

We can always talk about percentages and numbers, Mr. President. For example, so far only 43 percent of this President's circuit nominations in his first 2 years have been confirmed. President Clinton got over 86 percent of his circuit nominees confirmed in his first 2 years in office, the first President Bush got 96 percent and President Reagan got 95 percent. Only 43 percent of circuit court judge nominations have been confirmed in this Congress compared to almost 90 percent for other Presidents over the past 20 years. That is a problem.

I know there have been disagreements in the past about nominations when I was majority leader, but we did move large blocks of nominations. We had some approved that were very controversial and others were not moved in the final analysis.

The problem with this particular nomination is not only the exceptional qualifications of the nominee and his history as a former judiciary committee staffer, but more importantly, the way Senator THURMOND has been treated in the process. Judge Shedd is eminently qualified for the job. He is a former staff director of the Judiciary Committee. And he has been a sitting Federal district judge for over a decade, confirmed by the Senate, probably unanimously. Nevertheless, after Senator THURMOND was given the word that he would have this nomination voted on before the year was out, this nomination was pulled from the calendar of the committee's last markup.

Mr. President, that is simply a tragic conclusion to an almost five-decade career in the Senate. It is also in my view a violation of the unwritten rules of civility about which we all talk and aspire to in the Senate. That is why I will make a continued effort to find a way for this nominee to be considered by the committee and confirmed by the Senate in this Congress before Senator THURMOND retires. Senator THURMOND, Judge Shedd, and the American people deserve better. Senator THURMOND as an icon of this institution in his final days deserves better. And the honor and traditions of the U.S. Senate deserve better.

I yield the floor.

#### EXHIBIT 1

##### SHEDD'S BACKGROUND

Appointed by President George H.W. Bush to the United States District Court for South Carolina in 1990, Dennis W. Shedd has served as a federal jurist for more than a decade following nearly twenty years of public service and legal practice.

In addition to his service on the District Court, he has sat by designation on the Fourth Circuit Court of Appeals on several occasions. Judge Shedd also has served on the Judicial Conference Committee of the Judicial Branch and its Subcommittee on Judicial Independence.

From 1978 through 1988, Judge Shedd served in a number of different capacities in the United States Senate, including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee.

Judge Shedd is well-respected by members of the bench and bar in South Carolina. Ac-

cording to South Carolina plaintiff's attorney Joseph Rice, "Shedd—who came to the bench with limited trial experience? has a good understanding of day-to-day problems that affect lawyers in his courtroom . . . He's been a straight shooter." [Legal Times, May 14, 2001.]

According to the Almanac of the Federal Judiciary, attorneys said that Judge Shedd has outstanding legal skills and an excellent judicial temperament. A few comments from South Carolina lawyers: "You are not going to find a better judge on the bench or one that works harder." "He's the best federal judge we've got." "He gets an A all around." "It's a great experience trying cases before him." "He's polite and businesslike."

Plaintiffs lawyers commended Shedd for being even-handed: "He has always been fair." "I have no complaints about him. He's nothing if not fair." [Almanac of the Federal Judiciary, Vol. 1, 1999.]

Judge Shedd would bring unmatched experience to the Fourth Circuit. He has handled more than 4,000 civil cases since taking the bench and over 900 criminal matters. In fact, no judge currently sitting on the Fourth Circuit has as much federal trial experience as Judge Shedd, and none can match his ten years of experience in the legislative branch.

Shedd's record demonstrates that he is a mainstream judge with a low reversal rate. In the more than 5,000 cases Judge Shedd has handled during his twelve years on the bench, he has been reversed fewer than 40 times (less than one percent). Since taking his seat on the Fourth Circuit in 2001, Judge Roger Gregory (a Democrat appointed by President Bush) has written opinions affirming several of Judge Shedd's rulings.

Mr. SANTORUM. Mr. President, will the Senator from Mississippi yield?

Mr. DASCHLE. Mr. President, what is the regular order?

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senator from Maryland, Ms. MIKULSKI, is recognized for 5 minutes. The Senator from Maryland.

#### ATTACKS ON THE CAPITAL REGION

Ms. MIKULSKI. Mr. President, this past year has been a challenging time for residents of the capital region. First there was the September 11 attack on the Pentagon. Then there were the anthrax attacks, and now a serial sniper is terrorizing the national capital region, attacking innocent people going about their daily lives. These attacks affect each and every one of us.

Here in the capital region especially, there have been seven attacks in Montgomery County and in Prince George's County in my own home State of Maryland. The sniper has also made three attacks in Northern Virginia. Our friends and our neighbors have been either injured or killed. Our schools are now locked down. Eleven of our neighbors have been shot, nine people have died, two others are still fighting for their recovery, including a child who was shot as he walked into his school in the accompaniment of his aunt, a nurse.

These senseless and brutal murders have left grieving families and terrified our communities. I wish to express my sympathy for the families of the vic-

tims. I want them to know they are not alone; that I am on their side and at their side; and also that the resources of the Federal Government are at the disposal of local government and local law enforcement to catch this criminal.

We in Maryland are deeply grateful for the support of President Bush, who has pledged the support of every Federal agency to be at the disposal of local government and local law enforcement.

I thank the Attorney General, Mr. Ashcroft, and the FBI Director, Mr. Mueller, for their immediate response when these attacks on our civilians occurred.

This killer must be brought to justice. It is going to take persistence and patience. It is going to take great detective work, which is already underway. I want everyone to know that just like the manhunt is not going to go away, Federal support is not going to go away, and the resources are not going to go away until this criminal is brought to justice.

So many of my colleagues have expressed their support. They have asked me how my constituents are doing. Well, let me tell everyone what I know about the Marylanders I so proudly represent. We Marylanders strongly believe when times get tough, the tough get going. We are unflinching in our determination to get through these attacks, to stand with each other, and to do all we can to support law enforcement to catch the criminal, to keep our businesses open, and also to make sure our children are safe.

We are particularly sensitive to these issues, but our grief and shock must be coupled with action. Congress must respond with deeds, not just words. This is why I believe one of our first actions should be to pass something called the BLAST Act. The BLAST Act deals with ballistic fingerprinting. It was introduced by our colleague, Senator KOHL. It would keep a database that includes the fingerprint of every bullet and shell to enable law enforcement to solve crimes by providing a scientific link between gun crimes and their owners.

Ballistic evidence has already helped us determine that these shootings were linked to the same killer. We now need the kind of legislation that just as we take fingerprints of criminals, we need to have the same type of fingerprinting on guns.

I know this is controversial, but let's begin the debate. Let's move this legislation through the committee. I know there are issues related to technology, there are issues regarding those who want to tamper with a gun in some way, but this is the United States of America. We have the genius in regard to technology. Let's solve the problems by doing something to make ballistic fingerprinting available, reliable, and accurate. Let's not solve it by doing nothing and saying there are too many problems.

My constituents want action. They want us to not only find the criminal, but they want us to prevent these type of deeds from being done again. So this is why I support the BLAST Act. I am a proud cosponsor and hope to vote for it in the Senate.

Unfortunately, the sniper is not the only killer who attacked our region and the people living in it. One year ago today, a letter containing the deadly anthrax was opened in the Senate. Before that letter reached the Senate office building, it passed through the Brentwood postal facility, exposing workers to its deadly contents. On this anniversary, I want to express my deepest condolences to the families who suffered in these attacks, particularly the families of two postal workers who died from anthrax exposure, my two constituents, Joe Curseen, Jr., and Thomas Morris, Jr. Both of these men lived in Maryland. They were public servants. They were patriots. They died in the service of their country.

I want them to know I will continue to stand sentry to make sure we will not forget them. America must not only remember the sacrifices they made and the pain felt by their families but the fact that every single postal worker continued to work, show up for duty, deliver the mail and was unflinching and unabashed in fulfilling their duty as postal workers.

I was proud to join with my colleagues in the House, Representatives WYNN and NORTON, in passing a bill to rename the Brentwood facility after Mr. Curseen and Mr. Morris, but I want to do more. The postal workers are scared. Little is known about the long-term effects of possible exposure to anthrax. Some are quite ill and continue to be ill. This is why I will be offering legislation calling on HHS to examine the effects of anthrax exposure on the long-term health of our postal workers.

I also want to thank every Senate employee who, though we have been faced with anthrax, continue to keep the doors of the Senate floor open. Thanks to our personal staff, our professional staff, to the pages, to the elevator operators, everybody, we survived that attack, and we survived it because we stuck together. God bless them, and God bless America.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. REID. Mr. President, what is the regular order?

#### COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 304, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 304) encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan

appropriations bills to the Senate not later than July 31, 2002.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am pleased the Senate has begun debate on the extension of several critically important budget enforcement tools. I want to thank the majority leader, Senator DASCHLE, for bringing up this important matter and for finding the time for this Senate debate.

I know that floor time is scarce and there are many other important priorities for this Senate, but I believe this amendment, authored by myself, Senator DOMENICI, Senator GREGG, and Senator FEINGOLD, is one of the most important measures the Senate will vote upon this year.

As I have indicated, I am especially pleased to be joined in this amendment by the distinguished ranking member of the Budget Committee, Senator DOMENICI.

The amendment that we offer today represents a major step in preserving fiscal discipline in the Senate. The bipartisan amendment includes a 1-year extension requiring 60 votes in the Senate to waive certain Budget Act points of order. The extension would continue the 60-vote waiver of these points of order against legislation that would, among other things, decrease the Social Security surplus, increase spending, or cut taxes beyond levels specified in the most recent budget resolution.

A 1-year extension of the Senate pay-as-you-go rule that has been in effect since 1993 is also included. This Senate rule requires 60 votes to waive a point of order raised against direct spending or tax cut legislation that would increase the deficit, further tapping into the Social Security surplus. In addition, the resolution extends the pay-as-you-go rule to mandatory spending items added to appropriations bills.

If you pierce the veil, because that is a lot of technical language that is important, the fundamentals of this amendment are very simple. This is a question of whether or not we are going to have the budget disciplines we have had in place for most of the last decade that proved to be so important to having fiscal discipline in the Congress.

This amendment will help protect Social Security. As previously mentioned, it extends the Senate pay-go rule which helps to prevent use of the Social Security surplus for tax cuts or mandatory spending. It will extend the requirement for 60 votes to waive a point of order against a reconciliation bill that would make changes in Social Security. It will extend the requirement for 60 votes to waive a point of order against a budget resolution that would reduce the Social Security surplus, and it will extend the requirement for 60 votes to waive a point of order against legislation that would reduce the Social Security surplus.

This amendment does not accomplish everything I would like to accomplish.

Back in June, Senators DOMENICI and FEINGOLD and I offered an amendment to the Defense authorization bill that would have included all of the elements of this amendment but also would have gone further.

At that time, we recommended to our colleagues to set a limit of \$768 billion on discretionary spending for fiscal year 2003 and a required 60 votes to waive a point of order against legislation that would exceed that limit. We offered an extension of the statutory rules that would enforce that discretionary limit through sequestration. We also would have extended the statutory pay-as-you-go rules that require that increases in mandatory spending or tax cuts be paid for and that enforce requirement for sequestration.

Although we had bipartisan support for that amendment, we fell one vote short of the supermajority that was required. The President will recall on that day we had 59 votes to extend the enforcement procedures on the budget, 59 votes for a spending cap. But 59 votes was not enough. The rules require that we have the supermajority of 60 votes; we fell 1 vote short.

Senator DOMENICI, the ranking member of the Budget Committee, stood with us in that effort. Senator STEVENS, the ranking member of the Appropriations Committee, stood with us on that vote. Senator MCCAIN, a prominent Republican Presidential candidate, stood with us on that vote. Again, we did not achieve the 60 votes necessary to have that measure passed.

I would still like to put in place a limit on discretionary spending and extend the more comprehensive package of enforcement tools on which we voted that day. Getting agreement between the House, Senate, and the White House on a discretionary spending limit is not possible right now. For now, we have to take this different approach, even though it is more limited. Because of the importance of extending Senate rules enforcing limits on mandatory spending and tax cuts, Senator DOMENICI and I agreed to proceed with this simple Senate resolution.

Let me be clear; this is not a budget resolution. There has been some discussion, and I know Senator DOMENICI expressed concern to me. He is right; this is not a budget resolution. This is a measure that extends budget enforcement procedures in the Senate. It extends the expiring requirements for 60 votes in the Senate to waive the point of order relating to mandatory spending and tax cuts. It is, unfortunately, silent on the level of discretionary spending for fiscal year 2003.

Again, while this is not everything I want or everything that needs to be done to ensure fiscal discipline, I am convinced this is all that is possible today. It represents a very important step forward in the fight for fiscal discipline. I urge my colleagues to support this amendment. Let us demonstrate to the American people that the Senate has not abandoned budget discipline.