

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	Mandatory	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	Mandatory	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 .....			
Outlays .....	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.

Wilson claims that she was appointed for a six-year term, although it appears that President Clinton expressly appointed her for only one year to complete the unexpired term of Judge Leon Higginbotham, who died before his term expired. It appears also that the Chairwoman of the Committee, Mary Frances Berry, has told the White House that she refuses to recognize the President's new appointee, a person, by the way, of impeccable credentials who is an attorney with a distinguished career. Chairwoman Berry has indicated that it would take federal marshals to seat the President's appointee when the Commission next meets.

As if the American people did not have enough drama in their lives, we hardly need something like this to further erode the public's confidence in the Civil Rights Commission. I think many of us are already concerned with the work of the Commission in recent years. They have taken on rather partisan issues, or at very least they have prosecuted issues in what often appears to be partisan ways, and arguably injudicious ways. I will not get into these concerns, but I am afraid that the Commission is doing great harm to the trust of the American people.

Rather, I would like to comment on the current situation, which is a matter of existing law. What is especially troubling is that it appears that Chairwoman Berry and Ms. Wilson are refusing to comply with the legal opinion of the White House Counsel, Judge Gonzales, as well as the independent opinion of the Justice Department.

In 1994 Congress amended the provisions governing the appointment of the Civil Rights Commissioners. Congress' intent was to ensure that the terms of the Commissioners would not expire all at once. We made provision for staggered terms for the Commissioners, adopting what is universally deemed good practice in the private corporate and nonprofit arenas. Staggered terms preserve institutional memory and experience. To have staggered terms requires that an appointee named to fill an unexpired term serve for only the remainder of that term. To do otherwise would completely eviscerate the staggering that Congress intended. The argument that Ms. Wilson, and Chairwoman Berry, is making—that all appointments, and Ms. Wilson's appointment in particular, are always for terms of six years—would create the untenable opportunity for mischief if Commissioners were to resign at the end of a particular administration. Commissioners could resign as a group, allowing a departing Administration to fill several seats for six year terms, and denying the incoming administration the right to name any Commissioners.

This argument, not only makes no sense, but I am also afraid that this sort of confrontational approach does very real harm to the reputation of the Commission and its individual members who the American people expect to be disinterested, apolitical public

servants. I invite my colleagues to urge the immediate resolution of this matter.

I ask unanimous consent that Judge Gonzales' letter be printed in the RECORD.

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

THE WHITE HOUSE,  
Washington, December 5, 2001.

The Hon. MARY FRANCES BERRY,  
Commission on Civil Rights, 624 Ninth Street,  
NW., Washington, DC.

DEAR MADAM CHAIRWOMAN: I am writing to confirm our conversation yesterday about the recent expiration of Commissioner Victoria Wilson's term of service on the U.S. Commission on Civil Rights and the President's forthcoming appointment of her replacement.

As we discussed, Ms. Wilson was appointed to the Commission on January 13, 2000. Official White House records and Ms. Wilson's commission issued by President Clinton, which explicitly states that she was appointed by President Clinton to fill the unexpired term of the late Judge Leon Higginbotham, document that Ms. Wilson's term ended November 29, 2001. To be sure, in our conversation you stated that, when Ms. Wilson received her commission, she attempted to contact the White House Clerk to ask that her commission be reissued to provide for the six year term she is now claiming. However, the Clerk has no record of any such request. In any event, the commission was never reissued, a fact that can only be viewed as confirming the conclusion that Ms. Wilson's term expired on November 29, 2001 in accordance with her commission.

The Office of Legal Counsel of the Department of Justice has issued a legal opinion confirming that Ms. Wilson's term expired on November 29, 2001. The opinion rests on an analysis of the Commission's organic statute, in particular the intent of Congress expressed therein to provide for staggered terms of commissioners. The legislative history of the 1994 amendments to the statute also makes plain that Congress intended to preserve the system of staggered terms. As you yourself noted in 1983 in testimony before Congress, the staggered terms system was proposed by commission members to limit the degree of political influence over the commission. H.R. 98-197, 1983 U.S.C.A.A.N. 1989, 1992. Of course, the orderly staggering of terms intended by Congress would be frustrated if vacancies created through death or resignation could be filled with commissioners appointed for new six year terms. Ultimately, the balance between continuity and change sought by Congress in allowing a fixed number of new members to be appointed at regular intervals would give way to a process in which Presidents and commissioners alike could "game the system" by timing resignations and appointments.

In our conversation yesterday, I explained the legal position of the White House and the Department of Justice. I also explained, that President Bush has selected an individual—Peter Kirsanow—whom he intends to appoint to succeed Ms. Wilson. Mr. Kirsanow is an extraordinarily well-qualified individual. He is a partner with a major Cleveland law firm and has served as chair of the Center for New Black Leadership and as labor counsel for the City of Cleveland. Because there is a vacancy on the Commission, the President intends to appoint Mr. Kirsanow as a commissioner as soon as possible.

You maintained, however, that you support Ms. Wilson in her decision to purport

not to vacate her position and to continue service and to attend the Commission's upcoming meeting on December 7. Moreover, you informed me that you do not consider yourself to be bound by opinions of the Department of Justice nor do you intend to abide by them or to follow the directives of the President in this matter. You further informed me that you will refuse to administer the oath of office to the President's appointee. I advised you that any federal official authorized to administer oaths generally could swear in Mr. Kirsanow.

Finally, you stated that, even if Ms. Wilson's successor has been lawfully appointed and has taken the oath of office, you will refuse to allow him to be seated at the Commission's next meeting. You went so far as to state that it would require the presence of federal Marshals to seat him.

I respectfully urge you to abandon this confrontational and legally untenable position. As to questions regarding Ms. Wilson's status, we view these as a matter between Ms. Wilson and the White House. With respect to Mr. Kirsanow, any actions blocking him from entering service following a valid appointment would, in my opinion, violate the law. The President expects his appointee to take office upon taking the oath and to attend upcoming meetings as a duly appointed commissioner. The President also expects all sworn officers of the United States government to follow the law.

In sum, the law and official documents make clear that Ms. Wilson's term expired last week, November 29, 2001, and that she is no longer a member of the U.S. Commission on Civil Rights. As soon as Mr. Kirsanow takes the statutory oath, the incumbent commissioners and staff should treat the President's new appointee as a full member of the Commission.

Sincerely,

ALBERTO R. GONZALES,  
Counsel to the President.

#### CONFIRMATION OF JOHN WALTERS AS DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MCCAIN. Madam President, I want to congratulate John Walters, the new Director of the Office of National Drug Control Policy, on his confirmation by the Senate last night. I have no doubt that the hard work and experience he brings to the Office will greatly benefit our efforts to reduce drug abuse in our nation.

I do wish he could have been confirmed much earlier, considering the challenges we face at home and overseas. In the last eight years alone, teenage drug use has almost doubled and, as I speak, terrorists, including those we are fighting in Afghanistan and across the globe, are using the drug trade to help finance their operations.

President Bush nominated John Walters in early June, but he was not granted a hearing until October 10. Finally, on November 8 and five months after his nomination, John Walters was favorably voted out of the Senate Judiciary Committee, 14 to 5, with five Democrats joining all the Republicans in support of his confirmation. Seven months to be confirmed is not a credit to the workings of the Senate.

It was disappointing that, of the small number of activists opposed to