

as federal security screeners. The provision would not require that these individuals be hired, but give TSA the discretion to hire them if they meet all the other statutory requirements concerning the hiring of screeners. This is a fair and reasonable expansion of the existing provision.

A similar provision was added to the Homeland Security bill. However, the provision in the Homeland Security bill only expands the definition to include U.S. nationals. It would still exclude an important segment of the population—legal permanent residents. LPRs as they are known, can join the military and risk giving up their lives fighting for our country. Yet, to date, they cannot be hired as security screeners. This is wrong, and we should correct it now.

In addition, S. 2949 would reauthorize the National Transportation Safety Board. The NTSB is an independent Federal agency charged with investigating every civil aviation accident in the United States. It also investigates significant accidents in the other modes of transportation—railroad, highway, marine, and pipeline—and issuing safety recommendations intended to prevent future accidents. We are all aware of the important role the NTSB plays in the safety of our transportation system, and it is important that we move ahead with this reauthorizing legislation.

A key element of this bill involves authorization for the NTSB's new Training Academy, which will be the centerpiece of its teaching and training of transportation accident investigators worldwide. It also will provide state-of-the-art classrooms and laboratory space for accident investigation. This is especially important with the advent of new technology that is being used to build, fuel, and more all modes of transportation.

The legislation also would streamline the NTSB's procurement process during accident investigations and allow the Board to transfer its family assistance responsibilities to any Federal agency that takes over an investigation, such as the FBI, provided that the other agency is willing and able to handle those duties. Finally the bill would reauthorize the NTSB's funding for its day to day activities.

The importance of the agency is well known to all. I urge the support of this bill.

THE CONFIRMATION OF MICHAEL MCCONNELL TO THE 10TH CIRCUIT

Mr. LEAHY. Mr. President, last Friday, the Senate approved the nomination of Michael McConnell to the United States Court of Appeals for the Tenth Circuit. As a professor, first at the University of Chicago, and then at the University of Utah, Mr. McConnell has been a strong voice for reexamining First Amendment jurisprudence of Free Exercise Clause and the Establishment Clause. He has expressed

strong personal opposition to abortion to *Roe v. Wade*, to the clinic access law. He has testified before the Congress against the Violence Against Women Act on the grounds that it was unconstitutional.

Each of these issues was explored to some degree at his hearing before the Judiciary Committee and in follow up written questions. No one doubts that Professor McConnell is personable and intelligent. No one doubts that he is an outstanding and provocative professor. I see why so many of his law professor colleagues like him and have endorsed his nomination. But the Judiciary Committee also received letters from hundreds of law professors reminding us that the burden of persuasion on lifetime judicial appointments should be on the nominee, as well as a recent letter signed by hundreds of law professors opposing confirmation of Professor McConnell.

The question I was left with after his nomination hearing was whether we had witnessed another confirmation conversion. Stated another way, I remain very concerned that Professor McConnell may turn out to be an activist on the 10th Circuit.

For instance, I still have a hard time reading his writing on the actions of Federal District Court Judge John Sprizzo in acquitting abortion protesters as anything other than praise for the extra-legal behavior of both the defendants and the judge. Even though Professor McConnell has now been confirmed, I continue to be concerned that he appeared to commend a judge and regard him as a hero for not following the law.

I find his responses regarding the Violence Against Women Act convenient.

I see his refusal to take responsibility for his harsh criticism of the Supreme Court's decision in the *Bob Jones* case as an attempt to distance himself from his prior approval of the ability of religious institutions to discriminate on the basis of race, even if they are receiving benefits from the Government.

At his hearing, and in follow-up written questions, Professor McConnell sought to assure us that he understands the difference between his role as a teacher and advocate and his future role as a judge. He assured us that he respects the doctrine of *stare decisis*, and that as a Federal appeals court judge, he will be bound to follow Supreme Court precedent.

Although many of President Clinton's nominees who assured the Senate of these same things when they were nominated were discredited and not considered, this nomination has moved forward and been approved.

I reluctantly supported this nomination to the 10th Circuit based on Professor McConnell's assurances. I trust that he will not seek to undermine women's reproductive rights derived from the Constitution and articulated in *Roe v. Wade*. I trust that as an appeals court judge he will divorce his

personal views on abortion and on racial discrimination in religious institutions from his decisions as a judge, and that he will act to uphold existing law. I trust that he will not seek to circumvent the doctrine of *stare decisis* and that he will not work to change the law through activism on the bench.

There are already admirers who predict that Professor McConnell is destined for a short stop at the 10th Circuit on the way to a Supreme Court nomination. I do not speculate about such things. Professor McConnell has yet to create a record on the 10th Circuit. I mention it only to note that no one should confuse my support of Professor McConnell's nomination to the 10th Circuit as an endorsement or approval for any other position.

IN REMEMBRANCE OF PAUL WELLSTONE

Ms. SNOWE. Mr. President, like all of my colleagues, I was shocked and deeply saddened by the tragic accident that claimed the life of Senator Wellstone, his wife Sheila, their daughter Marcia, two pilots, and three members of Paul's staff. My heart goes out to the families and they will remain in my thoughts and prayers.

It was always a privilege working with Senator Wellstone. In fact, one of the last images I have of him was in the final days of the session, when I encountered him coming up the aisle in the Senate Chamber after a vote with his typical boundless energy, warm smile, and friendly greeting. He was a compassionate, honorable man—and it was obvious to all of us that, together, Paul and Sheila made an extraordinary and loving team.

As a public servant, Senator Wellstone's most enduring legacy will surely be his career of conscience in elective office. With his unwavering passion and integrity, he was highly respected and will be long remembered.

With both of us hailing from northern border States, we shared the same perspective on a number of issues such as the reimportation of prescription drugs, and we worked together over the years to ensure the critical low-income energy program, LIHEAP, would be there for the people of Maine and Minnesota.

I was proud to serve with him on the Small Business Committee where I saw his diligence and tenaciousness firsthand, and to work with him on issues of importance to our veterans such as a bill establishing July 16 as a National Day of Remembrance for Atomic Veterans, as well as a measure providing for increases in veterans spending. I was also pleased to help champion his and Senator DOMENICI's legislation to create mental health parity—a perfect illustration of his compassion and the causes for which he felt duty-bound to fight.

Indeed, all of us and, most importantly, the people of Minnesota could count on Paul to stand up for his deeply held beliefs, speaking always from