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No. 5

House of Representatives

The House was not in session today. Its next meeting will be held on Saturday, January 20, 2001, at 10 a.m.

Senate

MONDAY, JANUARY 8, 2001

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Dr. Craig Barnes, National Presbyterian Church, Washington, DC.

Dr. Barnes, please.

PRAYER

The guest Chaplain, Rev. Craig Barnes, offered the following prayer:

Lord God, as the Senators of our land begin their deliberations this day, we would be careful to ensure that the first words we speak remind us of our complete dependency upon You. We ask that You would bless these Senators as Your servants. They have come with their hearts and minds filled with great agendas, but even these, our leaders, are never more than mortals on a journey from dust to dust. So it is to you that we look for sacred visions that are greater than party visions and certainly greater than the visions any one of us could carry into this Chamber. By Your Holy Spirit, accommodate Your will to our political process, that it may be used to lead this Nation to Your own future filled with hope. And when the day is done and this Chamber is again empty, may all who have come here to serve the Republic know that their work has not been in vain. Encourage them in the certain conviction that they will one day hear from You: Well, done, good and faithful servants. This we ask in the name of the Lord whose way we prepare. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE JOURNAL

The PRESIDENT pro tempore. The Journal will now be read.

Without objection, the further reading of the Journal will be dispensed with and the Journal will stand approved to date.

The Chair recognizes the Senator from Nevada.

PRINTING OF MATERIAL

Mr. REID. Mr. President, I ask unanimous consent that a colloquy between Senators DASCHLE and LOTT regarding S. Res. 8, the organizing resolution passed by the Senate last Friday, be printed in today's RECORD, and that the permanent RECORD be corrected to provide for its inclusion with the resolution when it passed the Senate last Friday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The material ordered to be printed in the RECORD is as follows:

SENATE ORGANIZATION

Mr. DASCHLE. The resolution just agreed to represents an honorable compromise between the two parties on how best to organize the Senate in the 107th Congress. It was agreed to only after extensive negotiations between

the two leaders, and after thorough consultation with all Senators. Although there were difficult issues presented, and the two sides approached those issues from very different points of view, in the end we were able to reach an agreement that, we hope, will allow the Senate to take up and act on the Nation's business in a bipartisan manner. In the meantime, we both agree that this situation is new ground and some things may have been overlooked in the crafting of this resolution. I would therefore acknowledge that there may be an additional need to revisit this issue at a later date.

Mr. LOTT. I concur with the assessment of the majority leader, Senator DASCHLE. The unique circumstances presented by this historic 50-50 Senate created significant challenges in organizing the Senate, and those circumstances required both sides to compromise. Having both met with our respective conferences, we both have discovered the potential need in the future to revisit some of the items contained in this agreement. I think it is fair to say that we will deal with the new issues in good faith as they arise. After a great deal of effort, Senator DASCHLE and I have found a way to, in essence, meet half way. That is what this resolution does.

Mr. DASCHLE. I will briefly describe the provisions of the resolution.

First, it provides that the membership of Senate committees will be equally divided between the two parties, and that, consistent with a separate resolution passed on January 3, 2001, all committees will be chaired by

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Republican Senators beginning at noon on January 20.

Second, the resolution provides that committee budgets and office space will be divided equally, subject to the customary set-asides for administrative expenses and so-called non-designated staff. It is our expectation that the details of those arrangements will be negotiated and agreed to by the respective chairman and ranking members of the committee, in consultation with other members of each committee. It will also be left to the committees, as is customary at the beginning of each new Congress, to agree to committee rules of procedure.

Further, the resolution provides that committee administrative expenses may be increased where necessary, but that the total administrative expense allocation for all committees shall not exceed historic levels. I would add that my understanding of this provision is that it will result in little or no net increase in the total amounts spent by committees on administrative expenses.

Third, it provides, in the case of a tie vote in committee on a bill or nomination, that either leader may move to discharge the committee, and that after 4 hours of debate, equally divided, the Senate proceed to vote on the motion to discharge. If the motion is agreed to, the bill or nomination would be placed on the calendar. Similarly, in the case of a tie vote in a subcommittee on a legislative item or nomination, the resolution authorizes the committee chairman to discharge the subcommittee and place the legislative item or nomination on the full committee agenda.

Fourth, the resolution provides that no cloture motion shall be filed by either party except to bring to a close debate, and that in no case shall cloture be filed before the expiration of 12 hours of debate.

Fifth, it stipulates that it shall continue to be considered the prerogative of the majority leader to make motions to proceed—although the resolution does not affect the existing right of every Senator to make a motion to proceed if he or she chooses to do so.

Sixth, it provides that in scheduling and debating all legislative and executive business in the Senate, both leaders shall seek to attain an equal balance of the interests of the two parties.

Finally, it provides that should either party attain a majority of the whole number of Senators during the 107th Congress, a new organizing resolution would be required. I would add that it is the expectation of the two leaders that if the ratio in the full Senate changes to 51–49, then a resolution instituting one-seat margins in all committees would be necessary.

That summarizes the basic provisions of the resolution. Does the distinguished Republican leader wish to comment?

Mr. LOTT. The majority leader has described the resolution accurately. I

would add only that it is my hope and expectation that tie votes in committee will be the exception and not the norm in this Congress, and that the discharge provisions of the resolution will rarely if ever have to be used. Given the unique nature of this 50–50 Senate, and the closely-divided nature of the country, it is my hope that committee chairmen and ranking members will strive to achieve strong, bipartisan majorities for all legislation and nominations considered in their committees, and that all Senators will work together in that spirit. Senator DASCHLE and I agree that this represents the wisest approach and will give us the best chance of success in addressing the needs of the American people.

With respect to the ratios of members on conferences, we both understand that under previous Senate practices, those ratios are suggested by the majority party and if not acceptable by the minority party, their right to amend and debate is in order. We both agree that the intention of this resolution is not to alter that practice and this resolution does not serve to set into motion any action that would alter that practice in any way. The two leaders agree to work together to ensure that conferees are appointed in a fair and bipartisan manner.

Mr. DASCHLE. In addition to the provisions just discussed, the distinguished Republican leader and I have reached understandings on several related matters, which I believe he would like to describe.

Mr. LOTT. The Senator is correct; we have reached understandings on the following related issues.

First, I have discussed with the majority leader concerns that have been raised about the floor procedure known as “filling the amendment tree.” Senator DASCHLE and I appreciate and understand those concerns, and we wish to assure Senators that it is our intention that the Senate have full and vigorous debates in this 107th Congress, and that the right of all Senators to have their amendments considered will be honored. We have therefore jointly agreed that neither leader, nor their designees in the absence of the leader, will offer consecutive amendments to fill the amendment tree so as to deprive either side of the right to offer an amendment. We both agree that nothing in this resolution or colloquy limits the majority leader's right to amend a nonrelevant amendment nor does it limit the sponsor of that nonrelevant amendment from responding with a further amendment after the majority leader's amendment or amendments are disposed of.

Second, we have agreed that the two parties will have equal access to common space in the Capitol complex for purposes of holding meetings, press conferences, and other events.

Finally, we have agreed that henceforth the duties of presiding officer of the Senate, now under the control of

the majority party, will be shared in part by the minority party.

Mr. DASCHLE. I appreciate the remarks of the distinguished Republican leader. I also want to assure him that during the 17 days in which Democrats will hold the majority, we intend to operate in the most bipartisan manner possible. As I have said before, in a 50–50 Senate, bipartisanship is not just an option, it's a requirement. This resolution enables the Senate to get to work immediately on the Nation's business—including nomination hearings, some of which have already begun. I thank my friend the Republican leader, and all Members of the Senate, for their cooperation and good faith in allowing us to reach agreement on this important measure. I yield the floor.

REMOVAL OF INJUNCTION OF SECRECY

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 8, 2001, by the President of the United States: Protocol to Amend the 1949 Convention on the Establishment of an Inter-American Tropical Tuna Commission (Treaty Document 107–2).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol to Amend the 1949 Convention on the Establishment of an Inter-American Tropical Tuna Commission, done at Guayaquil, June 11, 1999, and signed by the United States, subject to ratification, in Guayaquil, Ecuador, on the same date. In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Protocol. The Protocol will not require implementing legislation.

The Protocol amends the Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949, and entered into force March 3, 1950 (the “Convention”), to allow the European Union to become a member of the Inter-American Tropical Tuna Commission (IATTC) created under the Convention. Presently, the Convention is only open to governments of states. The Protocol will, upon entry into force, allow regional economic integration organizations like the European Union to become a party to the Convention and a full member of the

IATTC provided all parties to the Convention give their consent to such adherence. The Protocol also provides that the Member States of any regional economic integration organization that is allowed to adhere to the Protocol are barred from joining or continuing as a party to the Convention except with respect to the Member States' territories that are outside the territorial scope of the treaty establishing the regional economic integration organization.

Allowing the European Union to accede to the Convention is important to the United States because it would mean that the vessels operating under the jurisdiction of the European Union and its Member States would be bound by the conservation and management measures adopted by the IATTC for the fishery resources of the eastern Pacific Ocean.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, January 8, 2001.

Mr. REID. Mr. President, I ask unanimous consent that two notices of hearings be printed in the RECORD.

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

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, January 18, 2000, at 2:30 p.m., in room SD-106 of the Dirksen Senate Office Building in Washington, DC, and will continue, if necessary, on Friday, January 19, 2000, at 9 a.m., in room SH-216 of the Hart Senate Office Building in Washington, DC.

The purpose of the hearing is to consider the intent to nominate Gale A. Norton to be the Secretary of the Interior.

Those wishing to submit written statements on the nomination should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Vicki Thorne at (202) 224-4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, January 18, 2000, at 9 a.m., in room SD-106 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to consider the intent to nominate Spencer

Abraham to be the Secretary of Energy.

Those wishing to submit written statements on the nomination should address them to the Committee on Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Vicki Thorne at (202) 224-4103.

MORNING BUSINESS

PRESENTATION OF PETITIONS AND MEMORIALS

The PRESIDENT pro tempore. The Chair calls for the presentation of petitions and memorials.

REPORTS OF COMMITTEES

There being none, reports of committees are now in order.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

There being no reports, the introduction of bills and joint resolutions is now in order.

SUBMISSION OF RESOLUTIONS

The PRESIDENT pro tempore. The Chair calls for the submission of resolutions.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. There being no resolutions to come over under the rule, morning business is now closed.

CALL OF THE CALENDAR

The PRESIDENT pro tempore. The call of the calendar under Rule VIII will now occur, but there are no items on the calendar. Therefore, the call of the calendar of general orders is dispensed with.

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 a treaty and sundry nominations which were referred to the Committee on Health, Education, Labor, and Pensions.

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

RECESS UNTIL SATURDAY, JANUARY 20, 2001, at 3 P.M.

The PRESIDENT pro tempore. The Senate will now stand in recess under the provisions of House Concurrent Resolution No. 1 until 3 post meridian on Saturday, January 20, in the year of our Lord 2001.

Thereupon, the Senate, at 12:05 p.m., recessed until Saturday, January 20, 2001, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate January 8, 2001:

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

ROBERT F. ANDA
RICHARD T. CALDWELL
RUTH A. ETZEL
JOHN T. FRIEDRICH
SCOTT D. HOLMBERG
JONATHAN E. KAPLAN
NEIL J. MAKELA
THOMAS R. NAVIN
FRANK O. RICHARDS JR.
MARY K. SERDULA
PHILLIP L. SMITH
HUGH K. TYSON
RONALD J. WALDMAN
ALLEN J. WILCOX
RAY YIP

To be senior surgeon

RICHARD J. CALVERT
GRANT L. CAMPBELL
ROBERT L. DANNER JR.
LUIS G. ESCOBEDO
ARTHUR J. FRENCH III
STEVEN K. GALSON
MARTA L. GWINN
DAVID M. HARLAN
CLARE HELMINIAK
PAUL J. HIGGINS
KATHLEEN L. IRWIN
WILLIAM J. KASSLER
VIRGINIA B. KOPELMAN
SANDRA L. KWEDER
WILLIAM C. LEVINE
JAMES A. LEWIS
FRANK J. MAHONEY
WILLIAM J. MARX JR.
PHUC NGUYEN-DINH
ROGER D. PROCK
ROBERT E. QUICK III
STEPHEN J. RITH-NAJARIAN
LISA S. ROSENBLUM
ANNE SCHUCHAT
MITCHELL SINGAL
DANIEL M. SOSIN
THOMAS K. STEMPEL
JORDAN W. TAPPERO
JUDITH THIERRY
WALTER W. WILLIAMS

To be surgeon

D. W. CHEN
SCOTT F. DOWELL
KAREN L. PARKO

To be senior assistant surgeon

WILLIAM H. DUNN JR.
DIANA L. DUNNIGAN
DAVID R. GAHN
JOHN M. HARDIN
TANIA A. HURLBUTT
DOROTHY A. JENSEN
PAUL D. MAHER
MARIE A. RUSSELL
JOHN W. VANDERHOOF
JULIA C. WATKINS

To be dental director

BARBARA B. BEACH
M. ANN DRUM
RICHARD T. HIGHAM
MICHAEL L. MARK
GENE J. MCELHINNEY
STEVEN R. NEWMAN
MIGUEL RICO
JOHN L.M. ROBINSON
BARRY H. WATERMAN
RICHARD H. WHITE
RUSSELL C. WILLIAMS JR.

To be senior dental surgeon

THOMAS L. BERMEL
MITCHEL J. BERNSTEIN
SAMUEL L. BUNDRANT
APRIL C. BUTTS
WILLIAM L. CANADA
ROGER L. CHO
DAVID L. CLEMENS
MICHAEL E. CRUTCHER
MARGARET L. LAMY
JAMES E. LEONARD
STEVE J. MESCHER
LYNN G. PRICE
JOSEPH P. ROSE JR.
LEE S. SHACKELFORD
WILLIAM D. WOOD
JOHN T. ZIMMER

To be dental surgeon

ANITA L. BRIGHT

To be nurse director

MELISSA M. ADAMS

BRUCE C. BAGGETT
MARTINA P. CALLAGHAN
NANCY E. MILLER-KORTH
CRISTIN O. RODRIGUEZ
CAROL A. ROMANO

To be senior nurse officer

FAY E. BAIER
MICHAEL D. BROWN
JOANN G. BURTON
BETTY L. CHERN-HUGHES
GAYLE N. CLARK
MARY P. COUG
PETER L. CUEVA
DAVID A. FORSYTHE
KAREN D. HENCH
BYRON N. HOMER JR.
ROY C. LOPEZ
HELEN L. MYERS
MELVA V. OWENS
NANETTE H. PEPPER
BONITA S. PYLER
NADINE M. SIMONS
CYNTHIA G. WARK
HARLEN D. WHITLING

To be nurse officer

VICTORIA L. ANDERSON
DOLORES J. ATKINSON
BUCKY M. FROST
BRADLEY J. HUSBURG
THERESA B. WADE

To be senior assistant nurse officer

MICHAEL J. LACKEY
JUDY L. PEARCE

To be engineer director

GERALD V. BABIGIAN
CURTIS C. BOSSERT
JOSEPH C. COCALIS
ROBERT M. HAYES
WILLIAM A. HEITBRINK
GARY A. MCFARLAND
RANDY N. WILLARD

To be senior engineer officer

TIMOTHY G. AMSTUTZ
EZIO E. BORCHINI
THOMAS A. BURNS
STEVEN J. FORTHUN
KENNITH O. GREEN
DANIEL L. HEINTZMAN
JEFFREY B. MASHBURN
RUSSEL D. PEDERSON
STEVEN H. RUBIN
KELLY R. TITENSOR

To be engineer officer

BRADLEY K. HARRIS
ANTHONY T. ZIMMER

To be senior assistant engineer officer

MICHAEL S. COENE

To be scientist director

GREGORY M. CHRISTENSON
ALAN C. SCHROEDER
CHUNG-YUI B. TAI
RICHARD W. TRUMAN

To be senior scientist

LEMYRA M. DEBRUYN

MICHELE R. EVANS
DAVID HUSSONG
ROBERT W. LINKINS
JACQUELINE M. MULLER
MARK L. PARIS
ROGER R. ROSA
JOHN M. RUSSO
GLENN D. TODD

To be scientist

RICHARD P. TROIANO

To be sanitarian director

RANDY E. GRINNELL
RICHARD W. HARTLE
GREGORY M. HECK
GARY P. NOONAN

To be senior sanitarian

STEVEN M. BREITHAUPT
BRUCE W. HILLS
BRENDA J. HOLMAN
KATHY L. MORRING
DAVID H. PEDERSEN
ALAN R. SCHROEDER
PETER P. WALLIS

To be sanitarian

DEBRA M. FLAGG
JOE L. MALONEY
KELLY M. TAYLOR

To be veterinary director

MARGUERITE PAPPAIOANOU

To be senior veterinary officer

RONALD B. LANDY
WILLIAM S. STOKES
AXEL V. WOLFF

To be veterinary officer

TRACEY C. BOURKE

To be pharmacist director

RUSSELL E. ALGER
ANTHONY J. BROOKS
ROGER D. EASTEP
PAUL L. HEPP
WILLIAM A. HESS
ALLAN S. JIO
RICHARD S. LIPOV
JON A. MCARTHUR
THOMAS J. MCGINNIS
NICHOLAS P. PROVOST
STEPHEN W. WICKIZER

To be senior pharmacist

MICHAEL F. BRECKINRIDGE
RANDY W. BURDEN
GEORGE B. CARPENTER
MARK L. DEMONTIGNY
DARYL A. DEWOSKIN
JOHN A. ELTERMANN JR.
THOMAS J. FISCHBACH
JAMES R. HUNTER
ALVIN J. LEE
SHEILA M. OKEEFE
RICHARD R. POTTER
DANIEL P. RILEY
WILLIAM M. SINGLETON JR.
TIMOTHY P. UTKE

To be pharmacist

WESLEY G. COX

DOUGLAS P. HEROLD
JILL D. MAYES
DONNA A. SHRINER

To be senior assistant pharmacist

DAVID A. BATES
STEVEN D. DITTER
ELIZABETH A. D. GIRARD
DANA L. HALL
SHARON L. OESTEREICH
ERIC J. POLCZYNSKI

To be dietitian director

SHIRLEY R. BLAKELY

To be senior dietitian

KAREN M. BACHMAN-CARTER
LAURA A. MCNALLY

To be dietitian

SILVIA BENINCASO

To be therapist director

CHARLES L. MCGARVEY

To be senior therapist

MARK W. DARDIS
MICHAEL P. FLYZIK
JOHN T. HURLEY
FRANCES M. OAKLEY

To be therapist

NANCY J. BALASH

To be health services director

THOMAS F. CARRATO
VIVIAN T. CHEN
ROBERT L. DAVIDSON
JEAN D. DOONG
JOHN D. DUPRE
JOHN M. GARBER
JESSE L. GLIDEWELL
TERENCE M. GRADY
ELLEN M. HUTCHINS
DEBRA Y. LEWIS
MARY S. PASTEL
CAROL REST-MINCBERG

To be senior health services officer

RONDA A. BALHAM
REGINA A. BRONSON
CHARLES J. BRYANT
ELEANOR A. CROCKER
PETER A. DEMONTE, JR.
MICHELE M. DOODY
JOHN D. FUGATE, JR.
LAWRENCE E. KUCKEN
CHERYL A. LAPOINTE
STEVEN A. LEE
LAWRENCE F. MAZZUCKELLI
LAWRENCE C. MCMURTRY
JAMES C. PORTT
THOMAS R. TAHSUDA
ALBERT R. TALLANT
ROBERT G. TONSBURG
RICHARD C. VAUSE, JR.
RICHARD C. WHITMIRE

To be health services officer

NANCY A. NICHOLS
LARRY E. RICHARDSON