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Agenda

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 30, 2002, at 2 p.m. to conduct a hearing on the nominations of Mr. Ben S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; and Mr. Donald L. Kohn, of Virginia, to be a member of the Board of Governors of the Federal Reserve System.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 30, 2002, at 9:30 a.m. on the Financial Turmoil in the Telecommunications Marketplace; Maintaining the Operations of Essential Communications Facilities.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, July 30, 2002, at 9:30 a.m. to conduct a hearing to examine the effectiveness of the current Congestion Mitigation and Air Quality, CMAQ, program, conformity, and the role of new technologies.

The hearing will be held in SD-406.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 30, 2002, at 10 a.m. to hear testimony on the Role of the Extraterritorial Income Exclusion Act in the International Competitiveness of U.S. Companies.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 30, 2002, at 9 a.m. to hold a business meeting.

Agenda

The Committee will consider and vote on the following agenda items:

Treaties

1. Treaty Doc. 96-53; Convention on the Elimination of All Forms of Dis-

crimination Against Women, adopted by the U.N. General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980.

2. Treaty Doc. 103-5; Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Kingston on January 18, 1990.

2. Treaty Doc. 107-2; 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.

Legislation

1. S. 1777, A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes, with amendments.

Nominations

1. Mr. John Blaney, of Virginia, to be Ambassador to the Republic of Liberia.

2. Ms. Aurelia Brazeal, of Georgia, to be Ambassador to the Federal Democratic Republic of Ethiopia.

3. Mr. Martin Brennan, of California, to be Ambassador to the Republic of Zambia.

4. Mr. J. Anthony Holmes, of California, to be Ambassador to Burkina Faso.

5. Ms. Vicki Huddleston, of Arizona, to be Ambassador to the Republic of Mali.

6. Mr. Donald Johnson, of Texas, to be Ambassador to the Republic of Cape Verde.

7. Ms. Kristie A. Kenney, of Maryland, to be Ambassador to the Republic of Ecuador.

8. Mr. Jimmy Kolker, of Missouri, to be Ambassador to the Republic of Uganda.

9. Ms. Gail Mathieu, of New Jersey, to be Ambassador to the Republic of Niger.

10. Mrs. Barbara C. Moore, of Maryland, to be Ambassador to the Republic of Nicaragua.

11. Mr. Larry L. Palmer, of Georgia, to be Ambassador to the Republic of Honduras.

12. Mr. James Yellin, of Pennsylvania, to be Ambassador to the Republic of Burundi.

Additional items may be announced. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 30, 2002, at 11 a.m. to hold a nomination hearing.

Nominees

Ms. Nancy J. Powell, of Iowa, to be Ambassador to the Islamic Republic of Pakistan.

Mr. Richard L. Baltimore, III, of New York, to be Ambassador to the Sultanate of Oman.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 30, 2002, at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a hearing on a Legislative Proposal of the Department of Interior/Tribal Trust Fund Reform Task Force; to be followed immediately by a second hearing on S. 2212, a bill to establish a direct line of authority for the Office of Trust Reform Implementations and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determinations Act and for other purposes.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the subcommittee on Consumer Affairs of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 30, 2002, at 2:30 pm on improving consumer choice in auto repair shops.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 30, 2002, at 2:30 p.m., in open session to receive testimony on the report of the General Accounting Office on Nuclear Nonproliferation and efforts to help other countries combat nuclear smuggling.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Tuesday, July 30, 2002, at 2:30 p.m. in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 2016, to authorize an exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes;

S. 2565, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the

Skykomish River Valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes;

S. 2587, to establish the Joint Federal and State Navigable Waters Commission for Alaska;

S. 2612, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes;

S. 2652, to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; and

S. Con. Res. 107, expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment", as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, July 30, 2002, at 9:30 a.m., for a hearing entitled "The Role of the Financial Institutions in Enron's Collapse."

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

PRIVILEGES OF THE FLOOR

Mrs. LINCOLN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Michael Anzick and Elizabeth Pika, two fellows in my office, during debate on this legislation.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent to grant floor privileges to Dr. Louis Kazal, a health fellow from the office of Senator KENT CONRAD, for the duration of debate on S. 812 and related amendments.

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

Mr. HATCH. Madam President, I ask unanimous consent that my aides, Christopher Rogers and Matt Hargraves, be granted the privilege of the floor for the duration of the debate on Judge D. Brooks Smith.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have a few things to do here to close, a very few. Then the Senator from Utah wants to speak for 5 minutes, and the Senator from Florida will speak for 10.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the two Leaders, pursuant to provisions of S. Res. 98, agreed to July 25, 1997, the appointment of the Senator from Nevada [Mr. REID] to the Global Climate Change Observer Group, vice the Senator from Nebraska [Mr. Kerrey], retired.

The Chair, on behalf of the President pro tempore, pursuant to P.L. 103-227, reappoints Barbara Kairson, of New York, Representative of Labor, to the National Skill Standards Board, effective August 13, 2002.

ORDERS FOR WEDNESDAY, JULY 31, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Wednesday, July 31; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 491, S. 812, as provided for under the previous order; provided further that after the first vote on the motion to waive the Budget Act with respect to the Graham amendment, there be 2 minutes of debate before each succeeding vote, equally divided and controlled in the usual form; and each succeeding vote following the first in the sequence be 10 minutes in duration; that the mandatory quorum required under rule XXII be waived with respect to the cloture motion and the conference report accompanying H.R. 3009.

I have a parliamentary inquiry, Mr. President. Under this unanimous consent agreement, would the debate time prior to the vote on judicial nomination of Brooks Smith be 2 minutes equally divided?

The PRESIDING OFFICER. Yes. The Senator is correct in assuming that.

Mr. REID. I ask unanimous consent that be modified to give Senator LEAHY 2½ minutes and Senator HATCH 2½ minutes.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent we stand in adjournment under the previous order, following the remarks of the Senator from Utah, for 6 minutes, and the Senator from Florida, for 12 minutes.

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

The Senator from Utah is recognized.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, I do have to make a few remarks since my col-

league from New York made some very cogent, very important remarks this evening.

I happen to have a lot of respect for my colleague from New York, and he has the guts to really stand up and say that one of the reasons he is voting against some of these judges is the question of ideology. I think he is dead wrong on that, but the fact is, I respect him for at least being upfront and stating what he believes.

He has also said we need to have balance on the courts. I am not so sure that is a bad concept, but I believe whoever is President, we have to have that President's choice of judges. That is one thing we do when we elect a President. Unless you can find some really valid reason for voting against these judges, that I think has to be more than ideology—at least that is my view—then you should vote for those judges, which is a practice I have followed throughout the Clinton administration and throughout the Carter administration, as a matter of fact. I think it is the correct practice.

I still respect my colleague for his beliefs, for his forthright statements.

I want to correct the record on a few things. No. 1, with regard to balance, there is a lack of balance in many circuit courts of appeals today one way or the other. In the Ninth Circuit Court of Appeals, 17 of the 23 judges are Democrats; 14 were appointed by none other than President William Jefferson Clinton.

In the Second Circuit Court of Appeals, the majority of them are Democrats.

These are two very important circuit courts. In the Circuit Court of Appeals for the District of Columbia, it could very easily have been that way.

It comes down to whoever is President. That is one of the things we do when we choose a President: We choose the person who is going to pick the judges for the next 4 years. And I believe, unless you have a legitimate reason—and it has to be a very legitimate reason for opposing those judges—you need to vote for them.

I heard the distinguished Senator from Vermont tonight say Judge Smith rules too much for corporations. Give me a break. He has been on the bench 14 years. He has ruled for everybody during those 14 years. And, by the way, occasionally corporations are right. And if they are right, as judges in this country they ought to rule in their favor if it is a nonjury trial. They ought to be fair in their instructions if it is a jury trial and in the conduct of the trial if it is a jury trial. Brooks Smith has had that type of reputation.

With regard to another comment of my friend from New York, he continues to repeat a myth that arose out of the Clarence Thomas proceedings. I happened to be there during those Clarence Thomas proceedings, and that myth is that he said he never discussed *Roe v. Wade*. That is not what he said. He was