by CRS has found that from President James A. Garfield’s nomination of Stanley Matthews on January 26, 1881 in the final days of the 46th Congress, the only documented instance when the Senate did not consider and vote on a Supreme Court nomination was President Rutherford B. Hayes’s nomination of Stanley Matthews on January 26, 1881 in the final days of the 46th Congress. According to one historical account, the nomination did not receive a vote in the Senate because the Senate did not have quorum. Matthews was renominated by Hayes’s successor, President Garfield, on March 14, 1881. Although the second nomination was reported with an adverse recommendation by the Judiciary Committee, it was considered by the full Senate and confirmed on May 12, 1881.

A second instance in which a Supreme Court nomination failed to receive Senate consideration, only to be followed by the individuals in question being re-nominated shortly thereafter, is the case of William H. Hornblower in 1893. Hornblower was first nominated on September 19, 1893, with no record
of any Judiciary Committee action or Senate consideration of the nomination indicated in Journal of the Executive Proceedings of the Senate volume for that (the 53rd) Congress. Hornblower was re-nominated by President Cleveland on December 6, 1893. After his second nomination was reported adversely by the Judiciary Committee on January 8, 1894, Hornblower was rejected by the Senate on January 15, 1894 by a 24–30 vote.

I trust the above information is responsive to your request. If I may be of further assistance please contact me at 7–7162.

DENIS STEVEN RUTKUS
Specialist in American National Government

CHANGING THE NAME OF THE COMMITTEE ON SMALL BUSINESS TO "COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP"

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 123, submitted earlier today by Senators KERRY and BOND.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk reads as follows: A resolution (S. Res. 123) amending the Standing Rules of the Senate to change the name of the Committee on Small Business to the "Committee on Small Business and Entrepreneurship."

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

Mr. KERRY. Madam President, I would like to take a few minutes to explain the historic importance of the Resolution I am putting forward with Senator BOND to change the name of the Senate Committee on Small Business to the "Committee on Small Business and Entrepreneurship.

I would like to thank Senator BOND for his extraordinary contribution to this bill. So on behalf of all of our caucus, I daresay on behalf of the Senate, I thank Senator KENNEDY, our chairman, for all that he has done.

I also acknowledge and thank our colleague from North Carolina, Senator JOHN EDWARDS. Senator EDWARDS has done a remarkable job. In a very short period of time he has demonstrated his enormous ability to adapt and to work. He has become a true leader. I am grateful to him for his extraordinary contribution to this bill.

Let me also thank Senator JOHN MCCAIN. This bill is truly bipartisan in many ways, but it is personified in that bipartisanship with the role played by Senator MCCAIN, not unlike other bills in which he has participated. I will mention especially the campaign finance reform bill.

Senator MCCAIN has been the key in bringing about the bipartisan consensus that we reached again today. On a vote of 59–36, we showed the bipartisanship that can be displayed even as we take on these controversial and difficult issues. That would not have been possible were it not for his effort.

Let me thank, as well, Senator JUDD GREGG and many of our colleagues on the Republican side for their participation. They made a good case; they argued their amendments extremely well; and they were prepared to bring this debate to closure tonight. I am grateful to them for their willingness to do so.

Finally, I thank Senator HARRY REID. He wasn't officially a part of the committee, but Senator REID has made a contribution once again to this bill, as he has on so many other bills, that cannot be replicated. If not have happened were it not for his remarkable—and I would say incredible—efforts on the Senate floor each and every day. He is a dear friend. He is someone unlike anyone I think we have seen in recent times. He cares deeply for this body and has worked diligently to bring about a successful conclusion to this bill. We thank him.

Having thanked our colleagues, let me also thank our staff—our floor staff, my personal staff, the leadership staff, the staff of the committee. Were it not for them, we simply could not have done our work. I am extraordinarily grateful to them as well.

COMPLIMENTING SENATORS

Mr. DASCHLE. Madam President, let me just say this before I make my final comments. Senator KENNEDY is on the floor right now. Senator KENNEDY, I did just now upstairs and as I did a couple of weeks ago as we completed our work on the education bill, a historic and landmark piece of legislation, how grateful I am, once again, to the senior Senator from Massachusetts, the chairman of the Health, Education, and Labor Committee.

I have said privately and publicly that I believe he is one of the most historic figures our Chamber has ever had the pleasure of witnessing. We saw, again, the leadership and the remarkable ability that he has to legislate over the course of the last couple of weeks. I didn't think that what he had to endure in the education bill could have been any harder. In many respects, I think the last 2 weeks were harder. It was harder reaching a consensus. We had very difficult and contentious issues to confront, amendments to consider. In all of it, he, once again, took his responsibilities as we would expect of him—with fairness, with courtesy, and with a display of empathy for all Members, the likes of which you just do not see on the Senate floor.

So on behalf of all of our caucus, I daresay on behalf of the Senate, I thank Senator KENNEDY, our chairman, for all that he has done.

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Monday, July 9. I further ask consent that on Monday, July 9, immediately following the prayer and the pledge, the