

June 2002, President Bush issued an executive order stripping air traffic services of its "inherently governmental" status. And in December 2002, the administration issued a document designating air traffic control a "commercial" activity, opening the door to contracting out the jobs of air traffic controllers to the lowest bidder.

This change from "inherently governmental" to a "commercial" function is more than a technical change—"inherently governmental" functions can never be privatized, while "commercial" functions may be outsourced.

The administration is trying to accomplish its privatization plan under the public's radar screen through the Office of Management and Budget's A-76 process. We in Congress have the power to stop this process and the bill I am introducing today will reverse the administration's plan.

My Safe and Secure Skies Act will return air traffic control functions to "inherently governmental" status, thus barring any privatization action. I do want to note, however, that my legislation will not affect the existing FAA "Contract Tower" program, which involves some small, visual flight rules airports.

We currently have the best air traffic control system in the world. Over 15,000 dedicated Federal air traffic controllers guide more than 2 million passengers a day home safely. Maintaining and inspecting the system are over 11,000 air traffic specialists, and nearly 3,000 flight service station controllers provide critical information and alerts to pilots. They are expert professionals who perform under pressure every day to keep our skies safe.

I believe our air traffic controllers are almost a wing of the military, and they play a major role in homeland security. When President Bush gave the State of the Union speech last month, it was the flight service station air traffic controllers who sent alerts to avoid the expanded "no-fly" zone around Washington. And when the space shuttle *Columbia* tragically disintegrated in the skies over Texas, it was the air traffic controllers who directed aircraft away from the falling debris field.

These men and women perform a critical government function.

Some claim that privatization will save money. But when you look at other countries' experiments with air traffic control privatization, all you see are financial messes and safety hazards. Australia, Canada, and Great Britain all have privatized systems that are now in crisis. Costs have gone up and safety has gone down.

Since Great Britain adopted privatization, near misses have increased by 50 percent and delays have increased by 20 percent. The British Government has already had to bail out the privatized air traffic control company twice.

Privatization of the air traffic control system is bad fiscal policy, bad

safety policy, bad homeland security policy, and the public doesn't want it.

I therefore ask my colleagues to support my Safe and Secure Skies Act, which will declare these critical air traffic control functions to be "inherently governmental", and therefore not eligible for outsourcing.

The safety of our skies should not be put in the hands of the lowest bidder.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$2,933,624, of which amount (1) not to exceed \$210,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$5,163,940, of which amount (1) not to exceed \$210,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$2,201,453, of which amount (1) not to exceed \$210,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,000 may be expended for the

training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 12, 2003, at 10:30 a.m. in Room 495 of the Russell Senate Office Building to conduct a Confirmation hearing on the President's nomination of Mr. Ross O. Swimmer to be Special Trustee for American Indians at the U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

NATIONAL INVENTORS' DAY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 10, S. Res. 49.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 49) designating February 11, 2003 as National Inventors' Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I am pleased the Senate is passing S. Res. 49 that Senator HATCH and I introduced to recognize February 11, 2003, as National Inventors' Day.

More than 200 years ago, on July 30, 1790, Samuel Hopkins, a resident of Vermont, was granted the first United States patent. He had discovered a process for making potash, and was

awarded his patent by President George Washington, Attorney General Edmund Randolph and Secretary of State Thomas Jefferson.

Samuel Hopkins is just one of the many resourceful and creative inventors from Vermont. The town of Brandon can boast Thomas Davenport, a self-educated blacksmith interested in electricity and magnetism. Through hands-on experiments with electromagnets, he built the first true electric motor in 1834. Initially, his patent request was denied because there was no prior patent on electric machinery. But he garnered the support of numerous professors and philosophers who examined his invention and endorsed his right to a patent on his novel device. In 1837, his determination paid off, and he secured a patent.

John Deere was born in Rutland, VT and spent most of his early life in Middlebury. After moving out West, John Deere realized the cast-iron plows he and other settlers brought with them were not going to work in the Midwest soil. He studied the problem and developed the first successful steel plow using steel from a broken saw blade. This new steel plow became the key for successful farming in the West, and "John Deere" is still synonymous with farming equipment today.

Vermont continues to be a leader in inventing and obtaining patents. My State ranks fourth in the Nation for number of patents issued. IBM's Essex Junction Plant, which designs and makes computer technology for a wide range of products, received 411 patents from the U.S. Patent & Trademark Office in 2002. Vermont's plant also has 18 inventors who together have earned more than 600 patents. One of those inventors is Steve Voldman, the top patent winner. Over the past 10 years, he has received 110 patents. In 2002, he received 29. Many of his 2002 patents had to do with silicon germanium, a new technology that has produced the world's fastest chip.

Today's inventors are individuals in a shop, garage or home lab. They are teams of scientists working in our largest corporations or at our colleges and universities. In the spirit of independent inventors, small businesses, venture capitalists and larger corporations in Vermont and all over the United States, I would like to recognize February 11, 2003, as "National Inventors' Day."

Mr. ENZI. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.
The resolution, with the preamble, reads as follows:

S. RES. 49

Whereas the American people and the world have benefited from the creations and discoveries of America's inventors; and

Whereas the patents that protect those creations and discoveries spur technological progress, improve the quality of life, stimulate the economy, and create jobs for Americans: Now, therefore, be it

Resolved, That the Senate—

(1) honors the important role played by inventors in promoting progress in the useful arts;

(2) recognizes the invaluable contribution of inventors to the welfare of the people of the United States;

(3) designates February 11, 2003, as "National Inventors' Day"; and

(4) requests the President to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

ORDERS FOR TUESDAY,
FEBRUARY 11, 2003

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tues-

day, February 11. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

I further ask unanimous consent that the Senate recess from the hour of 12:30 p.m. to 2:15 p.m. for the weekly party caucuses.

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

PROGRAM

Mr. ENZI. For the information of all Senators, tomorrow the Senate will return to the consideration of the Estrada nomination to the DC Circuit Court. As stated earlier, we are attempting to reach an agreement that would allow us to lock in a final vote on the nomination. It is hoped that an agreement can be reached during tomorrow's session. Votes are possible during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under a previous order, the Senate stands adjourned until 9:30 a.m., Tuesday, February 11, 2003.

Thereupon, the Senate, at 6:45 p.m., adjourned until Tuesday, February 11, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 2003:

DEPARTMENT OF DEFENSE

PAUL MCHALE, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.
CHRISTOPHER RYAN HENRY, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.