

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

The resolution (S. Res. 20) was agreed to, as follows:

S. RES. 20

*Resolved*, That notwithstanding the provisions of Rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 108th Congress, or until their successors are chosen:

Committee on Agriculture Nutrition and Forestry: Mr. Harkin (Ranking Member), Mr. Leahy, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mrs. Lincoln, Mr. Miller, Ms. Stabenow, Mr. Nelson of Nebraska, and Mr. Dayton.

Committee on Appropriations: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Hollings, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

Committee on Armed Services: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, Mrs. Clinton, and Mr. Pryor.

Committee Banking, Housing, and Urban Affairs: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Miller, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Ranking Member), Mr. Inouye, Mr. Rockefeller, Mr. Kerry, Mr. Breaux, Mr. Dorgan, Mr. Wyden, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, and Mr. Lautenberg.

Committee on Energy and Natural Resources: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Graham, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mr. Bayh, Mrs. Feinstein, Mr. Schumer, and Ms. Cantwell.

Committee on Environment and Public Works: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Reid, Mr. Graham, Mr. Lieberman, Mrs. Boxer, Mr. Wyden, Mr. Carper and Mrs. Clinton.

Committee on Finance: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Daschle, Mr. Breaux, Mr. Conrad, Mr. Graham, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, and Mrs. Lincoln.

Committee on Foreign Relations: Mr. Biden (Ranking Member), Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, Mr. Rockefeller, and Mr. Corzine.

Committee on Governmental Affairs: Mr. Lieberman (Ranking Member), Mr. Levin, Mr. Akaka, Mr. Durbin, Mr. Carper, Mr. Dayton, Mr. Lautenberg, and Mr. Pryor.

Committee on Health, Education, Labor and Pensions: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Edwards, and Mrs. Clinton.

Committee on the Judiciary: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, and Mr. Edwards.

Committee on Rules and Administration: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein, Mr. Schumer, Mr. Breaux, Mr. Daschle, Mr. Dayton, and Mr. Durbin.

Committee on Small Business and Entrepreneurship: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Mr. Edwards, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

Committee on Veterans' Affairs: Mr. Graham (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mr. Akaka, Mrs. Murray, Mr. Miller, and Mr. Nelson of Nebraska.

Special Committee on Aging: Mr. Breaux (Ranking Member), Mr. Reid, Mr. Kohl, Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, and Ms. Stabenow.

Committee on the Budget: Mr. Conrad (Ranking Member), Mr. Hollings, Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

Select Committee on Ethics: Mr. Reid (Vice Chairman), Mr. Akaka, and Mrs. Lincoln.

Committee on Indian Affairs: Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid, Mr. Akaka, Mr. Dorgan, Mr. Johnson, and Ms. Cantwell.

Select Committee on Intelligence: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Durbin, Mr. Bayh, Mr. Edwards and Ms Mikulski.

Joint Economic Committee: Mr. Reed (Vice Chairman), Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

SEC. \_\_\_\_\_. The salary allocation for each Senate committee and subgroup shall reflect the level set forth in the Senate Joint Leadership letter which shall be printed in the CONGRESSIONAL RECORD following the adoption of this resolution.

THANKS TO THE HONORABLE ROBERT C. BYRD AND HIS DESIGNATION AS PRESIDENT PRO TEMPORE EMERITUS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 21 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 21) expressing the thanks of the Senate to the Honorable Robert C. Byrd for his service as President pro tempore of the United States Senate and to designate Senator BYRD as President Pro Tempore Emeritus of the United States Senate.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The resolution (S. Res. 21) was agreed to, as follows:

S. RES. 21

*Resolved*, That the United States Senate expresses its deepest gratitude to Senator Robert C. Byrd for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Robert C. Byrd is hereby designated President Pro Tempore Emeritus of the United States Senate.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 1, 2001 in Manassas, VA. Two men severely beat a Pakistani taxi driver. The attack took place after the two assailants, Stanley Elburn Smith III, 27, and James M. Terrell, 25, berated the victim because he looked to be of Middle-Eastern descent. The victim suffered a concussion and several other wounds during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ILLINOIS GOVERNOR GEORGE RYAN'S CLEMENCY DECISION

Mr. FEINGOLD. Mr. President, I rise today to give my perspective on the recent decision by Illinois Governor George Ryan to pardon four death row inmates and to commute the death sentences of 167 other death row inmates. His action effectively clears Illinois' death row, the eighth largest death row in the Nation. It is the broadest clemency of death row inmates ever granted by a Governor.

I understand that there are some, particularly, State prosecutors and victims' families, who are unhappy with Governor Ryan's decision. I understand that victims' families who support capital punishment have, justifiably, very strong feelings.

But these 167 inmates are not walking free. They won't be executed, but almost all of them will spend the rest of their lives behind bars without the possibility of parole. But it also means that if, in fact, it is shown in the near future they did not commit murder, they still have the chance to be set free.

Many murderers do not receive the death penalty, even in Illinois. Indeed, the Illinois Governor's Commission on Capital Punishment found that decisions to put these particular individuals on death row, while sparing others, were not made by a system that meets basic standards of fairness and justice.

Fairness and justice, those are the principles that should guide our criminal justice system, especially the administration of the death penalty.

Regardless of whether one agrees or disagrees with Governor Ryan's clemency decision, most Americans should be able to agree that the current system is broken. Even some State prosecutors in Illinois, who disagreed with Ryan's clemency decision, acknowledged that the people of Illinois must debate whether they want a death penalty at all, before debating what kinds of reforms the State should adopt. I think it is important to take a moment to review how Illinois reached this point because I think Congress and the Nation can learn a valuable lesson from Illinois' remarkable experience.

Three years ago, Governor Ryan, a death penalty supporter, first made national headlines when he was the first Governor in the Nation to place a moratorium on executions. He did so after seeing irrefutable evidence that the system in Illinois risks executing the innocent. Since the death penalty was reinstated in Illinois in 1977, Illinois had executed 12 people. But, during this same time, another 13 death row inmates were found to be innocent and to have been wrongfully sentenced to death.

I believe that Governor Ryan has showed uncommon courage. He acknowledged that the system is broken. But he did not stop there. He took steps to address the flaws in his State's death penalty system. First, he took the reasonable and necessary step of placing a moratorium on executions. He then created a blue ribbon commission, including former U.S. Attorney Thomas Sullivan, one of our former colleagues, Senator Paul Simon, and lawyer and novelist, Scott Turow. The Commission included both death penalty proponents and opponents.

Governor Ryan instructed the Commission to review the State's death penalty system and to advise him on how to reduce the risk of executing the innocent and to ensure fairness in the system. After a 2-year long study, the Commission issued a comprehensive report and set forth 85 recommendations for reform of the Illinois death penalty system. These recommendations address difficult issues like inadequate defense counsel, executions of the mentally retarded, coerced confessions, and the problem of wrongful convictions based solely on the testimony of a jailhouse snitch or a single eyewitness. The Commission's work is the first, and, so far, only, comprehensive review of a death penalty system undertaken by a State or Federal Government in the modern death penalty era.

When the Commission released its report last April, Governor Ryan again acted decisively. He supported its recommendations and urged the Illinois State legislature to implement the necessary reforms of the system. Unfortunately, the legislative session ended without the legislature passing

even a single one of the Commission's 85 recommendations.

Faced with the legislature's failure to act to fix the system and the fact that the fate of over 160 death row inmates remained in the balance, Governor Ryan took yet another bold, but reasonable step. He conducted clemency hearings and reviewed the records of each person on death row. He heard from victims' families, from prosecutors, from defense counsel, and from the families of death row inmates. After this careful and painstaking review, he pardoned four men whom he believed had compelling claims of innocence. Unable to conclude that the remaining sentences were not tainted by the problems with the system catalogued by the Commission, he decided to commute them to life in prison without parole.

Governor Ryan's leadership on this issue is a model for the Nation, a legacy that I am convinced will live on long after he leaves office.

He now joins Americans like former Supreme Court Justices Lewis Powell and Harry Blackmun, who supported capital punishment but later in their lives came to re-think their position on the issue.

When the Supreme Court struck down the death penalty as a form of cruel and unusual punishment in 1972 in *Furman v. Georgia*, Justice Powell dissented from the majority position. He supported capital punishment. In fact, he later wrote the decision in *McCleskey v. Kemp* in 1987, which denied a challenge to the death penalty on the grounds that it was applied in a discriminatory manner against African Americans. In 1991, however, Justice Powell told his biographer that he had decided that capital punishment should be abolished.

Late in his career on the Court, Justice Blackmun penned the following eloquent, frequently quoted dissent, in 1994:

From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored—indeed, I have struggled—along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed.

Like Justice Powell, Justice Blackmun, and now Governor Ryan, it is my hope that other judges and public officials will take the time to reexamine the ultimate punishment our society imposes.

Governor Ryan acted only after a lengthy study and a consideration of all the alternatives. In a civilized country committed to equal justice, I hope that other public officials, including my colleagues here in the Congress, can be strong enough to take the steps that Governor Ryan took to reconsider

the flawed death penalty system in this country.

Last week, the University of Maryland released a study showing significant racial and geographic disparities in the Maryland death penalty system. While this study is not a comprehensive review of the entire Maryland death penalty system, its disturbing findings should be reason enough to continue the moratorium on executions until the concerns raised by the study are addressed.

More importantly, we know that the Illinois and Maryland experiences are not unique. With over 100 innocent people on death row across the Nation later exonerated in the modern death penalty era, some just days before they were scheduled to be executed, we know that the administration of the death penalty nationwide is seriously flawed.

It is past time for Congress to meet its responsibility of ensuring fairness and justice in our criminal justice system, especially concerning the administration of the death penalty. Congress should place a moratorium on Federal executions and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the death penalty systems at the Federal and State levels. I urge my colleagues to support my bill, S. 132, the National Death Penalty Moratorium Act.

Congress has an important responsibility to ensure that innocent people are not executed and that constitutional protections are respected in the administration of capital punishment across the country. Congress should not shirk this responsibility. It is time to take a timeout on executions and to conduct a thorough, top-to-bottom review of the death penalty, not only in Illinois or Maryland, but nationwide.

#### TRIBUTE TO NORMA S. HOLMGREN

Mr. HATCH. Mr. President, thank you for this opportunity today to pay tribute to a wonderful woman who has worked by my side for 26 years, Norma Holmgren. Norma has been my Northern Utah Area Director since the day I took office and is now retiring to enjoy the many wonderful things life has to offer. Norma has done an absolutely tremendous job in serving thousands of Utahns who needed assistance, direction, or just a listening ear.

Norma has worked on many important issues affecting our state including health care, private property rights, business expansion, and civic and community affairs. She has been a vital liaison between my office and the leadership of Hill Air Force Base, one of the State's largest employers, and is well respected and admired by the military officers and personnel on the base. Throughout her years of service, she has always conducted herself with professionalism and concern for the people she is serving.

Norma has always played a vital role in many northern Utah communities