

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 355 Leg.]  
YEAS—50

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	

NAYS—48

Allard	Enzi	Murkowski
Allen	Feingold	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Ensign	McConnell	Warner

NOT VOTING—2

Gramm	Helms
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The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the emergency designation is stricken.

Mr. STEVENS. Madam President, 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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

#### SENATOR THURMOND'S 99TH BIRTHDAY

Mr. BYRD. Madam President, with great pleasure, I belatedly wish the happiest of birthdays to the senior Senator from South Carolina. It was 99 years ago yesterday that STROM THURMOND was born in Edgefield, SC.

Ninety-nine years old, what a feat that makes him old enough to be my big brother!

When he was born, December 5, 1902, the Wright brothers had not yet made their historic flight at Kitty Hawk. He has lived to see men walking on the Moon and American space vessels exploring the far reaches of our galaxy.

When he was born, Theodore Roosevelt was President of the United States. Since then we have had 16 more Presidents.

When he was born, the Kaiser still ruled in Germany. Since then, that country has seen the rise and fall of the Weimar Republic, the rise and fall of Nazi Germany, a divided Germany, and now a united Germany.

When he was born, the Czar still ruled in Russia. Since then, that country has experienced the Russian Revolution, the Bolshevik government, the Communist government, the Soviet empire, and now Russia again.

Almost as intriguing has been the extraordinary career of our remarkable colleague. During the same time period, he has been a teacher, an athletic coach, an educational administrator, a lawyer, a state legislator, and a circuit court judge.

He won his first elective office, County Superintendent, the same year that Herbert Hoover won his first elective office, 1928. He was a soldier in World War II, where he took part in the D-Day invasion of Normandy. He was a presidential nominee in 1948 and the governor of his beloved State of South Carolina from 1947 to 1951. He has been a Democrat, a Dixiecrat, and a Republican. Most of all he is a great American.

All of this would have been more than enough experiences and achievements in one lifetime for most mortals. But, incredibly, STROM THURMOND's greatest days were still ahead of him.

In 1954, he won his first election to the U.S. Senate as a write-in candidate—making him the only person in history to be elected to the Senate as a write-in candidate. He has now become the longest-serving Senator in history, and the oldest person ever to have served in the Senate.

But it is more than longevity that has made STROM THURMOND an extraordinary Senator. As chairman of the Senate Armed Services Committee and chairman of the Senate Judiciary Committee, he has fought for a stronger military to keep our country free, and he has fought for tougher anti-crime laws to make our streets safer. As President pro tempore of the Senate, he brought dignity, style, and a southern refinement to this important position.

For these and other achievements, he has had high schools, state and federal buildings, as well as streets, dams, and town squares named in his honor. A few years ago (1991), the Senate designated room S-238 here in the U.S. Capitol as the “Strom Thurmond Room” “in recognition of the selfless and dedicated

service” that he has “provided . . . to our Nation and its people.”

On this, his 99th birthday, I wish to say what a privilege and an honor it has been to have served with this remarkable man for all these years.

He has always been an outstanding legislator, a Southern gentleman, and foremost, a good and dear friend.

Happy birthday, Senator. God Bless you.

#### CONFIRMATION OF LARRY HICKS

Mr. REID. Madam President, every Member of the United States Senate should be grateful for the hard work that Chairman LEAHY and the entire Judiciary Committee have exhibited in an effort to move judicial nominations forward as quickly as possible.

Even under the most extraordinary of circumstances, Chairman LEAHY has moved forward in a reasonable and timely fashion.

In the aftermath of the September 11 terrorist attacks, Chairman LEAHY spearheaded legislation through the Judiciary Committee that will provide our law enforcement agencies with the necessary tools to provide homeland security while at the same time protecting our most cherished civil liberties.

The Senate Judiciary Committee and its Members were also forced to endure a lengthy closure of its committee room and office space as a result of the anthrax-laced letter that was sent to Majority Leader TOM DASCHLE's Hart Senate Office.

Yet Chairman LEAHY and the Senate Judiciary Committee persevered.

They even approached the distinguished Chairman of the Senate Appropriations Committee and asked his permission to hold a hearing on judicial nominations in the Committee's historic conference room in the Capitol.

I attended that hearing in support of the nomination of Larry Hicks, of Reno, to be the next Judge on the United States District Court for the District of Nevada.

Larry Hicks is currently a partner in the Reno law firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks.

The Chairman of the litigation section, Larry has been with the firm since 1979.

He has extensive trial court, appellate court and settlement experience, having served as a settlement judge since 1998 for the Nevada Supreme Court.

Larry is also admitted to practice in all State and Federal courts of the State of Nevada, the Circuit Court of Appeals for the Ninth Circuit and the United States Supreme Court.

Prior to his private practice, Larry served the people of Northern Nevada for 11 years in the Office of the Washoe County District Attorney.

In 1975, he was elected District Attorney of Washoe County.

Larry received his undergraduate degree from the University of Nevada in

Reno and received his law degree from the University of Colorado School of Law in Boulder.

He has also received numerous awards and recognition from a variety of organizations, including the Nevada State Bar, where he has served on the Board of Governors, and as President, the American Bar Association, the Association of Trial Lawyers of America and the International Association of Gaming Attorneys.

Larry and his wife Marianne have been blessed with a beautiful family. They are the proud parents of three children, Carrie, Amy and Christopher, all of whom are graduates of the University of Nevada in Reno.

He is a fine man, a fine Nevadan, and I am sure that he will be a fine judge.

I would also like to take a moment to commend my friend and colleague from Nevada, Senator JOHN ENSIGN.

Senator ENSIGN and I have discussed every candidate that he has recommended to President Bush, and I fully support his selections.

It has truly been a bipartisan approach with respect to the federal bench in Nevada, and I am so pleased that the Senate will soon vote to confirm Larry Hicks to be the next Judge on the U.S. District Court for the District of Nevada.

#### COMMEMORATING THE 60TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

Mr. DOMENICI. Madam President, I rise today to commemorate the selfless men and women who sacrificed so much to protect freedom during the December 7, 1941 attack on Pearl Harbor. On that fateful day, 2,403 members of the Armed Forces lost their lives defending freedom. I salute the New Mexicans who were caught in that attack, and those who subsequently answered the call of their grateful nation to bear arms in its defense.

Sixty years ago, the unwarranted attack by the Imperial Japanese Navy and Air Force on Pearl Harbor challenged the peace and well-being of this great Nation. However, the attack served as a catalyst, unifying this Nation and galvanizing the bravery of our people. With enormous self sacrifice and unbound patriotism, the “greatest generation,” those who lived and served during the Second World War, rose up to meet the challenge and overcame adversity.

In the aftermath of September 11, this country is once again dealing with an unwarranted attack on our homeland and our freedom. As America commemorates the 60th anniversary of the attack on Pearl Harbor, we appreciate more than ever before the heroes of the past. The American people look to that generation’s courage and heroism to find solace and inspiration for meeting the threats we face today. As Americans then used every avenue available—defense programs, universities and research institutions, the national

laboratories, and an energized public—to win World War II, so too, must we be just as resourceful in fighting the war on terror.

Today, just as then, our national laboratories play a vital role in the fight against terrorism. In my home State of New Mexico, the laboratories are contributing to help ensure domestic preparedness and security.

The anniversary of the attack on Pearl Harbor reminds us of those who paid the ultimate price to protect our Nation, even as brave Americans are paying that price today in the war on terror. I am honored to pay tribute to those who served, and are serving, in the defense of this great Nation.

#### CONFERENCE REPORT TO H.R. 2944, THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Madam President, I rise to offer for the RECORD the Budget Committee’s official scoring on the conference report to H.R. 2944, the District of Columbia Appropriations Act for Fiscal Year 2002.

The conference report provides \$408 million in discretionary budget authority, which will result in new outlays in 2002 of \$370 million. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total \$418 million in 2002. By comparison, the Senate passed bill included \$408 million for the District, which would have increased total outlays by \$416 million in 2002. The conference report is at the subcommittee’s Section 302(b) allocation for both budget authority and outlays. It does not include any emergency-designated funding. In addition to the Federal funds, the conference report to H.R. 2944 also approves the District government’s budget for 2002, including granting it the authority to spend \$7,154 billion of local funds.

It is important that the Congress complete its work on the remaining appropriations bills for 2002. In the case of this report, H.R. 2944 not only provides a limited amount of Federal funding to the District, but also, through the enactment of its budget, allows the city to obligate and spend its own local revenues. We should act on behalf of the citizens of D.C. to allow the District to implement the budget sent forth to us by its elected leaders.

I ask unanimous consent that a table displaying the budget committee scoring of the conference report to H.R. 2944 be printed in the RECORD.

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

#### H.R. 2944, CONFERENCE REPORT TO THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose	Manda-tory	Total
Conference report:			
Budget Authority .....	408 .....	408	

#### H.R. 2944, CONFERENCE REPORT TO THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose	Manda-tory	Total
Outlays .....	418 .....		418
Senate 302(b) allocation: <sup>1</sup>			
Budget Authority .....	408 .....		408
Outlays .....	418 .....		418
President’s request:			
Budget Authority .....	342 .....		342
Outlays .....	362 .....		362
House-passed:			
Budget Authority .....	398 .....		398
Outlays .....	408 .....		408
Senate-passed:			
Budget Authority .....	408 .....		408
Outlays .....	416 .....		416

#### CONFERENCE REPORT COMPARED TO:

Senate 302(b) allocation: <sup>1</sup>			
Budget Authority .....			
Outlays .....			
President’s request:			
Budget Authority .....	66 .....		66
Outlays .....	56 .....		56
House-passed:			
Budget Authority .....	10 .....		10
Outlays .....	10 .....		10
Senate-passed:			
Budget Authority .....	2 .....	0 .....	2

<sup>1</sup> For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, 12-6-01.

#### CONCERN FOR THE INTEGRITY AND REPUTATION OF THE UNITED STATES CIVIL RIGHTS COMMISSION

Mr. HATCH. Madam President, I rise today to address an unfortunate situation that has come to my attention concerning the United States Civil Rights Commission. One might even say that it is unbelievable.

There is no one in this body that has greater appreciation for the work and history of the United States Civil Rights Commission than I do, and for the need of having a body such as this that can review issues that may arise in the area of civil rights without the taint of partisanship or ideologies. It is comforting to know that there is such a body that gathers disinterested public servants of unimpeachable integrity with a passion for the great work of securing the freedoms which belong to all citizens, without discrimination.

As you know, the Congress has taken a great interest in the appointment of the Commission’s eight members. In fact, four of the eight are appointed by the Congress, two by the Senate and two by the House. The President appoints the other four. In each case, whether appointed by the President or by the Congress, the Commission must have an equal number of Commissioners from each party.

It appears that there is a controversy brewing as to when the term of a Commissioner expires. I believe that this controversy could do severe harm to the reputation of the Civil Rights Commission and the trust that is placed in it by the American people. I hope that this is a matter that will have an immediate resolution.

Apparently, one of the presidential appointees of the previous administration, Victoria Wilson, is refusing to accept the expiration of her term. Ms.