

his 1 hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than 2 hours so yielded to him and may in turn yield such time to other Senators.

“(8) Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least 10 minutes, is, if he seeks recognition, guaranteed up to 10 minutes, inclusive, to speak only.

“(9) After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than 24 hours.

“(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

“(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by 3 votes on the second such motion, and by 3 additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business.”

**SENATE RESOLUTION 86—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN W. CURTIS SHAIN v. HUNTER BATES, ET AL.**

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution, which was considered and agreed to:

S. RES. 86

Whereas, in the case of *W. Curtis Shain v. G. Hunter Bates, et al.*, No. 03-CI-00153, pending in Division II of the Oldham Circuit Court, Twelfth Judicial Circuit, Commonwealth of Kentucky, an affidavit has been requested from Senator Mitch McConnell;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent him-

self from the service of the Senate without leave; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Senator McConnell is authorized to provide testimony in the case of *W. Curtis Shain v. G. Hunter Bates, et al.*, except concerning matters for which a privilege should be asserted and when his attendance at the Senate is necessary for the performance of his legislative duties.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator McConnell in connection with any testimony authorized in section one of this resolution.

**SENATE RESOLUTION 87—COMMEMORATING THE CENTENNIAL ANNIVERSARY OF THE NATIONAL WILDLIFE REFUGE SYSTEM**

Mr. NELSON of Florida (for himself, Mr. GRAHAM of Florida, Mr. INHOFE, Mr. JEFFORDS, Mr. DASCHLE, Mr. CRAPO, Mr. KERRY, Ms. CANTWELL, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. WARNER, Mrs. MURRAY, Mrs. HUTCHISON, Ms. MIKULSKI, Mr. SARBANES, Mr. LAUTENBERG, Mr. CHAFEE, Mr. DURBIN, Mr. LEAHY, Mr. LEVIN, Mr. HARKIN, Mr. VOINOVICH, Mr. HOLLINGS, Mrs. BOXER, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. ALLARD, Mr. DODD, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 87

Whereas March 14, 2003, will mark the Centennial Anniversary of the National Wildlife Refuge System;

Whereas the United States Senate continues to fully support the mission of the National Wildlife Refuge System, and shares President Theodore Roosevelt's view that: "Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unknown generations, whose belongings we have no right to squander";

Whereas President Theodore Roosevelt's vision in 1903 to conserve wildlife started with the plants and animals on the tiny Pelican Island on Florida's East Coast, and has flourished across the United States and its territories, allowing for the preservation of a vast array of species; and

Whereas the National Wildlife Refuge System of 540 refuges, that now hosts 35,000,000 visitors annually, with the help of 30,000 volunteers, is home to wildlife of almost every variety in every state of the union within an hour's drive of almost every major city: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the National Wildlife Refuge System on its Centennial Anniversary;

(2) expresses strong support for the National Wildlife Refuge System's continued success in the next 100 years and beyond;

(3) encourages the National Wildlife Refuge System in its continued efforts to broaden understanding and appreciation for the Refuge System, to increase partnerships on behalf of the National Wildlife Refuge System to better manage and monitor wildlife, and to continue its support of outdoor recreational activities; and

(4) reaffirms its commitment to continued support for the National Wildlife Refuge Sys-

tem, and the conservation of our Nation's rich natural heritage.

**SENATE RESOLUTION 88—HONORING THE 80TH BIRTHDAY OF JAMES L. BUCKLEY, FORMER UNITED STATES SENATOR FOR THE STATE OF NEW YORK**

Mr. HATCH submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas James Buckley served in the United States Senate with great dedication, integrity, and professionalism as a trusted colleague from the State of New York;

Whereas James Buckley served with distinction for more than a decade as a Circuit Judge on the United States Court of Appeals for the District of Columbia Circuit;

Whereas James Buckley's long and distinguished career in public service also included serving in the U.S. Navy during World War II, as Undersecretary of State for Security Assistance, and as President of Radio Free Europe;

Whereas James Buckley celebrated his 80th birthday earlier this week: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges and honors the tremendous contributions made by James Buckley during his distinguished career to the executive, legislative, and judicial branches of the United States; and

(2) congratulates and expresses best wishes to James Buckley on the celebration of his 80th birthday.

**SENATE RESOLUTION 89—HONORING THE LIFE OF FORMER GOVERNOR OF MINNESOTA ORVILLE L. FREEMAN, AND EXPRESSING THE DEEPEST CONDOLENCE OF THE SENATE TO HIS FAMILY ON HIS DEATH**

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 89

Whereas the Senate has learned with sadness of the death of former Governor of Minnesota Orville L. Freeman;

Whereas Orville L. Freeman, born in Minneapolis, Minnesota, greatly distinguished himself by his long commitment to public service;

Whereas Orville L. Freeman, football star, student council president, and Phi Beta Kappa honors student, graduated magna cum laude from the University of Minnesota;

Whereas Orville L. Freeman, a Major in the Marine Corps, served the United States with honor and distinction during World War II, and was awarded a Purple Heart for wounds associated with his heroism;

Whereas the organizational leadership of Orville L. Freeman helped build the Minnesota Democratic-Farmer-Labor Party into a successful political party;

Whereas, in 1954, Orville L. Freeman became the first Democratic-Farmer-Labor candidate to be elected Governor of Minnesota;

Whereas Orville L. Freeman, elected to 3 consecutive terms as Governor, advanced the concept of governance now known as "the Minnesota Consensus," which views government as a positive force in the lives of citizens, and government programs as investments in Minnesota's future;

Whereas, during his service as Governor of Minnesota, Orville L. Freeman increased State funding for education, improved health and rehabilitation programs, expanded conservation efforts, and achieved many other successes that improved his State and the lives of its citizens;

Whereas Orville L. Freeman served as the Secretary of Agriculture in the administrations of President John F. Kennedy and President Lyndon B. Johnson, during which service he initiated global food assistance programs and developed the domestic food stamp and school breakfast programs;

Whereas, in addition to his outstanding public service, Orville L. Freeman was also a successful international lawyer and business executive;

Whereas Orville L. Freeman was a devoted husband to his wife, Jane, for 62 years, a loving father to two exceptional children, Constance and Michael, and a proud grandfather to three talented grandchildren, Elizabeth, Kathryn, and Matthew; and

Whereas Orville L. Freeman led a life that was remarkable for its breadth of pursuits, multitude of accomplishments, standards of excellence, dedication to public service, and important contributions to the improvement of his country and the lives of his fellow citizens: Now, therefore, be it

*Resolved*, That the United States Senate—

(1) pays tribute to the outstanding career and devoted work of the great Minnesota and national leader, Orville L. Freeman;

(2) expresses its deepest condolences to the family of Orville L. Freeman on his death; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Orville L. Freeman.

**SENATE CONCURRENT RESOLUTION 20—PERMITTING THE CHAIRMAN OF THE COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO DESIGNATE ANOTHER MEMBER OF THE COMMITTEE TO SERVE ON THE JOINT COMMITTEE ON PRINTING IN PLACE OF THE CHAIRMAN**

Mr. LOTT (for himself and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 20

*Resolved by the Senate (the House of Representatives concurring)*, That effective for the One Hundred Eighth Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

**SENATE CONCURRENT RESOLUTION 21—EXPRESSING THE SENSE OF THE CONGRESS THAT COMMUNITY INCLUSION AND ENHANCED LIVES FOR INDIVIDUALS WITH MENTAL RETARDATION OR OTHER DEVELOPMENTAL DISABILITIES IS AT SERIOUS RISK BECAUSE OF THE CRISIS IN RECRUITING AND RETAINING DIRECT SUPPORT PROFESSIONALS, WHICH IMPEDES THE AVAILABILITY OF A STABLE, QUALITY DIRECT SUPPORT WORKFORCE.**

Mr. BUNNING (for himself and Mrs. LINCOLN) submitted the following con-

current resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 21

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities;

Whereas individuals with developmental disabilities include those with mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in two or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas for the past two decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed their desire to live and work in their communities, joining the mainstream of American life;

Whereas the Supreme Court, in its *Olmstead* decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with the *Olmstead* decision and continue to move more individuals from institutions into the community;

Whereas the demand will also continue to grow as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand;

Whereas our Nation's long-term care delivery system is dependent upon a disparate array of public and private funding sources, and is not a conventional industry, but rather is financed primarily through third-party insurers;

Whereas Medicaid financing of supports and services to individuals with mental retardation or other developmental disabilities varies considerably from State to State, causing significant disparities across geographic regions, among differing groups of consumers, and between community and institutional supports;

Whereas outside of families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, and housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically

draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work, and higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the *Olmstead* decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*,

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the "Direct Support Professional Recognition Resolution".

**SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.**

It is the sense of the Congress that the Federal Government and the States should make it a priority to ensure a stable, quality direct support workforce for individuals with mental retardation or other developmental disabilities that advances our Nation's commitment to community integration for such individuals and to personal security for them and their families.

**SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF THE CONGRESS REGARDING HOUSING AFFORDABILITY AND URGING FAIR AND EXPEDITIOUS REVIEW BY INTERNATIONAL TRADE TRIBUNALS TO ENSURE A COMPETITIVE NORTH AMERICAN MARKET FOR SOFTWOOD LUMBER**

Mr. NICKLES (for himself, Mr. BAYH, Mr. BUNNING, Mr. FITZGERALD, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. REED, and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Finance.

S. CON. RES. 22

Whereas the United States and Canada have, since 1989, worked to eliminate tariff and nontariff barriers to trade;

Whereas free trade has greatly benefitted the United States and Canadian economies;

Whereas the U.S. International Trade Commission only found the potential for a Threat of Injury (as opposed to actual injury) to domestic lumber producers but the Department of Commerce imposed a 27 percent duty on U.S. lumber consumers;

Whereas trade restrictions on Canadian lumber exported to the U.S. market have been an exception to the general rule of bilateral free trade;