

River, the group had to decide whether to winter there or cross the river in search of a more hospitable setting. Lewis and Clark took a vote on the matter, and the final tally included the votes of Sacagawea, a woman, and York, a black man. That winter, York and the group built Fort Clatsop, the westernmost outpost of the United States Government at the time, and one of our Nation's major claims on the disputed Oregon country.

It is odd that York is not commonly honored as an American who made possible the western expansion of our nation. The Lewis and Clark expedition, which will soon celebrate its 200th anniversary, is a seminal event in American history, and a black American who contributed significantly to that historic endeavor remains unknown to a nation which owes him a debt of gratitude.●

ADDITIONAL STATEMENTS

TRIBUTE TO LLOYD KIVA NEW

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to a man who through his dedication and vision made a significant difference in the lives of many people in my home state of New Mexico and around the country. Lloyd Kiva New passed away last Friday in Santa Fe at the age of 85.

A Cherokee from Oklahoma, Lloyd Kiva New was a graduate of the School of the Art Institute of Chicago. He became the first American Indian to obtain a degree in arts education from the institute in 1938. After serving in World War II, he established a fashion design studio in Arizona. He was also instrumental in developing several progressive educational projects, including the Southwest Indian Arts Project.

In 1962, Lloyd Kiva New co-founded the Institute of American Indian Arts, an innovative school located in Santa Fe. He became the IAIA's Art Director and eventually its President. He retired as full-time president of the institute in 1978. He was known for his novel approach to the arts in which he sought to reawaken artistic traditions that had been a primary mode of Indian expression for centuries. He continually urged students not to be bound by existing notions of artistic expression and to reject stereotypical ideas of American Indian art and culture. In part because of his vision, IAIA has been influential in sending art from Indian artist all over America, enriching Indian and mainstream cultures in the process.

The recipient of numerous awards, Lloyd Kiva New also served on the Indian Arts and Crafts Board and the National Council of the Museum of the American Indian. In addition, he was named President Emeritus of the IAIA, was honored as a Living Treasure of Santa Fe, and received the New Mexico Governor's Award for Excellence in the Arts.

I wish to extend my deepest sympathies for his passing to his family and loved ones. His wife, two children, and five grandchildren survive him.

Many people were inspired and encouraged by Lloyd Kiva New over the years. He has left a great legacy and his absence will be deeply felt in the American Indian communities and in the hearts of many individuals.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 30, 1992 in Elk Grove, IL. A gay man was assaulted by two men after being invited to go out with them. One of the assailants, Robert F. Braschko, 19, of Rolling Meadows, was charged with criminal damage to a vehicle, battery, and a hate crime in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Government Affairs pursuant to the order of December 20, 2001:

DEPARTMENT OF DEFENSE

Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 1928. A bill to amend section 222 of the Communications Act of 1934 to require affirmative written consent by a customer to the release of customer proprietary network information; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL:

S. 1929. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

By Mr. CONRAD:

S. 1930. A bill to promote the production of energy from wind; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. TORRICELLI, Ms. SNOWE, and Mr. COCHRAN):

S. 1931. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 929

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 929, a bill to amend the National Labor Relations Act to preserve charitable giving.

S. 1370

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1370, a bill to reform the health care liability system.

S. 1737

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KERRY), and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1737, a bill to provide for homeland security block grants.

S. 1760

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1799

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1799, a bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels.

S. 1800

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1800, a bill to strengthen and improve the management of national security, encourage Government service

in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 1897

At the request of Mrs. CARNAHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1897, a bill to require disclosure of the sale of securities by an affiliate of the issuer of the securities to be made available to the Commission and to the public in electronic form, and for other purposes.

S. 1900

At the request of Mr. EDWARDS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1900, a bill to protect against cyberterrorism and cybercrime, and for other purposes.

S. 1912

At the request of Mr. SMITH of Oregon, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1912, a bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior and the Secretary of Commerce to give greater weights to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes.

S. 1917

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. RES. 109

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Hawaii (Mr. INOUE), the Senator from Maryland (Mr. SARBANES), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

AMENDMENT NO. 2837

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 2837.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1928. A bill to amend section 222 of the Communications Act of 1934 to re-

quire affirmative written consent by a customer to the release of customer proprietary network information; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation to require telecommunications firms to receive explicit written consent from consumers prior to sharing their customer proprietary network information, or CPNI, with other entities. This is a simple bill that will provide consumers with the privacy protection that they deserve to have and that I believe should already be required under the 1996 Telecommunications Act.

The 1996 Communications Act established as law that CPNI is confidential personal information, requiring customer approval before its release or being shared with others. Congress and the American people count on the Federal Communications Commission, FCC, to carry out that mandate and to protect the privacy of American consumers who use the country's telecommunications system. Therefore, I believe it shouldn't really even be necessary to introduce this legislation, clarifying that approval should mean "express written consent" or, in other words, an "opt-in" approach to protecting privacy. But I share the concern of consumer advocates and 39 State attorneys general that the FCC, which is currently taking comment on the matter, could otherwise adopt an "opt-out" approach to privacy as it relates to CPNI. In my view, and in the view of the consumer advocates and the state attorneys general, an opt-out approach cannot adequately protect consumers' privacy and would not meet Congress's intent in passing the 1996 Communications Act.

An opt-out approach would put the unfair burden on consumers to protect their own confidential personal information that is in the possession of large telecommunications companies, protect it from being shared by those companies with other entities. This can be information of the most sensitive kind, including lists of phone numbers dialed and the duration and timing of calls. An opt-out approach presumes consumer consent that such information could be shared unless the customer goes through an unduly burdensome and uncertain process to request that the provider not share it.

In recent months in Minnesota, for example, Qwest notified customers that the company would begin to share customer information unless the customers notified Qwest that they did not want it shared. The company notice was often overlooked by customers, and it was difficult to understand for many customers who did try to read it. Furthermore, numerous customers reported problems getting through to the company's 800 number, or in navigating the options for opting out of the information sharing scheme. Due to customer complaints, and to

the company's credit, Qwest recently reversed its position and will not share any customer information until the FCC issues a final CPNI rule. Meanwhile, however, Qwest and other telecommunications carriers have been advocating heavily for adoption by the FCC of an "opt-out" approach.

I am not telling anyone whether they should want their CPNI shared and made available to marketers. That is up to consumers themselves. I do want to leave that choice to consumers. I believe that means that they must have the opportunity to give their express consent on what personal information and to whom it will be shared before such information is shared.

By Mr. MCCONNELL:

S. 1929. A bill to amend title II of the Social Security to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce legislation to add Kentucky to the list of States that are permitted to offer "divided retirement" plans under the Social Security Act.

Three weeks ago, I was contacted by Brian James, president of the Louisville Fraternal Order of Police, FOP, and Tony Cobaugh, president of the Jefferson County FOP. These two law enforcement leaders called my attention to a problem that could jeopardize the retirement security of many of our community's police, fire, and emergency personnel.

In November of 2000, the citizens of Jefferson County and the City of Louisville, KY voted to merge their communities and respective governments into a single entity, which will be known as Greater Louisville. As one might expect, combining two large metropolitan governments in such a short time frame cannot be done without encountering a few difficulties along the way. Jefferson County and the City of Louisville currently operate two very different retirement programs for their police officers. When these two governments merge on January 6, 2003, current Federal law will require the new government to offer a single retirement plan that could dramatically increase the cost of retirement for both our dedicated public safety officers and the new Greater Louisville government.

Thankfully, when the FOP's leaders called this problem to my attention, they also suggested a simple solution, let the police officers and firefighters choose for themselves the retirement system which best meets their needs.

I rise today to offer legislation that will provide retirement stability to our public safety officers by allowing Kentucky to operate what is known as a "divided retirement system." I am pleased to be joined in this effort by Congressman RON LEWIS and Congresswoman ANNE NORTHUP who will soon introduce similar legislation in the House of Representatives.