

individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec.11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations.

Oversight of Government Management, Restructuring and the District of Columbia.

International Security, Proliferation and Federal Services.

B. Ad hoc Subcommittees. Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of the first year of each new Congress, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the two following years, which years comprise that Congress. Each such re-

quest shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however*, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's

qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

BERNICE SCOTT: CHAMPION OF THE PEOPLE

● Mr. HOLLINGS. Mr. President, Bernice Scott, of the Richland County Council, is a philanthropist in the truest sense of the word.

Bernice is generous with heart, time, talent, and money and employs these

resources on behalf of the community and in particular for those less fortunate. Her largess is well known and more than one child remembers her for the gift of shoes or school supplies that made it possible to attend school. Each winter she hosts a dinner for senior citizens in need and every spring, in her mother's memory, she throws a banquet for the entire community.

Bernice's efforts on behalf of individuals and the community at large is legendary. Always one to go the extra mile, Bernice has driven to Washington and slept in her car in the battle for a sewer for a small community. She has led countless countywide efforts to improve roads, storm water drainage, sewer, and water conditions. Her constituents have full faith in her ability to make things happen. Whether saving the Lower Richland Rural Health Center, improving recreation facilities for children, or turning out the vote with her "Wrecking Crew", Bernice Scott is always sure to be in the thick of things.

Bernice grew up the 7th of 11 children on a family farm. She is married to Deacon Thomas Gilmore and is the mother of two children and three grandchildren. First elected to county council in September 1988, Bernice Scott is the first African-American to chair Richland County Council. In addition to her duties on county council, she has held the positions of assistant to the court administrator, county ombudsman, records clerk in the county treasurer's office, tax collector and assistant to the clerk of council for Richland County. She is a member and a deaconess of Mount Nebo Baptist Church in Gasden, SC.

A short list of her civic activities include: member of the Central Midlands Regional Planning Council, the HOME Committee, vice-chair of the Transportation Committee, member of the Richland County Administration and Finance Committee, member of the Soil and Water Conservation Board, and chairperson of the board of directors for Richland Community Health Care Association.

Bernice Scott is the embodiment of public service at its very best. •

BEAR PROTECTION ACT

Mr. McCONNELL. Mr. President, on February 5, I introduced the Bear Protection Act, S. 263. This measure is aimed at controlling poaching of bears such as the American black bear which is found in Kentucky. It addresses several enforcement and jurisdictional loopholes that are caused by a patchwork of State laws. The current inconsistencies enable a wildly profitable underground black market for bear parts to flourish in the United States.

Mr. President, my bill would in no way affect legal hunting of bears. Hunters would still be allowed to keep trophies and furs of bears killed during legal hunts. This measure would only prohibit the sale or barter of the inter-

nal organs of the bear which are referred to as bear viscera.

This bill is made necessary because of the booming illegal trade in bear viscera. At least 18 Asian countries are known to participate in the illegal trade in bear parts. Bear viscera are also illegally sold and traded in large urban areas in the United States such as San Francisco, Seattle, Portland, and New York City. These cities serve as primary ports for export shipments of these goods.

Bear parts, such as gall bladders, are used in traditional Asian medicine to treat everything from diabetes to heart disease. Due to the increasing demand for bear viscera, the population of Asian black bears has been totally annihilated over the last few years. This has led poachers to turn to American bears to fill the increasing demand. I, for one, will not stand by and allow our own bear populations to be decimated by poachers.

Mr. President, it is estimated that Kentucky has only 50 to 100 black bears remaining in the wild. Black bears once roamed free across the Appalachian Mountains, through the rolling hills of the bluegrass, all the way to the Mississippi River. Although we cannot restore the numbers we once had, we can ensure that the remaining bears are not sold for profit to the highest bidder.

Poaching has become an astoundingly profitable enterprise. It is estimated that over 40,000 bears are poached in the United States every year. That equals the number that are taken by legal hunting.

Mr. President, the main reason behind these astounding numbers is greed. In South Korea, bear gall bladders are worth their weight in gold, and an average bear gall bladder can bring as high as \$10,000 on the black market.

Currently, U.S. law enforcement officials have little power to address the poaching of bears and the sale of their parts in an effective manner. The United States Fish and Wildlife Service has neither the manpower nor the budget to test all bear parts sold legally in the United States. Without extensive testing, law enforcement officials cannot determine if gall bladders or other parts have come from threatened or endangered species. This problem perpetuates the poaching of endangered or threatened bears.

The Lacey Act currently regulates the interstate commerce of wildlife possessed or transported in violation of State law. Inconsistencies in State law, however, make convictions under this statute difficult. Under the current legal situation, it is impossible to determine whether a gall bladder being sold in Idaho comes from a legally taken local bear or an endangered Louisiana black bear without expensive testing. U.S. Fish and Wildlife Special Agent Corky Roberts illustrates this point in a recent Humane Society publication,

If somebody kills a bear in the state of Washington all they have to do is get it to Idaho. Technically * * *, it's against the law but all it does is make it more difficult to prove that the bear was taken in Washington and traded illegally in interstate commerce. That's where the Lacey Act has problems.

The Bear Protection Act will establish national guidelines for trade in bear parts, but it will not weaken any existing State laws that have been instituted to deal with this issue. My bill will also instruct the Secretary of the Interior and the U.S. Trade Representative to establish a dialog with the appropriate countries to coordinate efforts aimed at curtailing the international bear trade.

Mr. President, this measure is crafted narrowly enough to deal with the poaching of the American black bear for profit, while still ensuring the rights of American sportsmen. I urge my colleagues to join me in support of this much-needed legislation. Mr. President, I ask that the full text of the bill be printed in the CONGRESSIONAL RECORD.

The text of the bill follows:

S. 263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bear Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are 8 extant species of bear: Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear;

(2) the Asian black bear populations have been decimated in recent years by illegal trade to supply the growing demand for medicines and cosmetics containing valuable bear viscera;

(3) without immediate action to end United States involvement in the lucrative black market trade in bear viscera, American bear populations may suffer the same devastating losses as Asian bear populations;

(4) increasingly, undercover operations have discovered that poachers are establishing extensive smuggling networks to illegally commercialize American bears;

(5) because it is practically impossible to distinguish the viscera of CITES Appendix I bears from the viscera of other bear species, there is an urgent need to eliminate the trade in the viscera of all bear species;

(6) as a party to CITES, a world leader in wildlife conservation, and a larger market for and supplier of bear viscera and products, the United States shares responsibility for supporting and implementing measures to stop the illegal trade in CITES Appendix I Asian black bears and CITES Appendix II American black bears;

(7) inconsistency in State prohibition of commercialization of bear gall and inadequate Federal regulation of such commercialization make law enforcement difficult; and

(8) individual States, which have the right to set, maintain, and enforce quotas for the legal hunting of black bears, will be assisted in their management efforts by the enactment of a Federal law banning the import of, export of, and interstate commerce in bear viscera.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure the long-term viability of the world's 8 bear species and specifically to perpetuate healthy populations of American bears.