

was not just an effort to reach out with platitudes of courtesy. We got into a discussion on issues, not in great depth, but Senators and Congressmen were able to raise points of concern and interest. I think there was a belief on both sides that it was a very positive meeting. I hope this is the first of many of that type in the months to come.

I will be glad to yield the floor at this time so others may speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the majority leader leaves, the one referral the majority leader made we just learned has not been cleared by Finance yet.

Mr. LOTT. Mr. President, I thought it was routine business and thought it had been cleared.

#### ORDER FOR REFERRAL VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that the agreement be withheld, until we make sure it has been cleared, as always.

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

Mr. CARPER addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

#### THE GUEST CHAPLAIN

Mr. CARPER. Mr. President, I want to briefly thank Senator BIDEN for inviting Father Trainor to open this session of the Senate with the prayer that he has given. Senator BIDEN shared with us a story of his first visit here as a very young man, and his second visit, at 30 years old, when he was sworn into office, barely just old enough to take the oath.

When I think of his youth, the first time he stepped into this room as a Senator, and the first time I stepped into this room as a Senator earlier this month, I am so old, they named me a member of the Aging Committee. So there is a little bit of difference between his perception and mine. But I am delighted to be here and just thrilled to be able to welcome Father Trainor today.

JOE BIDEN mentioned that Senator THURMOND is an inspiration to us all. I just want to say Father Trainor continues to serve as an inspiration to us all, whether we be Catholic—or in my case, Protestant—or some other faith.

St. Pat's is in the inner-city part of Wilmington. It is an urban parish and an urban ministry, but people actually worship there from all over the northern part of our State.

I will be privileged to worship there, too, in a month or 2 at the end of our St. Patrick's Day parade, which winds down and ends right at the front door of St. Patrick's Church. We will go in and worship together—people of all faiths. We will appreciate the warm welcome, the hospitality, and the grace that is shared at that time.

I want to say one other word, if I may, about St. Pat's and Father Trainor. In a passage of Scripture in the New Testament, Matthew 25, people are gathered at the Heavenly Gates. Some are going to get in and some are not, and those who are going to be extended the privilege of living there forever in Heaven are told: When I was hungry, you fed me; when I was thirsty, you gave me something to drink; when I was naked, you clothed me; when I was sick and in prison, you came to visit me.

I just want to say at St. Pat's, as much as any church, as much as any parish in our State, that litmus test is still adhered to. And for those who are thirsty or hungry or homeless, or sick, they have a place to go.

I just want to say to Father Trainor, thank you for all that you do to make that the case and for sharing the Gospel with all of us and for really serving as a wonderful example. We welcome you here today. I am delighted to be able to be here to join with Senator BIDEN for this opportunity, and to say that the umbrellas still do work here, as Senator BIDEN alluded to earlier, and so do the elevators.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I thank the Chair.

#### JUDGE ROGER GREGORY

Mr. ALLEN. Mr. President, I rise today to address the appointment of Roger L. Gregory to the U.S. Court of Appeals for the Fourth Circuit and the pending approval process of the Senate.

Judge Gregory was appointed to the bench during the congressional recess in December. He was sworn into office last Thursday, on January 18, 2001, in Charlottesville, VA. To many, this recess appointment was unacceptable because the President had nominated Judge Gregory last summer and he was never considered by the Senate or the Judiciary Committee before adjournment sine die.

There are Senators who understandably believe that promises and understandings have been breached concerning recess appointments. However, it is my belief that in Roger Gregory, the Fourth Circuit—and, indeed, America—has a well-respected and honorable jurist who will administer justice with integrity and dignity. He will, in my judgment, decide cases based upon and in adherence to duly adopted laws and the Constitution. I respectfully urge my colleagues and the administration to join me in supporting Judge Gregory.

I want to share with you my observations, and let you all know a bit more about Roger Gregory, the man.

Judge Gregory is a testament to what can be achieved in America through hard work and personal determination. He is the first person in his family to finish high school. He went on to graduate summa cum laude from Virginia State University, where his

mother had once worked as a maid. He received his juris doctorate degree—his law degree—from the University of Michigan and later taught at Virginia State as an adjunct professor. Before his investiture as a judge, as a founding partner of the firm of Wilder & Gregory, Judge Gregory was a highly respected litigator representing mostly corporate and municipal clients in his hometown of Richmond, VA.

Last week, Roger Gregory became the first African American to be seated on the Fourth Circuit of the U.S. Court of Appeals.

He has been active in many civic and community affairs. He and I both served together on the Board of the Historic Riverfront Foundation in Richmond. He has served for many years on the board of directors of the Christian Children's Fund, the Richmond Renaissance Foundation, and the Black History Museum, among others.

In 1983, Commonwealth Magazine named Roger Gregory as one of "Virginia's Top 25 Best and Brightest." In 1997, he was a recipient of the National Conference of Christians and Jews Award. He has an AV rating in Martindale-Hubbell, which is the highest combined legal ability and general recommendation rating given to lawyers. He has been a leader of the Old Dominion Bar Association, having served as President from 1990 through 1992.

A few weeks ago, I had the opportunity to personally sit down and talk with and kind of interview Judge Gregory. I am truly impressed and comfortable with his judicial philosophy. Judge Gregory understands that the judicial branch is not the legislative branch. He believes in the rule of law and stated that he would adhere to precedents established by the Fourth Circuit and the Supreme Court to guide his decisions.

During our conversation, Judge Gregory told me that he does not believe justice is what he called, "result oriented," and instead, he believes the "administration of justice is a process." He was firm in his conviction that his charge as a judge is to "follow the rule of law and not participate in an activist court; as result-oriented judges are very dangerous."

Moreover, Judge Gregory articulated to me an appreciation of the rights, prerogatives, and powers reserved to the States in our Federal system. In particular, Judge Gregory believes the States have broad powers to regulate and pass laws, and that unless the law is clearly repugnant and violates established constitutional principles, he believes the laws enacted by legislators should be upheld and respected by the courts.

Mr. President, and fellow Senators, I am cognizant that this body has the prerogative of "advice and consent" and could deny Judge Gregory a permanent appointment. No one should mistake my support of Judge Gregory's

confirmation with approval of the manner in which the former President handled this nomination.

At the time this nomination was first sent to the Senate last summer, I pledged to consider the nominee on his merits but took exception to the lateness of the nomination. It seemed to me the timing was calculated to accomplish a short-term political objective more than to achieve confirmation of a judge, and I felt that Mr. Gregory deserved better treatment.

Whatever the motive, the tardiness of the former President's action put the Senate in an impossible position. And the recess appointment has only compounded the harm. Still, we must act in the best interest of the judiciary and the country. I ask my colleagues today to recognize that no good for our judiciary or our country can be achieved by now striking back at the former President.

Let us rise above this procedural aggravation and act in a statesmen-like manner.

Mr. President, I submit to you and to my colleagues that Judge Roger L. Gregory is an exemplary citizen of the Commonwealth of Virginia. He has a sense of the properly restrained role of the judiciary and is eminently qualified to serve with distinction.

Mr. President, I respectfully ask my colleagues to hold the requisite hearing, after which I believe you will share my positive impression of Judge Roger Gregory, and thereafter confirm him to the U.S. Court of Appeals for the Fourth Circuit.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I may proceed irrespective of the adjournment order.

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

Mr. WARNER. Mr. President, I wish to advise my colleagues, I will not take a lengthy period.

I commend my partner in the Senate, Senator GEORGE ALLEN, a man for whom I have had the highest respect for so many years. We have worked together now for close to two decades, and this is our first joint appearance on the floor of the Senate; it is for a very important reason. I commend my colleague for his remarks and wish to associate myself with each and every word he has said.

Mr. President, I met Judge Gregory on July 13, shortly after he was nominated, and thereafter I sent a letter to the chairman of the Judiciary Committee in which I asked for hearings. I ask unanimous consent that letter be printed in the RECORD.

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

UNITED STATES SENATE,  
Washington, DC, September 15, 2000.

Hon. ORRIN G. HATCH,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness over the past several weeks to repeatedly discuss with me the nomination of Roger Gregory to serve as a judge on the United States Court of Appeals for the Fourth Circuit.

I am confident that Roger Gregory would serve as an excellent jurist on this distinguished court. I regret that the President, for reasons unknown to me, did not nominate Mr. Gregory until very near to the end of this Congress; however, I remain steadfast in my belief that the Senate should act on his nomination. Therefore, I once again respectfully request that you schedule a confirmation hearing for Mr. Gregory.

With kind regards, I am

Sincerely,

JOHN WARNER.

Mr. WARNER. I have prepared a letter to the President of the United States, George W. Bush, dated today, and my distinguished colleague has joined me in signing this letter. It is very short, and I shall read it:

DEAR MR. PRESIDENT: As a Virginian, Judge Roger Gregory is now serving in the United States Court of Appeals for the Fourth Circuit. The circumstances preceding his oath of office taken on January 18, 2001 are well known.

In the course of this process, we publicly announced—

That is Senator ALLEN and myself—our support for then nominee Gregory and requested that the Judiciary Committee hold a confirmation hearing. Now, Judge Gregory's future tenure on the Fourth Circuit rests with your administration and, subject to your decision, then with the Senate's Judiciary Committee and the full Senate under its "Advice and Consent" responsibilities.

We continue to support Judge Gregory's nomination.

We have interviewed Judge Gregory, consulted with members of the bar, Judiciary, and others throughout the Commonwealth of Virginia about Judge Gregory's credentials. It is our belief that Judge Gregory is a well qualified candidate who will serve with distinction.

We fully respect the responsibilities you have to carefully review the overall situation regarding the Fourth Circuit and the views of the Chief Judge. Historically, Presidents have sought to achieve geographic representation in a circuit with members drawn from the several states within the circuit. It may well be that following your review of the Fourth Circuit, you will consider nominating or supporting a slate of candidates to provide to each state within the Fourth Circuit as a judge.

As you know, the Fourth Circuit serves the states of Virginia, West Virginia, North Carolina, South Carolina and Maryland. Currently, of the 11 judges sitting on the Fourth Circuit, four are Virginians, three are South Carolinians, two come from Maryland, and two are West Virginians.

We respectfully request that Judge Gregory's name be among those names that you support for confirmation to the Fourth Circuit.

Now, a few personal observations. I always go back to the Constitution and article I:

All legislative Powers herein granted shall be vested in a Congress of the United States. . . .

Then we proceed to article II:

The executive Power shall be vested in a President of the United States. . . .

And lastly, article III:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour. . . .

Three coequal branches of Government, and we are addressing an issue relating to a member of a coequal branch of the Federal Government, a sitting Federal judge. In my judgment, despite all of the unusual aspects of the nominating process, we should support this jurist, if for no other reason, out of respect for the Senate towards the coequal branch of another part of our Republic and the members therein.

Now, as I say, I interviewed him. I have known him. He is a law partner of one of our distinguished living former Governors, Governor Wilder.

My colleague pointed out he would be the first African American on the Fourth Circuit. It was my privilege many years ago, then as a relatively junior Senator, to nominate an African American, the first in the history of the Commonwealth of Virginia, to serve in the Federal judiciary, James Spencer.

I say to my colleague, I am privileged to join with him in now supporting this eminently qualified jurist for continuation on the Fourth Circuit.

Out of respect to our former colleague, Senator Robb, we should note that he was very much involved in the nomination process that preceded in the fall.

Lastly, I will say, with regard to the advice and consent role of the Senate, each time we exercise that important constitutional responsibility—I guess I speak for myself—I consider the nominees of a President are human beings, people with sensitivities that all of us have, people who have families, people who have friends. I will have that very much in mind as we proceed to consideration of our role with regard to Judge Gregory. Sometimes we lose sight of that. Couple that with the fact that we are examining a member of a coequal branch of our Federal Government and of our Republic. For that reason we should accord him every respect we can.

Nevertheless, we shall examine thoroughly such qualifications as our colleagues wish to raise. It is my hope and, indeed, my expectation that eventually this Chamber will render its advice and consent such that Judge Gregory may continue as a member of the Fourth Circuit.

Mr. BIDEN. Will the Senator yield for a moment?

Mr. WARNER. Yes, indeed.

Mr. BIDEN. Mr. President, one of the reasons why the senior Senator from Virginia is so well respected in this place is not only the fact that he is a consummate gentleman, but he pays

tribute to and honors the traditions of this great place.

I am aware that today was the maiden speech of his new colleague and our new colleague, the former Governor of Virginia.

I recall 28 years ago, when I got here, one's maiden speech was taken in a much more formal way, not by the speaker but by other Members of the Senate. I remember when I made my first speech, Senator John Stennis, Senator Allen, Senator Mansfield, Senator Javits all came and sat. I don't even remember what it was. It was an innocuous speech. They were all gracious enough to sit, turn their chairs, and act as if I was delivering the Declaration of Independence. I appreciated it very much.

Unlike my maiden speech, the maiden speech of the former Governor of the State of Virginia portends well for this body. To come here in the first speech he makes, to be in support of not the process but the person, who the Senators from Virginia could easily have concluded, because it was a Democratic nominee originally, should no longer remain on the bench because of the recess appointment and the manner in which it was taken, I take the speech of the Senator from Virginia to be more than merely about the nominee, who I agree is incredibly well qualified, having sat on the Judiciary Committee and sitting on the Judiciary Committee and being aware of his background.

I thank the Senator from Virginia, Mr. ALLEN, for making a maiden speech that meant something, that meant something about an individual and sent a signal to this body that I hope we on both sides of the aisle emulate for the next 2 years; that is, that we should look beyond partisan advantage and look to quality, the quality of what we are doing.

I compliment him on his maiden speech. I compliment him on the substance of the speech. I compliment my friend from Virginia, senior Senator, for being here. Senator ALLEN could have spoken about the dome, and he would have been here because that is the nature of the man. He understands the traditions of this place. They mean something. I am glad I get to serve with him.

Mr. WARNER. Mr. President, I express my profound appreciation and respect for my colleague from Delaware. We have enjoyed a very warm, personal, and professional relationship throughout my 23 years. I note that my colleague from Delaware has been here a number of years beyond that.

And I don't know of any Members, except maybe Senator BYRD or Senator THURMOND, who feel more deeply about the traditions here than my colleague from Delaware. I believe this morning was the longest speech on record with regard to a visiting member of the clergy, but it was heartfelt and it was fascinating to sit and listen.

These are some of the rare moments we share in this great institution when

events such as that take place. I commend him and thank him. I know Senator BIDEN is the former chairman of the Judiciary Committee and he is well experienced regarding judicial nominations and the advice and consent role. Indeed, you noted the maiden speech of GEORGE ALLEN. The majority leader leaned over a few minutes ago and said beneath the tones of the system here, "Usually, we wait 3 months."

Two of us reminded the leader that this is a very important subject and one on which, indeed, the Senator could have extolled other aspects, particularly regarding education. But I think he chose the subject wisely, I say to my colleague from Virginia, and he chose the time wisely, because we should be without a moment's doubt in the minds of our colleagues about our support for this nominee and, indeed, our respect for the judicial branch.

I thank my colleague for the privilege of joining him today, and I commend him for his remarks. I also thank my colleague from Delaware.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to proceed as in morning business notwithstanding the order for the recess.

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

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Alaska (Mr. STEVENS) as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 107th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Alabama (Mr. SESSIONS) as Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Alaska (Mr. MURKOWSKI) as Chairman of the Senate Delegation to the Canada-U.S. InterParliamentary Group conference during the 107th Congress.

#### WELCOMING SENATOR ALLEN TO THE SENATE

Mr. BOND. Mr. President, I join my colleague from Virginia and my colleague from Delaware in welcoming our new member from the State of Virginia. Frankly, I am delighted to see another former Governor join this body. I wish there were more of us here. I know the Senator from Virginia will have a great deal to offer. He has already made a significant contribu-

tion, and it was a pleasure for me to be able to be here and to hear his first speech. I know not only from that speech, but from his actions, he is going to be an extremely valuable Member of this body. I think the senior Senator from Virginia will agree that having additional "wahoos" is always a good idea.

Mr. WARNER. I thank our colleague.

We wish the Senator well in the coming weeks. He is about to experience something that will require courage and God's will and godspeed.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

(The remarks of Mr. BOND pertaining to the introduction of S. 189 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### OFFICE OF COMPLIANCE REPORT TO CONGRESS

Mr. THURMOND. Mr. President, pursuant to Section 102(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1302(b)), the Board of Directors of the Office of Compliance have submitted a report to Congress. This document, dated December 31, 2000 is titled a "Review and Report on the Applicability to the Legislative Branch of Federal Laws Relating to Terms and Conditions of Employment and Access to Public Services and Public Accommodations."

Section 102(b) requires this report to be printed in the CONGRESSIONAL RECORD, and referred to committees with jurisdiction. Therefore, I ask unanimous consent that the report be printed in the RECORD and that the report be appropriately referred.

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

SECTION 102(b) REPORT—REVIEW AND REPORT ON THE APPLICABILITY TO THE LEGISLATIVE BRANCH OF FEDERAL LAWS RELATING TO TERMS AND CONDITIONS OF EMPLOYMENT AND ACCESS TO PUBLIC SERVICES AND PUBLIC ACCOMMODATIONS

(Prepared by the Board of Directors of the Office of Compliance pursuant to section 102(b) of the Congressional Accountability Act of 1995, 2 U.S.C. §1302(b), December 31, 2000)

Section 102(a) of the Congressional Accountability Act (CAA) lists the eleven laws that, "shall apply, as prescribed by this Act, to the legislative branch of the Federal Government." Section 102(b) directs the Board of Directors (Board) of the Office of Compliance (Office) to: "review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations."

"And, on the basis of this review, "[b]eginning on December 31, 1996, and every 2 years thereafter, the board shall report on