United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, FRIDAY, MARCH 8, 2002 No. 25

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 11, 2002, at 2 p.m.

Senate

FRIDAY, MARCH 8, 2002

The Senate met at 9:15 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of truth, we praise You for the revelation of Your truth to people through history. We thank You for the lodestar leadership of Nathan Hale, the courageous revolutionary patriot, who in the moments before he was hanged said, ''I only regret that I have but one life to lose for my country.'' His grandson, Everett Hale, Chaplain of the Senate from 1903 to 1909, gave us another memorable saying that becomes the theme of our prayerful reflection this morning: ''I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I should do and, with the help of God, I will do!''

Father, thank You that You have a plan for each of us. Give us Everett Hale's determination to trust You for the power to follow through on what You have given us the clear conviction to do. Bless the Senators with incisive intentionality for the challenges of this day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

JOB CREATION AND WORKER ASSISTANCE ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the House message on H.R. 3090. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3090) to provide tax incentives for economic recovery.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I move to concur in the House amendment and ask unanimous consent that the time until 9:30 this morning be for debate with respect to the motion to concur, with the time equally divided and controlled between the two leaders; that the Democratic time be equally divided between the distinguished Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from North Dakota, Mr. CONRAD; that upon the use or yielding back of time, the Senate proceed to a vote on the motion to concur in the House amendment to the Senate amendment to the House bill without further intervening action or debate.

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

Mr. DASCHLE. I thank my colleagues.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I was on the conference committee on the stimulus package prior to Christmas, which failed. That was predicated on unemployment insurance, health benefits, and money to help States with Medicaid. Two of the three are left out in this stimulus package. I urge my colleagues to vote against this stimulus package, which I consider to be hurtful to the States but will no doubt get virtually everybody's vote for the wrong reasons.

I have been fighting for the stimulus package for a long time, obviously since September 11. I cannot, in any sense of conscience, support this bill. This has about $9 million to expand unemployment insurance. That is good. That is fine. That is one of the three.

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

Printed on recycled paper.

Two of the three we had to have we did not do; one, we did do. It also has $86 billion in corporate tax breaks and eliminates the tax cuts for those lower income Americans who missed out on last summer's rebates. In other words, the people who did not get a rebate will continue not to get a rebate.

It provides no help for States at this critical time and, in fact, hurts them. On every Senator's desk Members will find the 46 of 50 States that are hurt. Members will see how much each State is hurt.

I am outraged this $100 billion-plus bill was pushed to a vote, frankly, in the way that it was with, at best, totally inadequate notice to Senators, with no debate and discussion about the need for stimulus on a day after Alan Greenspan said that everything is going just fine.

Why are we ignoring the clear consensus among economists and our Federal Reserve chief? I cannot answer that. Maybe I can. We all say we want to defend the Nation, and we do. We want to fund a prescription drug benefit, and we do. We want to support better education for our children, and we do. But now, we are in deficit. Our surplus is gone. Critical needs remain. Are we addressing them? No. Can we afford nearly $100 billion more in corporate tax breaks right now? No. Are we even going to discuss it? No, we are not.

This bill causes 46 States to lose $14 billion in tax revenues at a time when they are already facing between $40 and $50 billion of debt. I spoke to my Governor last night. It will cost him $86 million. He will have to cut Medicaid. He does not know where he will get the money. It is another nail in the coffin of the State which is not famed for being rich.

Mr. CONRAD. Mr. President, I acknowledge this stimulus package is a dramatic improvement over what the other body sent previously. That misses the larger point.

This morning's New York Times headline is interesting: ''The Federal Reserve Chief Sees the Decline Over, House passes recovery bill.''

It is the irony of ironies that, once again, Congress, in trying to provide fiscal stimulus, has acted too late. That is the history of Congress trying to use fiscal policy for stimulus. In fact, when the Budget Committee did an analysis, we found every single time we tried to act, we moved too late.

In the Washington Post this morning: ''Greenspan Declares An Expansion,'' it reports that economists are now largely agreed that in this quarter the economy will be growing at 4 percent. Congress comes with its recovery package too late.

I have supported a recovery package. I did when we attempted to do one last year when it would have been timely. Unfortunately, that did not occur. I would still support one if it were properly crafted. But I don't believe this legislation meets the test. CBO has stated over the next 10 years we are in deficit each and every year for the entire decade, and by big amounts. They have just told us we can expect $2.3 trillion of non-trust-fund deficits over the next decade. Every dime will be coming out of the Social Security trust fund. That means every dime of this stimulus package is coming out of the Social Security trust fund. We are headed for this future: The trust fund turns cash negative in 2016. That changes everything.

When we examine the details of this package, its centerpiece is 3 years of bonus depreciation. I strongly supported bonus depreciation for a 1-year period because every economist said if we stretch it out, we are encouraging companies to wait—not to act now, but to wait. In fact, that is exactly what one sees in the economics of this package—$39 billion of stimulus this year, but $82 billion in the future.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I yield myself such time as I might consume.

Mr. President, I rise today to address the House bill that we will be passing on economic stimulus and aid to dislocated workers.

On a preliminary note, in normal circumstances, I would note that we should not make a practice of passing House bills as is. These are not, however, normal times and this is not a normal process.

The House bill is really the latest bipartisan product on economic stimulus and aid to dislocated workers. It is a thinner version of last December's agreement between the White House and the Senate centrists. The bottom line is this bill now enjoys Senate Democratic leadership support because it has been thinned down.

There is some good news and some bad news. Let's turn first to the good news. This bill is a bipartisan, bicameral product, that the President will sign. That's the good news. Help is on the way for unemployed workers and recovering businesses.

Mr. President, the unemployed and struggling businesses have had to wait too long for the good news we deliver today. It has been over five months of long meetings, committee action, floor debates. Finally, we, the United States Senate, will do our duty and act on economic stimulus.

Now, with the President's signature a certainty, several good things will finally happen. First off, the unemployed will get extended benefits. Businesses, large and small, will get a kick start with 30 percent bonus depreciation. That kick start will mean more jobs, so those unemployed workers will be able to go back to work. Businesses that have hit hard times will be able to carry back net operating losses for an additional three years. New York City will receive much needed tax relief for the purpose of rebuilding Lower Manhattan. In addition, tax provisions that expired this year will be extended for two years. Finally, our States will receive some relief in the form of an extension and reauthorization of portions of the TANF program. These measures are all good news for folks across America.

I said there is some bad news too. That news is derived from all of the proposals dropped from the White House-centrist agreement. As I said above, this bipartisan agreement was before us in December, but we were blocked from considering it by the Democratic leadership. Let's take a lock at the things that were dropped.

First off, there was a proposal to accelerate tax relief from last year's bipartisan tax cut legislation. I'm talking about dropping the 27 percent tax rate to 25 percent.

I do not also discount the ideologically based opposition to accelerating the reduction in the 27 percent bracket. It is amazing to me that many on the other side see taxpayers in the 27 percent bracket as rich folks. A 2-percent rate cut for single folks earning between $27,051 and $65,550 is seen as a tax cut for the wealthy by the Democratic leadership. Likewise, a married couple with incomes between $45,201 and $109,250 is considered rich. But I recognize that this tax cut proposal was difficult for the Democratic leadership to accept.

In this skinnier version, the other element of individual tax relief, this one for payroll taxpayers, was dropped. I am talking about the rebate checks for payroll taxpayers. The rebate checks are gone. Some on my side will view this omission positively.

So, in terms of tax relief for individuals, forget about it. We were not able to strike the balance of the White House-centrist agreement.

There is little in the nature of corporate AMT relief in the thin package. In some ways this is a good result. As I said at the time, the original House bill was too heavy on corporate AMT relief. On the other hand, there were noncontroversial reforms in the corporate AMT that we could have included.

The most disappointing omission related to health care subsidies. We had before us revolutionary social policy in the White House-centrist agreement. For the first time, the Congress had sign able legislation that guaranteed health care benefits for laid off workers. The form of the benefit, a refundable tax credit, ran into ideological opposition by some on the other side. Because two-thirds of the Senate Democratic Caucus did not agree with the form of the benefit, unemployed workers will not receive the benefit. That's too bad. We had a chance to move the ball forward on an important bipartisan objective, improving access and affordability of health care. Instead of moving the ball, because of ideology, we had to punt.

All of these were good provisions which enjoy broad bipartisan support. They were the foundation of the White

House-centrist agreement. Yet because of an ideological fixation, all of these good things went by the wayside. I believe today, as I did almost 3 months ago, that, if we had been accorded a straight up or down vote on the White House-centrist agreement, we would have prevailed. If we had prevailed, the people would be better served.

Mr. President unfortunately, it was not to be. So, here we are with a mixed bag. There is good news in terms of extended unemployment benefits, bonus depreciation, and other measures. But there is bad news in terms of missed opportunities.

Mr. President, I ask unanimous consent that the RECORD be held open until 5 p.m. today for a statement by Senators, and that they be included at this point in the RECORD.

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

Mr. MCCAIN. Mr. President, I will vote for the economic stimulus package in the interest of providing temporary assistance for unemployed Americans and their families. We cannot ignore the plight of millions of Americans, who were laid off and want to get back to work. My vote for this legislation should not be interpreted as a total endorsement of all of its provisions. Indeed, I have some serious reservations about extending tax benefits given to the oil and gas industry and the industry in the business of converting poultry waste into electricity. Again, my concern is that the special interests continue to benefit at the expense of hard-working Americans everywhere. However, overall, this bill will give unemployment relief for those families who need it the most and will help stimulate our economy to help America get moving again.

Mr. DOMENICI. Mr. President, I rise in strong support of the bipartisan Job Creation and Workers Assistance Act of 2002, H.R. 3090. This economic stimulus bill has been long in coming.

I am happy this day has finally arrived, but I know those unemployed workers and their families, who became unemployed after the events of September 11, and who will soon see their 26 weeks of unemployment benefits expire, will be even more pleased that we have not forgotten them. We will provide those whose benefits will soon expire an additional 13 weeks of assistance, and I truly believe that within this additional time period, they will return to full employment.

There are clear signs that the economy is recovering, but for those nearly 1.4 million long-term unemployed workers, there is no solace to be found until they are working again and earning incomes in the private sector.

I believe the provisions of this bill that will also provide assistance to small and large businesses in the form of 30 percent special depreciation allowances, combined with conforming AMT depreciation rules and a 5-year carryback of net operation loss provisions will help to increase those employment opportunities for the unemployed so they do not have to depend on further extensions of unemployment insurance.

I am also pleased that this bill follows through—as the Administration promised it would—to help fulfill the promise of providing over $21 billion in assistance to New York City. The expansion of Worker Opportunity Tax Credits to certain employees in New York City, and special credits to property placed in the Liberty Zone along with other provisions of this bill will continue to assist that city on the road to recovery.

I am pleased that the bill also extends $12 billion in various tax provisions that expired or will soon expire including the Worker Opportunity Tax Credits, Welfare to Work Credits, a 100 percent limitation on percentage depletion for oil and gas from marginal wells, and a provision I have championed that would penalize in the form of a tax those groups health plans that fail to comply with mental health parity requirements.

There are other provisions in this bill that will allow teachers to deduct classroom expenditures and exclusions for foster care payments to qualified placement agencies. The reauthorization of the Temporary Assistance for Needy Families supplemental grants and contingency funds for states such as mine that have seen an increase in population is needed help to some hard pressed state budgets.

This bill will become law. President Bush who has pressed for congressional action will sign this needed legislation. It is not everything he wanted, and I remain convinced that the proposal I advanced last winter to provide for a payroll tax holiday would have provided additional needed stimulus. But nonetheless this bill will still inject over $50 billion into the economy immediately and over $40 billion next year.

I congratulate the chairman and ranking member of the Finance Committee, the majority and minority leader in bringing this issue finally to a conclusion. It is the right thing to do, it is the right thing for those displaced and out of work today.

Mr. WARNER. Mr. President, I have worked closely with Senator COLLINS for sometime now on legislation to provide much needed tax relief for our educators. Today, I am pleased to report that the Senate should soon pass H.R. 3090, the Job Creation and Worker Assistance Act of 2002, as previously passed by the House of Representatives. With passage of this legislation, Senator COLLINS and I will have finally achieved our shared goal of providing much needed tax relief for our Nation's teachers.

The Collins-Warner provisions that are in this legislation, were crafted by Senator COLLINS and myself after months of consultations with Senator GRASSLEY, Senator BAUCUS, Senator ALLEN and House Ways and Means Chairman THOMAS. Congressman SCOTT from Virginia was also a very good working partner on this legislation, having introduced similar legislation on the House side.

The National Education Association played a key role and its many members should look with pride and satisfaction on their constructive advice to the Congress. The president of the Virginia Education Association, Jean Bankos, also helped lead this superb effort.

Simply put, the Collins-Warner provisions provide a $250 above the line deduction for educators who incur out of pocket expenses for supplies they bring into the classroom to better the education of their students. The Joint Committee on Taxation estimates that this provision will provide almost half a billion dollars worth of tax relief to teachers all across America over the next 2 years.

Our teachers in this country are overworked, underpaid, and all too often, under-appreciated.

In addition to these factors, our teachers expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending significant amounts of money out of their own pocket on classroom expenses, such as books, supplies, pens, paper, and computer equipment.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

While the primary responsibility rests with the States, I believe the Federal Government can and should play a role in helping to alleviate the Nation's teaching shortage.

On a Federal level, we can encourage individuals to enter the teaching profession and remain in the profession by providing tax relief to teachers for the costs that they incur as part of the profession.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. While many people spend their lives building careers, our teachers spend their careers building lives.

The Teacher Tax Relief provisions in this bill go a long way toward providing our teachers with the recognition they deserve by providing teachers with important and much needed tax relief.

I am proud to have had the opportunity to work with Senator COLLINS, Senator ALLEN, and so many others to make this goal a reality.

Mr. REID. Mr. President, on behalf of Leader DASCHLE, I yield Senator BAUCUS 5 minutes of leader time, and following that, 2 minutes of leader time to Senator CONRAD.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, this bill that has come over from the House has come over quite quickly and Senators have not had a lot of time to examine it and to work through the provisions of the bill. Personally, I think it is a bit rushed.

Having said that, I will support it at this point because—the phrase I often find myself using these days—we cannot let perfection be the enemy of good.

There are some good provisions in this bill. We did not have the opportunity to amend it. But the fact is, if we do try to amend it, we will probably get wrapped around the axle, and nothing will be passed.

And there are several provisions that should definitely pass. One is the extension of unemployment insurance. To my mind, the provisions in the House bill relating to unemployment insurance do not do enough. Given the state of the economy in the last year and the number of people who are out of jobs and need help, it is unfortunate that we cannot do more. But a 13 week extension will help many people and provide an economic stimulus.

In addition, the bill includes the extension of several important tax provisions, some of which expired last year. It is an outrage, frankly, that this Senate and the House of Representatives let those provisions lapse and we did not pass them at the end of last year.

I tell my colleagues right now that I regret I did not push strongly enough last year when we passed the tax bill to make sure the extenders were included. I had an assurance that they would come up soon. But that is no way to run a railroad. It is no way for the country to run its business, to say it is OK to have an on-again/off-again policy with respect to tax law.

I tell my colleagues the next time this comes up, we are going to pass extenders so that the provisions remain continuous. It will be a seamless web. There will never be another time when extenders are not passed, if I have anything to do with it.

Unfortunately, there are not any health provisions in this bill. There should be. A lot of people lost their health insurance benefits as a consequence of lost jobs and as a consequence of the declining economy.

As you well know, more and more people are without health insurance. It is because companies are not providing health insurance, and people are laid off and can't keep their health insurance. It is a huge cost individually to the people involved, and it is a huge cost to the country. It is regrettable that this provision we are passing today does not include health insurance benefits for those people who lost their health insurance on account of lost jobs. That is too bad. I wish it were in the bill, but it is not.

The bonus depreciation provision is good. It is going to help create jobs, and it will help stimulate the economy a bit.

I note, as we all note, that Chairman Greenspan said we are turning the corner. I think he is probably right. But the bonus depreciation provision is going to help. It also is insurance, and that is going to help as well.

The long and short of it is we have a choice. It is either vote for this, or try to amend it. If we try to amend it, we will be back where we have been for the last 5 months; that is, doing a lot of talk and not much action. I regret that.

But that is the situation with which we are faced. In light of this situation, I urge my colleagues to pass this. It is going to help—particularly the provisions that I mentioned—and we will get on with health insurance and get on with the other provisions that need to be taken up later on this year.

When they come up, I urge my colleagues to work with us to be sure that they are enacted because there are a lot of people hurting and who need a lot of help.

I thank my good friend from Nevada.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator BAUCUS is absolutely right. There are some good provisions in this bill. They are necessary provisions. That is what makes this vote so difficult.

I have struggled with the question of how to vote. But, again, the press reports this morning said the Chairman of the Federal Reserve said an economic expansion is now underway. It goes on to report that many economists have concluded that the economy this quarter is growing at an annual rate of 4 percent. Now the House passes a recovery package. They are too late.

This is the history of recovery packages. Every time in our history that we have tried to use fiscal stimulus, we have been too late.

The centerpiece of this package is 3 years of bonus depreciation. Look, I am a strong supporter of bonus depreciation, but not for 3 years. That encourages people to wait. That makes no sense. This is digging the hole deeper because every penny of it is coming out of the Social Security trust fund—every penny. We are already in a deep hole for the entire next decade.

I yield whatever time remains to Senator CARPER.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Delaware. There are 45 seconds remaining.

Mr. CARPER. Madam President, I thank the Senator from North Dakota for yielding.

Imagine that we are in a car driving down the road. We have an accelerator, and we have a brake.

The Federal Reserve, having launched the most aggressive monetary policy in our lives to help us get out of the recession—which will probably occur later this year—is beginning to tap down on the breaks to slow down inflationary expectations. Meanwhile, we are preparing to put our foot on the accelerator.

This plan made a whole of lot sense in October, November, and even in December. But in March, on March 8, with GDP having grown 1.4 percent in the last quarter, and is probably going to grow by 4 percent this month, this plan makes a whole lot less sense.

Mr. REID. Madam President, I ask for the yeas and nays on the pending matter before the Senate.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—85

Akaka	Ensign	Murkowski
Allard	Feinstein	Murray
Allen	Fitzgerald	Nelson (FL)
Baucus	Frist	Nelson (NE)
Bayh	Graham	Nickles
Bennett	Gramm	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Roberts
Bond	Hagel	Santorum
Boxer	Harkin	Sarbanes
Brownback	Hatch	Schumer
Bunning	Helms	Sessions
Burns	Hollings	Shelby
Campbell	Hutchinson	Smith (NH)
Cantwell	Hutchison	Smith (OR)
Carnahan	Inhofe	Snowe
Cleland	Jeffords	Specter
Clinton	Johnson	Stabenow
Cochran	Kerry	Stevens
Collins	Kohl	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Lieberman	Voinovich
DeWine	Lincoln	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	Wyden
Durbin	McCain	
Edwards	McConnell	

NAYS—9

Byrd	Conrad	Feingold
Carper	Dayton	Levin
Chafee	Dodd	Rockefeller

NOT VOTING—6

Breaux	Inouye	Mikulski
Enzi	Kennedy	Miller

The motion was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 517, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance the mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

McCain amendment No. 2979 (to amendment No. 2917), to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Bingaman/Domenici amendment No. 2990 (to amendment No. 2917) to promote collaboration between the United States and Mexico on research related to energy technologies.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 2979, AS AMENDED, TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the 2 minutes for debate be yielded back.

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

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—94

Akaka	Cleland	Fitzgerald
Allard	Clinton	Frist
Allen	Cochran	Graham
Baucus	Collins	Gramm
Bayh	Conrad	Grassley
Bennett	Corzine	Gregg
Biden	Craig	Hagel
Bingaman	Crapo	Harkin
Bond	Daschle	Hatch
Boxer	Dayton	Helms
Brownback	DeWine	Hollings
Bunning	Dodd	Hutchinson
Burns	Domenici	Hutchison
Byrd	Dorgan	Inhofe
Campbell	Durbin	Jeffords
Cantwell	Edwards	Johnson
Carnahan	Ensign	Kerry
Carper	Feingold	Kohl
Chafee	Feinstein	Kyl
Landrieu	Nickles	Specter
Leahy	Reed	Stabenow
Levin	Reid	Stevens
Lieberman	Roberts	Thomas
Lincoln	Rockefeller	Thompson
Lott	Santorum	Thurmond
Lugar	Sarbanes	Torricelli
McCain	Schumer	Voinovich
McConnell	Sessions	Warner
Murkowski	Shelby	Wellstone
Murray	Smith (NH)	Wyden
Nelson (FL)	Smith (OR)	
Nelson (NE)	Snowe	

NOT VOTING—6

Breaux	Inouye	Mikulski
Enzi	Kennedy	Miller

The amendment was agreed to.

Mr. CORZINE. Madam President, I rise today in support of the amendment offered by my distinguished colleagues, Senators MCCAIN and HOLLINGS, to improve pipeline safety. This amendment would add to this legislation the text of S. 235, the Pipeline Safety Improvement Act of 2001, which previously was approved by the Senate.

As Congress debates the direction of our Nation's energy policy, we need to consider the safety of the infrastructure that transmits much of that energy. S. 235 is important legislation that would help to secure the safety and integrity of our Nation's 2.2 million mile-long hazardous liquid and natural gas pipeline system. And I want to thank Senators MCCAIN, HOLLINGS, and MURRAY for the hard work that culminated in this bill.

When S. 235 was considered on the Senate floor early last year, Senator TORRICELLI and I offered four amendments that we felt addressed important issues related to pipeline safety. We agreed with the sponsors of the bill that the most important of these amendments, related to the integrity of pipelines and their frequency of inspection, should be added to the bill. The bill then passed the Senate unanimously, 98–0. Unfortunately that bill remains stuck in the House, which so far has refused to act on the legislation.

The issue of pipeline integrity remains an important issue that must be addressed. I have a special interest in this matter because my own State of New Jersey was the site of a major pipeline explosion. On March 24, 1994, a natural gas pipeline exploded in Edison, NJ, at 12 midnight. Families living in the nearby Durham Woods apartment complex awoke to a deafening roar. They ran out of their homes to see a wall of flame hundreds of feet in the air. These flames were so high that they were seen in both New York City and Pennsylvania.

Miraculously, only one person died that night. However scores of people suffered injuries due either to burns or smoke inhalation. Many more lost their homes and all their possessions. And the explosion itself left a crater that was 60-feet deep.

This explosion was caused by a natural gas pipeline that was buried in the earth. There were no reports of digging in the area, nor were there reports of any other disturbances that could have set off this explosion. It was simply the corrosion that occurred in the pipeline as a result of natural conditions that allowed natural gas to leak, the gas to then ignite and an explosion to happen.

As harrowing as this tragedy was—it was not the only one. There have been natural gas pipeline explosions in other States, including New Mexico, which have been severe enough to cause loss of life. In New Mexico, 12 members of a family were incinerated when the natural gas pipeline they were camped next to exploded in August of 2000.

From 1986 to 2000, there have been 366 fatalities due to pipeline accidents around our Nation. Three hundred and forty of these were due to natural gas pipeline accidents.

This concerns me because there is currently no requirement for the regular inspection of natural gas pipelines in this country. The Office of Pipeline Safety already requires hazardous liquid pipelines to be inspected on a regular basis. But it has not yet promulgated a rule regarding natural gas pipelines. And we have waited long enough.

That is why I sponsored language requiring a 5-year inspection period for all pipelines, liquid and natural gas. It was this language which was added to the version of S. 235 that is included in this amendment. And it is this language, along with the rest of S. 235, that I hope we will include in the energy bill to move this matter forward and help ensure that this legislation gets to the President's desk and becomes law.

PRICE-ANDERSON ACT

Mr. KERRY. Madam President, I would like to make a brief statement about the Price-Anderson Act and our vote yesterday. The Price-Anderson Act, which was first enacted in 1957, limits the nuclear industry's liability in the case of an accident. Under current law, that limitation applies to all existing nuclear powerplants and would have continued to apply to all existing nuclear powerplants had the Senate not acted. The amendment the Senate passed yesterday extended the Price-Anderson Act's liability limitation to new nuclear powerplants. As I have said before, I support Price-Anderson for our existing fleet of reactors, and I support extending the life of those plants. However, I do question whether or not we need to extend this liability to new plants. I know that we are making progress in developing new, more economic and safer plants, such as the pebble bed reactors. Nevertheless, the jury is out. We don't know if these plants will be economical. We don't know whether they will need or should receive liability caps. We don't know what that liability cap should be. And we still have not solved the fundamental question of what we will do with nuclear waste. I believe we should answer that question before we build new plants and not simply leave that problem to future generations.

Mr. REID. The Senator from Idaho is here to offer an amendment on the bill.

We thought previously it would be something we could do in about 5 minutes. I don't think we can do that, although we may be able to do it quickly on Monday or Tuesday.

I ask the Senator to be his usual gracious self and not offer the amendment today until we have a chance to look at it.

Mr. CRAIG. Madam President, the Senator from Nevada chairs the appropriating subcommittee on this issue. It is an authorization. I certainly want him to understand it. I will step back. I would like to move it as quickly as possible. Monday or Tuesday of next week would be fine.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

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

The Senator from Connecticut.

THE STIMULUS PACKAGE

Mr. DODD. Madam President, I will not take more than 10 minutes. I see my colleague from New Hampshire here as well. I voted against the so-called stimulus package a few moments ago. I didn't have a chance before the vote occurred to explain why I was going to cast that ballot, voting no.

Obviously, there are provisions that I strongly endorse and support, including: The extension of unemployment benefits; teacher expenses which is an item we argued about a number of years ago that I thought would be very worthwhile; and the New York recovery package—certainly I would like to see us do what we can to help New York City as a result of what happened September 11.

If those were the only issues, this would have been an easy vote. They were not the only issues. In fact, they were minor issues by comparison to what else was included in this package. Based on whatever estimates you want to rely on, at least over the next 10 years, there are $42 billion in revenue losses to the Federal Treasury.

Yesterday, the Presiding Officer, I, and others who sit on the Senate Banking Committee had the pleasure of listening to the Chairman of the Federal Reserve Board say their analysis at the Federal Reserve was that we are on our way out of this recession. The worrisome figures that indicated this recession could be deeper or be a double-dip recession apparently will not bear out. The country is getting stronger, the economy is getting much stronger.

While there may have been a strong case for this bill that just went through by 85–9—it is becoming the law of the land—and a strong case could have been made for it 2 or 3 years ago or even a number of months ago, but I do not think the case could be made for it today. Using the most conservative number, the $42 billion, that is $42 billion more to the deficits with which we are grappling, which according to the CBO, may be $120 billion in this coming fiscal year. The administration had initially said $80 billion. We are now told that over 10 years it is $1.8 trillion.

Well, $42 billion in a $1.8 trillion deficit may not sound like much, but it is when we are trying to see if we can do more, for instance, with the Securities and Exchange Commission, where we need maybe $100 million to $200 million to beef up enforcement and accounting divisions to deal with an Enron-type situation. It is a lot when we know, as a result of increasing the workload of working mothers, we need additional funding for child care, that we ought to do more on the child abuse treatment and prevention programs—to mention a couple. In transportation, we have an $8.6 billion shortfall. I don't know a section of the country that will not be hurt by that budget decision.

Yet we just took $42 billion off the table this morning by a 85–9 vote. State budget shortfalls will total more than $42 billion for the current fiscal year. A few months ago, we had a stimulus proposal on the table that would have included State assistance. The previous House version of this bill contained capped assistance for State Medicaid Programs and also provided dollars back to the States as a result of the revenue losses on the bonus depreciation. My State just lost $240 million this morning. New York lost more than $2 billion.

So on one hand we are giving money for relief and providing assistance on the September 11 tragedy, yet we will take $2 billion away from the State of New York. And again, in my state, this bill is taking $240 million! The Governor and others are wrestling with how to provide needed resources to our area.

I mentioned the $8.6 billion deficit reduction in the administration's budget for transportation. That is a huge issue in my State, as I know it is in the State of the Presiding Officer and others. Listen to what we have done and the analysis of this. The most expensive component of this bill that we just passed is the 3-year bonus depreciation provision that will costs close to $97 billion during the next three years, according to the Joint Committee on Taxation. The Congressional Budget Office, CBO, a nonpartisan budget office, concluded that allowing depreciation bonus for 3 years rather than 1 year—which is what we should have done—would sharply reduce the effectiveness of this proposal as an economic stimulus. These are their words. With a 3-year provision, firms can delay investment until well after the economy has recovered. This provision will worsen the financial situation in States which are facing cumulative budget deficits of more than $42 billion.

Unlike the last two stimulus bills the House passed and the stimulus bill the Senate Finance Committee approved last fall, this bill we adopted includes no fiscal assistance whatsoever to States to offset the State revenue offices that the depreciation provision would cost.

As I said, this bill might have been fine 5 months ago, but today it is a mistake. The provision calls for 3 years at 30 percent, but the 3-year period begins on September 11. So all investments since September 11 will qualify; new investments have to be made by September 10, 2004, long after the recession is over. This is overreaching and it goes too far. We have to learn to have a sense of balance about these things when we take these steps. In 2002, the bonus depreciation provision will cost $35 billion. This is unfortunate when I know there are many great demands. How do you not have interest rates go up if the deficit continues to mount?

On the net operating loss, I am sympathetic to some of the issues, but this provision allows a carryback to 1996—1996, as a stimulus package? It is overreaching, way overreaching.

There is a lot we did not include: There are no health care tax provisions. No rebates—the bill drops the $14 billion included earlier. No small business expensing. No general increase in small business expensing. And no State assistance.

I know there are provisions that Members did not want to be seen voting against, such as extension of unemployment benefits. I know we wanted to help out in the case of September 11 and what happened in New York. But typically what happens is we list all of these things as if they were of equal wait in the budget. They are not.

We just voted for a huge addition to the fiscal deficit of this country at a time when we are struggling to find payments for transportation, health care, child care, and education. We have a 2-percent reduction in the elementary and secondary education accounts, and the President's budget. We may change it. We just passed a bill with additional reforms for which we are going to have to pay.

This stimulus bill results in a tax increase for people at the local level. Local communities are going to raise taxes. States are going to have to raise taxes. We just made, I think, a mistake by voting for this so-called stimulus package.

Those are the reasons I cast a ''no'' vote this morning on that proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Charles Pickering for the circuit court of appeals, which was heard by the Judiciary Committee yesterday, with the vote postponed until next week.

I support Judge Pickering because I think Judge Pickering, in the year

2002, is an appropriate nominee for the circuit court. If Charles Pickering were still a State Senator in the 1970s, I would vote against him because his civil rights record at that time was not good. But today he is a different man. This is a different time.

The opposition raised against Judge Pickering, in large measure, is about what he was as a Mississippi State Senator in the 1970s.

It is my hope that at a minimum we will send Judge Pickering's nomination to the floor of the Senate for a vote by the full Senate. The Constitution provides for confirmation by the Senate—not by the Senate Judiciary Committee. There are solid indicators that if Judge Pickering reached the floor, there would be 51 or more votes for his confirmation.

When you take into account an analysis of the comments within the beltway by those who oppose Judge Pickering vociferously, and those in Mississippi who know him best, they are for him. Those who talk about him in Mississippi talk in specifics about how he took a courageous stand against a leader of the Ku Klux Klan, about how he sided with an African American who was a defendant in a case where there was a white victim, something which was frequently not the case in the South.

This may be a warmup for the next Supreme Court nomination. We have already seen some indicators of that with some members of the Judiciary Committee saying that a litmus test should be applied, and, if a nominee will not pledge to uphold Roe v. Wade, that nominee is not appropriate for confirmation.

This is an effort, in effect, to equate Brown v. Board of Education on segregation, with Roe v. Wade. It is obvious that if someone did not support Brown v. Board of Education and desegregation, that person would not be considered fit for the Federal bench today. But to apply a litmus test more broadly is very troublesome, in my opinion.

It is my hope that if Judge Pickering receives a negative vote in committee along party lines, which seems almost certain, that at a minimum he would be sent to the floor for full floor consideration.

We ought to establish a truce—an armistice—on the partisan in-fighting which has been ongoing on nominations. When we had a Democrat in the White House and a Republican-controlled Senate, it was the mirror image of what we have today with Republican President Bush in the White house and a Senate Judiciary Committee in the Senate controlled by the Democrats. I said the same thing when we had President Clinton in the White House and a Republican-controlled Senate. I crossed party lines to vote for Judge Paez and Judge Berzon, Judge Gregory and Bill Lann Lee for Assistant Attorney General for the Civil Rights Division.

It is my hope that we will establish a protocol.

I think Senator MCCONNELL was right when he said yesterday in the Judiciary Committee hearing that we are facing an ''institutional crisis.''

The American people do not like the partisan bickering—Democrats versus Republicans—especially when it comes to the selection of Federal judges and there is a judicial emergency in many circuits.

It is my hope that we will move ahead to try to end this partisanship.

There is solid precedent for submitting nominees to the full Senate when there is a negative or tied vote in committee. Judge Bork was defeated 8 to 5 in committee. Yet his nomination was sent to the floor for consideration as a Supreme Court nomination.

Justice Clarence Thomas had a tie vote in the committee of 7 to 7, but by a vote of 13 to 1 his nomination was sent to the floor.

Six nominees for district court or circuit courts have been sent to the full Senate when they did not receive an affirmative vote in committee—since 1951.

We still have time to revise the thinking on Judge Pickering. We still have time for an analysis on an appropriate way to handle Judge Pickering. But I submit that we ought to establish a principle from the Judiciary Committee that, if the vote is strictly along party lines, the matter be put before the full Senate for consideration.

I thank my distinguished colleague from New Hampshire for allowing me to precede him on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

METHYL TERTIARY BUTYL ETHER

Mr. SMITH of New Hampshire. Madam President, I want to speak briefly on four issues this morning. Let me start, first, with the issue of MTBE, which is probably not a household word in many States. It is methyl tertiary butyl ether. I will be calling it MTBE from now on in these remarks.

Over the past few years, countless families and businesses in my State and throughout the Nation have learned firsthand the devastating effect of this gasoline additive known as MTBE. It is in our drinking water. People can't shower because of the smell. They cannot drink the water. Their homes have to have three or four huge tanks with filters in order to be able to drink and use their water. It depreciates the value of their home. This is a real problem nationally.

Fortunately, there is help on the way. I am very pleased that the energy package we are now considering finally contains a solution.

I thank the majority leader for including my legislation in the Federal Reform Leaded Fuels Act in the energy package that we are debating. This legislation was voted out of committee both last Congress and this Congress. I am pleased that it will finally get a vote, I hope, on the Senate floor.

I thank a lot of people who helped. This does not come easy. We all have strong views. We have a number of different interests: Those who produce the MTBE, those who produce ethanol, those who refine gasoline, those regions of the country that can't use ethanol for various reasons, and those who are worried about the higher cost, if they do.

It took a lot of compromise and a lot of negotiations, which we have been working on now for many months—particularly Senator REID of Nevada, Senator VOINOVICH, Senator JEFFORDS, Senator INHOFE, Senator KAY BAILEY HUTCHISON, Senator HAGEL, and Senator MURKOWSKI—there are others, but in particular their hard work and cooperation with my staff.

I also want to say that the refiners, the ethanol producers, the environmental groups—all of them—have worked with me over the last few years to reach a consensus. It was not easy, that is for sure, with so many diverse issues and views.

I thank all of them for negotiating in good faith and keeping the work product to ourselves as we went through this.

The result is good. It is a comprehensive legislative package that protects our drinking water while preserving air quality and minimizing negative impacts on gasoline prices and supply.

Understanding where we are, it is worth taking a step back to discuss how and why we got to this point.

In 1990, the Clean Air Act was amended to include a reformulated gasoline program. This program requires clean burning gasoline in specified areas with high levels of air pollution. Four counties in southern New Hampshire chose to participate. The program has been successful in achieving the air quality benefits beyond our requirements.

Unfortunately, one provision of the program mandates the use of an oxygenate in areas that use reformulated gas, requiring States to use MTBE or ethanol. Because New Hampshire is far from ethanol production, economics dictated that MTBE be chosen as the oxygenate. There was also concern with the impact ethanol could have on the air quality of New Hampshire, particularly the potential of increased smog.

So the State chose MTBE. Of course, at that time no one was aware of the looming nightmare as a result of that choice. What we put in the gasoline to clean up the air has now contaminated our water.

How does that happen? Because the tanks underground that hold the gasoline leak, or after you fill up your tank with gasoline and you take the nozzle out, a drop or two of the gasoline may hit the pavement, and then it washes away into our ground water.

I remind all who are listening to me now, think about that when you put

that nozzle back: Don't let any of that gasoline drip, not even a drop, because it goes so quickly into the water supply.

MTBE is a clean, cheap gasoline additive that boosts octane. It is a very effective product. But it migrates through the ground and into the water table and the aquifer very quickly and diffuses quickly. At even low levels of contamination, MTBE renders water unusable because of its foul odor and taste.

Particularly hard hit by the MTBE contamination are the communities in the southern tier of New Hampshire, such as Salem, Derry, and Raymond. I have come to the Senate Chamber on several occasions to speak specifically about these families and small businesses that have been impacted by the MTBE contamination, continuing to reiterate the desperate need that the Senate take action. Time after time, in committee, month after month, I have almost begged the Senate to take action on this matter because it isn't fair that people, in the interests of making a profit, selling one product, should do it at the expense of those whose health is being impacted by contaminated water.

I spoke to the Miller family—Christina and Greg, and their son Nathan—who live in Derry, NH. This young family has been struggling for over 3 years with MTBE contamination in their well—not being able to drink the water, not being able to shower. I have spent time at the Four Corners Store and surrounding homes in the town of Richmond. Gasoline in those tanks spread from that location into the aquifers of the surrounding homes. This plume has contaminated a number of private wells near that store. I visited some of those families who have those wells. We went down in the basements and saw these large tanks with filters. When a prospective buyer comes to look at the house, what are they going to think? The first question is: What is this?

The Goulas and Frampton families were kind enough to invite me into their homes and show me this massive treatment system that had been installed by the State. The answer is, yes, we are getting the filters, we are getting the help, the remediation we need, but that does not take care of the problem.

We do not want more homes contaminated. Once we remove the MTBE, then it is not going to get anymore into their wells. Once it is cleaned up, they will be able to use their water again.

We take for granted, in this country, the fact we can turn that faucet on and get a clean drink of water or take a shower and not have to smell the water. These are cumbersome systems that have to be set up, and costly to operate, not to mention the concerns and fears they face on a daily basis.

There are hundreds, maybe thousands, of stories similar to these New Hampshire examples of nightmares that are the result of MTBE contamination.

We made a mistake. The Government made a mistake. They put MTBE in gasoline to clean up the air, not knowing the harm they were doing. We did not do enough research and science, and we made a terrible mistake. We have to correct it. We have to do it now.

To help understand the magnitude of the problem in New Hampshire alone, it is worth noting just a couple of statistics.

The State Department of Environmental Services in New Hampshire estimates that up to 40,000 private wells in New Hampshire have some MTBE contamination.

In the year 2000, over 16 percent of the public water supplies had detected levels of MTBE. Almost 20 percent of that public water with MTBE contamination is at levels above the State drinking water standard.

The State has had to buy bottled water. I mentioned the installation of the expensive treatment equipment with contaminated wells.

Currently, New Hampshire has two dedicated State funds and a federally funded program that are used to address MTBE problems.

During discussions with State officials, I learned that the money is running low and will soon run out if new sources of funding are not found. This is a crisis. We have to deal with it.

New Hampshire is not alone. Many other States have had to address problems from MTBE contamination. I know the distinguished Senator from California, Mrs. FEINSTEIN, and I have talked about this a number of times.

This is a bipartisan issue. It is not a partisan issue. This is a national problem. It has to be addressed at the national level because to not do so would force communities to say, we are going to ban MTBE, and they would be in violation of the Clean Air Act.

So this legislation I have written is an effective solution. I am pleased that the energy package includes the text of that legislation. Specifically, it bans MTBE, provides money for the cleanup of MTBE, eliminates the oxygen mandate in the RFG program, and maintains the current level of air quality protection. There is no backsliding.

In addition, the legislation requires the EPA to conduct an expedited review of State petitions to suspend the oxygen mandate in the RFG program. If the EPA fails to complete the review of a State petition within 30 days, the petition will automatically be granted. This provision could allow New Hampshire to begin to eliminate MTBE from the fuel system even before the oxygen mandate is lifted.

I have promised to help New Hampshire in any way possible to stop the use of MTBE and I promise those families the same thing. We owe it to them. The Senators who are not from New Hampshire owe it to them, as I would help those in other States who have similar problems. And there are those in other States who have similar problems.

Finally, the language includes $2 million for the research of techniques to clean up bedrock contamination and to establish a clearinghouse for sharing the information. This is a huge increase beyond the pilot study currently funded.

The greatest difficulty, according to Dr. Nancy Kinner, a scientist from the University of New Hampshire, is tracking and cleaning up MTBE in fractured bedrock. This research will help to address that problem. It has not been an easy deal to reach, but a lot of people participated. They came in with the right approach, understanding the desperate need those families have.

Again, I thank the majority leader, and all of the Senators involved. I particularly thank Chris Hessler and Melinda Cross from my staff for their help, and Dave Conover, of course, for his assistance in helping me to work through this.

Madam President, I see there are no other Senators in the Chamber. I ask unanimous consent to speak for an additional 10 minutes.

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

NOMINATION OF JEFFREY HOWARD

Mr. SMITH of New Hampshire. Madam President, there has been a lot of discussion about the Pickering nomination and about the delay in approving judges. It seems to be a perennial issue. Senator SPECTER just spoke about it. But there are times when we need to put some of these partisan feelings behind us and look at some of these nominations.

I rise to discuss the nomination of Jeffrey Howard to be a justice for the First Circuit Court of Appeals. Attorney Howard is like many other of President Bush's nominees who have yet to even receive a hearing. These men and women whom we nominate, their lives go on hold. They have law practices. They have responsibilities. They have families. What do you do?

Jeff Howard is a young man. He has a family. He was nominated on August 2, 2001. I was pleased to have been the prime mover and sponsor of that nomination because Jeff Howard is extremely well qualified for this position. But his nomination, with all due respect to the chairman of the Judiciary Committee, has now been pending for 217 days.

The vacancy he was nominated to fill was formerly held by Judge Norman Stahl. This vacancy was created on April 16, 2001. You may want to keep this in mind. We are almost to the first-year anniversary of the creation of the vacancy, and yet, how does he conduct his law practice? How does he take on new clients? What does he do?

His paperwork has been complete since September 20, 2001. Both Senator

GREGG and I returned our blue ships—that means approval slips—on September 20, 2001. There is no reason this nomination cannot have a hearing. There is no controversy here. He should have a hearing.

Jeff Howard has an impressive array of legal experience that well qualifies him to be a Federal appellate judge. He served as U.S. attorney for New Hampshire from 1989 to 1993. In that post, he litigated numerous cases at both the trial and appellate levels and was a member of the Attorney General's Advisory Committee of U.S. Attorneys. For his efforts, he received the Attorney General's Edmund Randolph Award as well as the U.S. Attorneys' Award.

He has Federal experience that includes a stint as principal associate deputy attorney general at the U.S. Department of Justice from 1991 to 1992. He performed this job at the request of former Attorney General Bill Barr. In addition to his work as U.S. attorney, he served as attorney general of New Hampshire from 1993 to 1997 and deputy attorney general in 1988 and 1989. In these State and Federal capabilities, Jeff Howard has been involved in thousands of litigated matters covering the full range of issues that are going to come before him as a Federal judge.

In particular, he has been either on the brief or lead counsel in more than 100 cases in the First Circuit, the court to which the President has nominated him. Over the last 10 years, he has performed approximately 2,500 hours of pro bono work for victims of domestic violence.

He grew up on his grandfather's dairy farm in Cornish, NH, and later graduated from Plymouth State College with a B.A. and later Georgetown Law School, and he was editor of the American Criminal Law Review.

This is a well qualified judge. He should be on the court. He does not deserve this kind of treatment. How are we going to get good people to come forth and take these jobs when their lives are put on hold for years, sometimes, let alone months and days?

The circuit court nomination pace is incredible. During the first year of the Clinton administration, only five court of appeals nominees were nominated. Of those five, three were reported out that same year. That is 60 percent of President Clinton's court of appeals nominees. In contrast, President Bush has nominated 29, and the committee has only reported 6. That is 21 percent. There were only two circuit court nominees left pending in committee at the end of President Clinton's first year in office. In contrast, there were 23 of President Bush's circuit court nominees pending in committee at the end of last year.

It is unfair to compare the first years of the second Bush administration and the Clinton administration by looking only at the mere number of nominees confirmed. This approach fails to take into account the fact that President Bush chose to nominate 24 more circuit court nominees than President Clinton did. We can get lost in the numbers, and I don't want to go through it.

I just repeat that Jeff Howard is as highly qualified a judge for the First Circuit as any judge I have seen. Yet we still have the nomination pending without even a hearing. His life is on hold. His family's life is on hold. I appeal to the chairman of the Judiciary Committee to give this good, decent, honorable judge a hearing so we have the opportunity to bring his nomination forth and put him on the bench where he belongs and where I was proud to support him.

NOMINATION OF CHARLES PICKERING

Mr. SMITH of New Hampshire. Madam President, I rise to discuss the nomination of Charles Pickering. Senator SPECTER just spoke on it.

This is a tragedy, when we have to drag people through the mud when they get finally to the hearing process, as Charles Pickering has. He is a man whose name is being dragged through the mud, even though people in his hometown of all races and creeds are praising him and saying: Whatever mistakes he made in the past, we understand. He has moved beyond that. He is a good man. He ought to be on the bench. Yet here we are, stuck with probably seeing a situation where Charles Pickering will be defeated by one vote on a party-line vote and not be allowed to come to the floor.

Why not give the Senate a chance? It is done. Maybe it has not been done that often on circuit court matters, but it has certainly been done many times with Supreme Court Judges. I hate to say it because I will not get into the partisan rhetoric here, but this is a classic case of getting ''Borked'' again. We all know what Judge Bork went through, and Clarence Thomas. We know what John Ashcroft went through.

Is this the way to treat people? Just be fair about it. If we are going to hold people accountable for every single mistake they make in life, then we will have to have perfect people. I don't know too many perfect people walking around this Chamber. If there is anybody in this Chamber who has not made any mistakes, they probably should vote against Pickering.

This is ridiculous. He is a good man, a good judge. To have his name dragged through the mud is disgusting. I hate to see it. It reminds me of the Ashcroft hearing, of the terrible things said about Clarence Thomas and, of course, Robert Bork. Bork was probably one of the most qualified people ever to even be nominated for the Supreme Court. Whether you liked him or disliked him on his views, he was still qualified. The last time I looked, a President had the right to pick somebody of his choosing, of his philosophy.

I voted for I don't know how many Clinton nominations to the Supreme Court, to the Federal court system. I didn't expect to get Reagan-type judges out of Bill Clinton, but he was the President. I supported most of them unless there was some particular thing that, in my view, made them not qualified.

To echo what Senator SPECTER said, it is my hope we will move this nomination to the Senate floor and let the Senate make the decision. That is not unreasonable. The committee is deadlocked on a partisan vote. Bring Judge Pickering out. If he loses, fine; if he wins, fine. But let him have a vote. He deserves that. At worst, we can say maybe some of the things are true. How do you know whether what he said and did 30 or 40 years ago is over now? Can you be the judge of that? Let all 100 Senators make that judgment. I would like to have a chance to have a vote on that.

THE NOMINATION OF JOE SCHMITZ

Mr. SMITH of New Hampshire. Madam President, the final item I rise to discuss involves another nomination, but not for the judiciary. It is the nomination of Joe Schmitz. I have already submitted a statement for the RECORD, but I want to say this in the Chamber because I believe strongly in it.

Joe Schmitz was nominated for the inspector general at the DOD. This is a position among the most important in the Department because the inspector general's office is responsible for ensuring accountability and efficiency, and therefore it is the heart of the integrity of the Pentagon.

There have been numerous scandals in the IG's office in the recent past. Essentially, the inspector general's office has been rudderless without a confirmed nominee now for 3 years. With the IG's office in disarray, there is the impression left that the Department is without proper and necessary oversight. It is more than impression; it is fact.

I am also told that the IG's office has been leaderless, headless, for some 10 years—over the past couple decades, which is a disgrace when you stop to think about it. Without strong leadership, direction, and motivation, no office can function efficiently and effectively.

Secretary Rumsfeld needs an inspector general. If you stop to think about the job Donald Rumsfeld has done as the Defense Secretary in this country, the way they have responded, the way they have conducted themselves in countless briefings, and the way they have administered the war and come back after the terrible events of 9/11, he deserves an inspector general. He deserves Joe Schmitz because that is his choice. We are, after all, at war. Remember that.

It doesn't seem to bother those who are deliberately holding up the nomination of this good man. He was the Secretary of Defense's choice, the

choice of President Bush in this important post.

This is not a lifetime appointment. This is not a judge. This is an appointment of who President Bush and Secretary Rumsfeld want to be inspector general for the Defense Department at a great critical time. He is an individual with a strong background for the job, with impeccable personal and professional credentials. I hope we move forward expeditiously with this nomination. It has been cleared by the Armed Services Committee by voice vote and the Governmental Affairs Committee, yet it is on the calendar with no action.

Individuals who undergo the nomination process put their names and reputations on the line. They open themselves up for intense scrutiny of their past employment, finances, conduct, associations, somebody's opening every door—everybody who wants to say something negative about you, they find. They interview you.

He has been held up long enough. There are no ethical issues impacting this nomination. He has received strong recommendation from those who know him and have worked with him, regardless of party affiliation. You will find it on both sides. Joe Schmitz was a superlative choice by Secretary Rumsfeld and President Bush, and he will make an outstanding attorney general, and that is a fact.

The Senate needs to act. Again, I put this nomination in the same box with Charles Pickering and Clarence Thomas and Robert Bork and John Ashcroft and others. Why do we have to put people through this? Why do we have to attack them publicly in nomination hearings? If you have a problem, be man enough to sit down and talk with them. If I have a problem, I bring them into my office and talk to them privately. If there is still a problem, I might have to say something publicly; but for the most part, if I know something and I need an answer, I am man enough to bring the person in, sit him or her down and say: Here is what I want to know.

It is not real bravery and courage to sit up on the dais in Senate hearings, with the nominee sitting down at the table, and you are pounding away on him, criticizing him in front of everybody. You have the gavel, you are the Senator, what is he going to say? He has to sit there and take it in order to get this job. We do it and we character-assassinate people day in and day out. It is not right. We wonder why we can't get good people to serve and why there is so much exasperation and condemnation about the people who serve in government. That is why. It is not right.

Schmitz is a good man. I say to my colleagues who have the power to make it happen: Get him on the floor of the Senate and let's vote and give Don Rumsfeld his inspector general.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ECONOMIC RECOVERY BILL

Mr. DASCHLE. Mr. President, earlier this morning, we had the opportunity to vote on the economic package that we have been working on now for some period of time. Our deliberations on this subject began almost 6 months ago.

In fact, I do not think that the timing of this action is a coincidence. Monday will mark the 6-month anniversary of September 11. It will also be the days that workers who lost their livelihoods on September 11 will exhaust their unemployment benefits.

Those who have until now opposed a bipartisan economic recovery bill, and the unemployment insurance extension it includes, have wisely decided to relent in their opposition before the anniversary of that awful day arrives.

Two months ago, I proposed a common-ground economic recovery bill that contained only provisions supported by both parties. It included a 13-week unemployment extension, tax rebates for persons left out of last year's tax cut, business tax cuts to spur investment and create jobs, and fiscal relief for the states.

In an attempt to break the logjam and bridge disagreements between the parties, Democrats agreed to give up the economic priorities we had pressed last year, but which were opposed by Republicans. In exchange, we proposed that Republicans give up their priorities which were opposed by Democrats—namely, repealing the alternative minimum tax for corporations, including Enron, and accelerating the rate cuts enacted last year.

Regrettably, Senate Republicans blocked that measure, despite the fact that when votes were taken our consensus package received 56 votes, while the Republican bill had just 48 votes.

The bill we have just approved is similar in its approach. Like the common-ground bill Democrats proposed in January, it leaves out the highly controversial proposals Republicans insisted on previously. And it includes a top priority for Democrats—an extension of unemployment insurance. For these reasons, I support this legislation—although I would point out one serious omission.

As I said, our bill included one year of fiscal relief for the states through an increase in the match rate for Medicaid. Sixty-two Senators voted for an amendment to provide this relief for 2 years. Unfortunately, the bill passed by the House does not include this important measure.

This fiscal relief provision is the top priority of the bipartisan National Governors Association. It would assist States with the serious revenue shortfalls they are experiencing as a result of the recession. Given the adamant opposition of some Republicans and the difficult time constraints under which the Senate is operating, it is not possible to address this issue in the time available to us this morning.

I say to the opponents of State fiscal relief: Dropping this provision is a serious mistake, and one I believe they will regret. In the long run, I do not believe we can avoid dealing with this problem.

There are other measures in this bill some of us might have written differently. Many of us would prefer a shorter time period for the bonus depreciation provision, for example, but on balance, the bill is a vast improvement over what Republicans and the administration advocated originally, and I believe it deserves the support it received this morning. I am grateful for its passage.

Mr. BYRD. Mr. President, today the Senate at long last passed a thirteen-week extension of unemployment benefits.

This is a relief to over 3,000 workers in my State of West Virginia who have exhausted their regular unemployment benefits since September 11, 2001, and, it is help that could have—and should have—been provided sooner, if it had not been delayed unnecessarily by those who have sought to provide tens of billions of dollars in tax cuts for a so-called ''economic stimulus.''

Much has changed since an economic stimulus was first proposed in response to the September 11 attacks. The economy is growing again, business investment is on the rise, and workers are returning to their jobs. Both the stock markets and the economy have proved to be more resilient than economists had expected.

And so I find it difficult to accept the argument that $43 billion in tax cuts is necessary to ignite an economic expansion that appears to be already underway.

What is more, I find it difficult to support legislation that would result in a further erosion in the budgets of state governments. I served in the West Virginia Legislature, and I understand and sympathize with their budgetary constraints. The depreciation provision that was included in the bill that was passed today is projected to cost my state $86 million in revenue. My State cannot afford to lose that revenue.

The Federal budget position is not much better, Mr. President. This year's budget and appropriations process promises to be very difficult, and tough choices will have to be made. With projected deficits for the current and upcoming fiscal years, the mounting costs of our military efforts abroad, the need to improve our homeland defenses, and the long-term financing problems facing Social Security and Medicare, I could not in good conscience vote to spend $51 billion to spur an economic expansion that, as Federal

Reserve Chairman Alan Greenspan told the Senate Banking Committee yesterday, is already well underway.

What is unfortunate, is that in opposing this package of tax cuts, I was forced to oppose a number of tax provisions that would aid the City of New York. I have tried to be helpful to the people of New York State in the aftermath of the September 11 attacks. Last year, I helped to secure $11 billion through the Appropriations Committee—almost $2 billion more than was proposed by the president—to help New Yorkers rebuild their city.

Nevertheless, I am glad a thirteen-week extension of unemployment benefits has at last been approved, and am only sorry that it could not have been provided sooner and without tens of billions of dollars in what is likely to be unnecessary stimulus.

Mr. LEVIN. Mr. President, although I strongly support an extension of unemployment insurance benefits, because this bill—which is called a stimulus bill—would in reality have a detrimental impact on our economy, I cannot support it.

First, while I agree that bonus depreciation for corporations should be included in an economic stimulus package, this bill provides it for three years. The package is intended to stimulate the economy now, in 2002. Giving a company 30% bonus depreciation in 2003 and 2004 does not help stimulate the economy in 2002. The incentive to invest now, when we need it, is not just missing. In fact, since companies know that this bonus depreciation will be around for three years, they don't need to invest now when the economic picture is still uncertain. The incentive will be reversed—companies can choose to delay investments and still take advantage of the bonus depreciation in 2003 or 2004. A three year bonus depreciation provision therefore could actually encourage businesses to wait to invest, and therefore be counterproductive to the goal of jumpstarting the economy.

Not only is the bonus depreciation provision not stimulative, it is also extremely expensive. This provision will cost us about $97 billion over the next three years at a time in when we are already projected to tap into our Social Security surpluses. That's almost 80% of the three-year cost of this bill in this one provision alone. If we passed bonus depreciation for two years or one year—time periods which may actually encourage immediate investment and stimulate the economy—we would save anywhere between approximately $30 billion to $60 billion in revenue. That's money we could use to help protect Social Security, pay down the debt, pay for a prescription drug benefit, or rebuild some of our nation's crumbling schools. Instead, under the guise of ''stimulus,'' this tax break for corporations will have real impacts long after this recession has ended. That's bad policy, and I cannot support it.

Also, this bonus depreciation provision will severely harm our states at a time when many are facing severe budget shortfalls. The bill is estimated to cost states some $14 billion over the next three years; Michigan will lose an estimated $144 million over the next three years from this bonus depreciation provision. That is money Governor Engler has argued Michigan cannot afford to lose. Instead of stimulating growth in our states, we are making the economic picture worse.

I also have concerns about the five year extension to the Subpart F exceptions concerning foreign subsidiaries of U.S. corporations located in tax havens. While many Subpart F exceptions have a valid business purpose, there are loopholes in the law that are being exploited that allow some corporations to combine the exceptions with the use of tax haven jurisdictions to avoid paying a fair share of taxes. Most extensions in this bill are for no more than two years, but the extension for Subpart F in this bill is for 5 years. That's not appropriate given concerns about loopholes in Subpart F. I had hoped we would have provided the extension for no more than 2 years during which time we would have hearings on this important issue to get to the abuses. Instead, this bill extends the exceptions, unchanged, for five years time at a cost of $9 billion. This issue is something I will continue to pursue. Tightening up Subpart F to prevent it from being used for purposes for which it was not intended requires our prompt attention.

There are some important provisions in this bill. I strongly support the extension of unemployment benefits for an additional thirteen weeks; I support the aid to New York City; and I support the extension of the Welfare to Work and Work Opportunity tax credits. Regarding the extension of unemployment benefits, I voted earlier this year for a bill to accomplish that. Congress should have taken this action months ago. As I have said previously, we have an obligation in times like these to assist Americans who have lost their jobs. Many are suffering right now and need our help. But their needs go beyond just a simple extension of UI benefits. While I am pleased that this bill contains the additional 13 weeks of benefits, it does not go nearly far enough in providing the help that is needed—it does not provide any health care assistance to our unemployed, increase weekly benefits, or expand unemployment insurance eligibility.

Because of this bill's short-term costs, the harm it causes to our states, its lengthy extension of a provision that may be being abused for tax avoidance, and the fact that over 50% of its 10 year costs go to provisions that are not really stimulative to our economy, I cannot support it.

Mrs. CARNAHAN. Mr. President, today I am pleased to vote in favor of legislation that will extend unemployment benefits for workers across America who have lost their jobs since this recession began last March. Congress ought to have acted much sooner. Thousands of people have exhausted their unemployment benefits and have had to resort to extraordinary measures to take care of their families while they look for another job. They should not have had to wait this long for assistance. I am relieved that they will not have to wait any longer.

This bill also provides tax relief to businesses in order to boost the economy and ensure a robust recovery. I have long supported provisions to provide bonus depreciation and net operating loss carry back to businesses. I believe that these steps will help our economic engine create more jobs. This legislation also includes tax provisions that have recently expired or are about to expire. It extends the Welfare to Work tax credit which is so vital to our hopes for renewed economic growth. And it provides tax deductions to construct the infrastructure necessary for the widespread use of renewable fuels such as ethanol.

In addition, I strongly support the measures included in this bill that will contribute to the recovery of New York City. The devastation suffered in lower Manhattan last September will be difficult to overcome. It will take a long time. But all Americans want to see the city reclaim its standing as a proud center of commercial activity. The measures included in this legislation are an important step in that recovery process.

Let me state for the record, I have some reservations about this bill. I do not believe that this is the best stimulus package the Senate has considered this year. I strongly supported the consensus package offered by Senator DASCHLE in January. That bill would have provided tax rebates to those low-income Americans who did not receive them last year. It would have limited the business tax incentives to a shorter timeframe, thereby really promoting investment in the near future. I have also been very supportive of efforts to help unemployed workers secure health insurance for themselves and their families. I am very disappointed that this legislation make no progress on that front.

And most important, Senator DASCHLE's bill included financial assistance to our states that are facing such dire fiscal crises. I supported increasing the Federal matching money for the Medicaid program to help states meet the additional demands for social services that are being placed on them as they respond to the economic downturn. Most states do not have the option of engaging in deficit spending, no matter what the circumstances. Yet the legislation we have before us today will make their job more difficult. Rather than lending a helping hand to states, we have just reduced their tax revenues. I believe this is the largest failing of this bill. And I will continue to work with my colleagues to find ways that we can help states cope with the pressure on their budgets.

In spite of its flaws, I support this compromise legislation. It is not the bill I would have crafted myself, but I believe that every Senator here could make the same statement. this is a compromise. And on balance this legislation will be good for our economy, and is vital for those workers who are still struggling to find new jobs.

Mr. BAUCUS. Mr. President, the Job Creation and Worker Assistance Act of 2002 contains a package of technical corrections to EGTRRA, the tax cut bill we enacted last year. Among these technical corrections is a provision that corrects an unintended drafting error that prevented increased contributions to Simplified Employer Pension plans—also known as SEPs. Congress raised the percentage of compensation limit on all defined contribution plans, but the drafters failed to make the conforming change that would also have raised the percentage of compensation limit on SEP plans by an equal amount. Clearly, we intended to include SEP plans when we raised the compensation limit for defined contribution plans. As a result, this technical correction is entirely appropriate.

There is no doubt this Congress intended for employers who sponsor SEPs for their workers to be able to contribute the maximum annual amount that we authorized under the law. However, we also intend that SEP plans comply with the law just as all other pension plans must.

The Treasury Department has authority under existing law—Internal Revenue Code Section 408(l)(1)—to impose reporting requirements on SEPs. However, such requirements have not yet been implemented through any regulation.

The Internal Revenue Service has indicated many SEP plan sponsors may not be in compliance with rules that require SEP plan contributions be provided to rank-and-file employees along with owners and key employees. Much of this noncompliance may well be the result of the absence of reporting requirements.

The tax subsidy for SEP plans is a substantial one, and under the provisions of EGTRRA and this technical correction, that subsidy will grow significantly.

Had this tax package gone through the usual legislative procedure—including a conference from which a conference report containing legislative history would have emerged—it would have included committee report language urging the Treasury Department to exercise their existing statutory authority under IRC Section 408(l)(1) to impose reporting requirements on SEPs.

In the absence of such a committee report, I urge the Treasury Department to act expeditiously to issue clear, simple SEP reporting requirements so that Congress can be confident that those working for SEP plan sponsors are getting all the pension benefits to which they are entitled.

Ms. CANTWELL. Mr. President, I rise today to impress on my colleagues just how important this legislation is to the workers in the Nation who have borne the weight of this recession that was so exacerbated by the September 11 incidents.

My colleagues have heard me say this again and again, but the Pacific Northwest has suffered extraordinarily in the past year. My State of Washington now has the dubious honor of having the second highest unemployment rate in the Nation, behind our neighboring State Oregon.

We had a seasonally adjusted unemployment rate of 7.5 percent in January—and the insured unemployment rate is above 5 percent.

I have analysts in my State who foresee a wave of layoff notices in the pipeline and estimate that the State is going to hit 8 percent unemployment when the February numbers come out later this month.

Why is this the case? Well, we have a number of factors at work. I would like to give my colleagues a better understanding of the economic circumstances affecting my State.

Even prior to the tragic events of September 11 and even prior to the recession that may have begun in the early months of last year, Washington's economy was facing hurdles.

We have seen significant layoffs in aluminum, agriculture, and high technology—due to persistent droughts, the high cost of energy, massive reductions in timber harvests, and declining export markets.

My State is the most trade dependent State in the Nation on a per-capita basis, and September 11 had a devastating impact on the aviation industry. In October, the Boeing Company announced that it will lay off an estimated 30,000 commercial division workers. Approximately 80 percent of those workers are located in the State of Washington.

The first layoff of Boeing workers—nearly 4,000—occurred on December 14, and the company set a schedule of layoff notices for the following months that predicted twelve-to-fourteen hundred job cuts per month through June of this year.

But it does not stop there. We have seen from previous recessions that when a Boeing worker is laid off, approximately two more jobs are lost further down the supply line.

So where does that leave us? When all is said and done, we will probably have at least 40,000 layoffs in our State that will be attributable to the events surrounding September 11. Some projections suggest that the number may go as high as 65,000.

I mentioned previously our statewide unemployment rate of 7.5 percent, but even more unsettling is the fact that 14 of Washington's 39 counties have unemployment rates above 10 percent. In Ferry County, we are facing 15.1 percent unemployment. That same figure is 13.3 percent in Franklin County, 16.8 percent in Adams, 12.1 in Chelan, 11.5 percent in Grays Harbor, and the topper is 17.1 percent in Klickitat.

If this is not an emergency, I do not know what is.

That is why we have insisted, for months now that the Senate pass a simple unemployment insurance extension of at least 13 weeks.

It is extremely disconcerting for me to know that so many workers displaced after September 11 have already reached or are nearing the end of their benefits eligibility. Since September 11, about 1.3 million workers have exhausted their unemployment benefits throughout this Nation. In Washington State alone, more than 42,000 workers exhausted UI claims from September 11 through the beginning of March.

And at the same time, heavily affected States and workforce areas throughout this Nation are running out of training dollars.

That is why I and my colleagues have fought for emergency training dollars; that is why we have fought against cuts in WIA funding that were proposed in budget; and why we have fought for this temporary extension in UI benefits.

This is about giving workers a chance to get back on their feet. It should also be our priority to invest in training those workers, so that we'll be ready with the highest-skilled workforce when we get the economy jump-started again.

My State has taken an aggressive approach to retraining our workforce, and has invested State dollars to provide the necessary support for displaced workers to put food on the table while they get skills training.

This is the direction that our Nation should be heading—and it is one that we should be encouraging as we finally take this step to get the federal aid to the States. With the help of the majority leader in February, we were able to pass a clean 13-week unemployment benefit extension that took into account the unique situation of States that have aggressively worked to provide more substantial benefits for displaced workers. The majority leader and his staff have been tremendously helpful in recognizing these concerns and ensuring that we were providing the maximum assistance to all States.

I want to be clear, I am extremely pleased that the House has finally come to the conclusion that workers are desperate for this 13-week federal support, and has finally set politics aside to do the right thing for our workers, and our Nation as a whole.

I have worked to ensure that the language of this legislation is consistent with the extended benefits offered by our State—so that one of the most heavily impacted States in the Nation is able to fully benefit from what we are doing today.

I understand that the Department of Labor has promised to provide a letter of interpretation of the House-passed legislation that is expected to clarify

these issues, and specifically, the technical order of benefits that workers will be expected to receive. I urge the Secretary to get this assurance to us immediately, so that our State can plan to meet the needs of workers who have exhausted or will soon exhaust their benefits.

It was my intent, and I understand it was the expressed intent of the drafters in the House, to provide the 13-week temporary federal UI benefit immediately after the expiration of regular State unemployment insurance benefits—which is typically 26 weeks.

While I am disappointed that the House language is not explicitly clear on this matter, as was the Senate bill, I am pleased to hear that the Department understands our intent and will reportedly carry out these provisions in keeping with that intent.

I will be watching to ensure that the Secretary follows through on this commitment and puts the Department's priority where it should be—on providing as much assistance as possible to the areas of this Nation that desperately need it—and to provide it in a timeframe that truly reflects the urgency of the situation.

Again, I appreciate the phenomenal work of the majority leader and the entire Senate in doing its work on this bill months ago; and now that the House has finally come to the table, I urge that we move quickly to get it enacted and get extended benefits out to workers who need it most.

Finally, I will add that I am pleased with the targeted business tax incentives contained in this stimulus package. By providing both bonus depreciation for capital investments, and increased write-offs for business losses, we encourage economic expansion and development. By giving workers the resources to invest in themselves through training, education and health care, we provide the means for this expansion.

Additionally, I am pleased that this package contains the so-called tax extenders that promote research and development across so many industries in our country.

The country is at an economic crossroads and the choices we make today will affect us for years. We must maintain our fiscal discipline and invest in the nation's future business, education and worker needs.

The package we are approving today invests in the next generation of our economy as businesses recover from the weakened economy.

ECONOMIC STIMULUS IN THE NORTHWEST

Mrs. MURRAY. Mr. President, I rise today with my colleague from the State of Washington to impress on this body just how important elements of this legislation are to the workers in the Pacific Northwest and the Nation.

As my colleagues know, Washington and Oregon have the highest unemployment rates in the Nation right now.

The economy of the Northwest has been struggling for some time and September 11 only made things worse.

Last year, Boeing, Washington's largest employer, announced they would be cutting 30,000 jobs within a year. Most of those jobs would be out of Washington State. To date, 10,000 dedicated Boeing workers have been handed their pink slips. That number doesn't include the thousands of jobs that are being lost by those dependent on Boeing.

Washington State is also a high-tech dependent State. The downturn in that sector has left many in the Northwest without a job.

These massive lay-offs, uncertainty in the economy, and fear of another terrorist attack have crippled the economies of the Northwest.

We are expecting that the layoffs may reach 40 to 65,000 by the end of this year.

So the importance of the legislation is paramount—but the devil's in the details—and so we have worked to make sure that the language passed by the House will provide the maximum stimulus possible to workers throughout this Nation.

My colleague, Senator CANTWELL, has been diligent in monitoring this legislation and we have worked in tandem to ensure that States in such great need do not have their support decreased because those States have proactively made efforts to provide extended benefits to workers in advance of the passage of this legislation.

I understand that the majority leader has agreed to engage in a colloquy on this matter with myself and Senator CANTWELL so that we may clarify that the legislation will, in fact, have it's intended stimulative impact on our State.

At this time, I yield back to the majority leader and look forward to his response.

Ms. CANTWELL. If the majority leader yield for a question, I thank the majority leader and my colleague Senator MURRAY.

I am pleased to join her in support of this legislation.

My colleague shares my concern over the serious situation in our State and throughout the Northwest. In Washington State alone 42,070 workers exhausted UI claims from September 11 through the beginning of March; and 14 of Washington's 39 counties have unemployment rates above ten percent.

If this is not an emergency, I do not know what is.

That's why we have insisted for months now that the Senate pass a simple unemployment insurance extension of at least 13 weeks.

But, we do want to make explicitly clear how the bill will conform with state laws providing extended benefits, so that we preserve the intended purpose of this legislation.

I cannot emphasize enough how pleased this Senator is to have this legislation is finally approaching enactment. I am extremely pleased that the House has finally come to the conclusion that need this 13-week Federal support, and has finally decided to do the right thing for our workers, and our nation as a whole.

But we have meticulously worked to ensure that the language of this legislation would conform with the extended benefits offered by our State, so that one of the most heavily impacted States in the nation is able to fully benefit from what we're doing today.

The distinguished majority leader worked very hard with us last year and earlier this year to craft language that would achieve this purpose. The language passed by this body in February made very clear that the temporary federal benefits would begin immediately after the 26th week, across the board. The UI provision is crafted in a less clear manner in the House bill, but I am aware that the House Ways and Means chairman yesterday expressed his intent in drafting that language that the federal benefit would begin before wholly State-financed benefits.

We understand that the Department of Labor has promised to provide a letter of interpretation of the House-passed legislation that is expected to clarify these issues, and specifically, the technical order of benefits that workers will be expected to receive. This Senator urges the Secretary to get this assurance to us immediately, so that States can adequately plan to meet the needs of workers who have exhausted or will soon exhaust their benefits.

While I am disappointed that the House language is not explicitly clear on this matter, as was the Senate bill, I am pleased to hear that the Department understands this intent and will interpret the language accordingly.

We will closely be watching to ensure that the Secretary follows through on this commitment and puts the Department's priority where it should be—on providing as much assistance as possible to the areas of this Nation that desperately need it—and to providing it in a time frame that truly reflects the urgency of the situation.

Again, I appreciate the phenomenal work of the majority leader and the entire Senate in doing its work on this bill months ago; and now that the House has finally come to the table, I urge that we move quickly to get it enacted and get extended benefits out to workers who need it most.

At this time I ask the distinguished majority leader if it is his understanding that the intent of this legislation was to provide a Federal benefit immediately after regular state UI benefits, and I will yield back for his response.

Mr. DASCHLE. The Senator is exactly right, that is the intent of the legislation.

As I understand it, the House chairman did clarify yesterday that his intent in drafting the legislation conformed to the Senator's view that the

federal benefit start before any state-financed extended benefit.

As the Senators from Washington know, the Senate put forward a bill in February that provided a simple 13-week extension to all States, which would begin immediately after the exhaustion of regular UI benefits.

There are a number of States that did act in providing State-financed extended benefits before the House finally agreed to send us this compromise legislation, and those States deserve the maximum federal benefit.

This is about giving workers a chance to get back on their feet.

We have worked hard to recognize the technical concerns of the Senators from Washington and ensure that we were providing the maximum assistance to all States.

So I will say clearly that it was the Congress' intent to provide the federal benefit immediately after regular UI and I will work with the Senators to ensure that the Department conforms with that intent.

INCOME FORECAST METHOD

Mr. DASCHLE. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman and ranking member of the Finance Committee, Senator BAUCUS and Senator GRASSLEY, regarding a tax issue that I had hoped to clarify as part of this legislation, which will have serious economic ramifications for several important industries.

Recently, some uncertainty has arisen regarding the proper tax treatment of residuals and participations under the income forecast method of depreciation. I would ask the distinguished chairman and ranking member if they could clarify this issue.

Mr. BAUCUS. In 1993, the United States Court of Appeals for the Ninth Circuit held in Transamerica Corporation v U.S. that, for purposes of the income forecast depreciation method, the anticipated cost of participations and residuals should be included in a property's cost basis at the beginning of the property's depreciable life.

As the Ninth Circuit determined in Transamerica, inclusion of participations and residuals in a property's initial cost basis is necessary to properly match the income and expenses associated with the property and to clearly reflect income. Yet, it is my understanding that the IRS is not currently permitting such treatment. To eliminate the current uncertainty, Senator GRASSLEY and I have encouraged Treasury to consider regulations clarifying that participations and residuals may be included in a property's initial cost basis for purposes of the income forecast method of depreciation.

Mr. GRASSLEY. I agree with Senator BAUCUS. Excluding participations and residuals from a property's initial depreciable cost basis under the income forecast method results in a mismatching of income from the property and the expenses incurred in producing the property. The Ninth Circuit reached this conclusion in Transamerica. Moreover, I would note that including participations and residuals in the initial depreciable cost basis is consistent with industry standards in computing income for financial accounting purposes. We should remove this uncertainty to avoid needless disputes and to ensure the accurate reflection of taxpayers' income.

Mr. DASCHLE. I want to thank both of my distinguished colleagues for this important clarification. I understand that Treasury is considering this issue currently as part of its 2001 Priority Guidance Plan. For the record, I would note that Senators BAUCUS and GRASSLEY previously sent a letter to Treasury Secretary O'Neill asking him to consider regulations that eliminate the current uncertainty by clarifying that participations and residuals may be included in a property's initial cost basis for purposes of the income forecast method of depreciation. I agree with my colleagues and urge Treasury to issue such regulations.

Mr. BREAUX. Mr. President, I completely agree with the previous colloquy of my distinguished colleagues on the income forecast method of depreciation. The motion picture industry presently is facing a legal cloud that has serious economic implications for the industry. The cloud concerns the tax treatment of residual and participation payments under the income forecast method of accounting, the predominant method of accounting for the industry.

In 1993, the Ninth Circuit held in Transamerica Corporation v U.S. that participations and residuals are included in the initial cost basis of a property for purposes of the income forecast method. Yet, despite this clear result, I understand that the Internal Revenue Service is beginning to challenge that treatment. Simply put, this is wrong—as a matter of law, as a matter of policy, and as a matter of fairness.

The Transamerica decision continues to remain the proper result under present law. As the Transamerica Court found, the inclusion of participations and residuals in the film's costs is necessary in order to match income and expenses property and to clearly reflect income.

I believe we must quickly lift this cloud of uncertainty from one of our most critical industries. I am in agreement with my colleagues that Treasury should issue regulations which eliminate the current uncertainty this year as part of its 2001 Priority Guidance Plan.

CLARIFICATION REGARDING THE FIVE-YEAR CARRYBACK OF NET OPERATING LOSSES

Mr. HATCH. Mr. President, the Job Creation and Worker Assistance Act of 2002, being considered by the Senate today, contains an important provision to extend the general net operating loss (''NOL'') carryback provision to 5 years (from 2 years) for NOLs arising in taxable years ending in 2001 and 2002. The Joint Committee on Taxation's Technical Explanation of the Act contains a footnote indicating that the NOL provision ''does not affect the terms and conditions that the Internal Revenue Service may impose on a taxpayer seeking approval for a change in its annual accounting period.''

I want to clarify with the distinguished chairman of the Finance Committee, Senator BAUCUS, that this footnote was not intended to limit the Internal Revenue Service's authority to alter or modify the terms and conditions that may have been imposed on taxpayers that had already received permission to change accounting periods, particularly under circumstances where the events of September 11, 2001, have resulted in unanticipated and severe hardships, and the waiver or modification would not result in the planning activity that the NOL Condition was intended to prevent.

Specifically, I want to clarify that the IRS has authority to permit an NOL incurred in a short taxable year to be carried back notwithstanding that the taxpayer may have agreed as a condition to securing the change to carry over the NOL only to future years.

Mr. BAUCUS. I would agree that the relevant footnote merely restates the Internal Revenue Service's present authority, and is not intended to limit that authority in cases where modification of an approval is sought, and such a modification would be consistent with the government's overall response to September 11.

AIRCRAFT

Mr. BROWNBACK. Mr. President, I would like to engage my colleagues, Senator BAUCUS and Senator GRASSLEY in a colloquy. I have a question regarding the special depreciation allowance provisions of H.R. 3090, the ''Job Creation and Worker Assistance Act of 2002.'' Do the depreciation provisions in the bill cover all aircraft?

Mr. BAUCUS. It is our intention to cover all types of aircraft, including commercial, chartered, privately-owned, or crop-dusting aircraft, to the extent the aircraft is otherwise eligible for depreciation.

Mr. GRASSLEY. I agree with Senator BAUCUS' remarks. These special depreciation allowance provisions are intended to cover all aircraft.

Mr. BROWNBACK. I thank my colleagues for that clarification.

HATE CRIMES: WHY WE CAN'T WAIT

Mrs. FEINSTEIN. Mr. President, if you were to walk past the driveway at 222 West Micheltorena Street in Santa Barbara, California today you would see a makeshift memorial of flowers and candles. On a tree nearby, you

would also see a note that reads, ''United We Stand. Never be forgotten. Always to be loved. A symbol of silence that needs to be broken.''

That memorial has been erected outside the home of Clinton Scott Risetter, 37, the victim of a hate crime.

On February 24, 2002, Clint Risetter awoke in his apartment engulfed in flames and then tried to escape as he was burning. When firefighters arrived, they found him dead on his patio. Two days later, Martin Thomas Hartmann walked into the Santa Barbara Police Department and admitted to entering Clint's apartment, pouring gasoline on him as he slept, and then setting him on fire.

Martin Hartmann had known Clint for several months but had learned just recently that Clint was gay. He told police about his hatred toward gays and how he ''. . . decided to put [Clint] out of his misery,'' because he was gay. He believed that he was doing the right thing and that Clint deserved to die.

The note on the tree outside Clint Risetter's apartment expresses not only the views of its author, but also the views of the more than 500 people that joined together Monday night in Santa Barbara to light candles in a vigil for Clint. One of the vigil's attendees, Russ Chaffin, said, ''I can't be silent. This is my community. I cannot stand it that something like this could happen in my community.''

I simply cannot stand silent when such a violent act is committed against an innocent person. I was deeply saddened and disturbed to hear the horrific details of Clint's death. It's hard for me to imagine a more heinous act of hatred than to set another human being on fire. Unfortunately, Clint's death is characteristic of many hate crimes in America; where an attacker repeatedly beats, stabs or severely burns his victim as if he is removing whatever it is he hates out of the person. And the attacker feels justified in doing so, as if he is doing a great service to humanity by killing the person.

In California, I have seen, first-hand, the devastating impact hate crimes have on victims, their families and their communities. A hate crime divides neighborhoods and breeds a sense of mistrust and fear within a community, just like it has in Santa Barbara. This is why I have long supported legislation aimed at protecting citizens from crimes based on race, ethnicity, religion, gender, disability, or sexual orientation.

According to the FBI's latest statistics, hate crimes based on sexual orientation rose every year between 1994 and 2000. Yet, current Federal hate crimes law does not include crimes against others because of sexual orientation. It only covers crimes motivated by bias on the basis of race, color, religion or national origin. The current law also limits Federal hate crime prosecutions to instances in which the victim was targeted because he or she was exercising one of six narrowly defined federally-protected activities, such as serving on a jury, voting, attending a public school, eating at a restaurant or lodging at a hotel.

The limitations of current law prevent it from reaching many cases where individuals are killed or injured by just walking down the street, or, as we have now seen, even sleeping in their own homes. It does not extend basic civil rights protections to every American, only to a few and under certain circumstances. Updating the current law would not provide special rights, it would ensure equal protection.

''The Local Law Enforcement Act of 2001,'' legislation of which I am an original cosponsor, would expand current Federal protections against hate crimes based on race, color, religion, and national origin; amend the criminal code to cover hate crimes based on gender, disability, and sexual orientation; authorize grants for State and local programs designed to combat and prevent hate crimes; and enable the federal government to assist State and local law enforcement in investigating and prosecuting hate crimes.

Final passage of ''The Local Law Enforcement Act of 2001,'' is long overdue. It is necessary for the safety and well being of millions of Americans. No American should have to live in fear because of his or her disability. No American should be afraid to walk down the street for fear of a gender-motivated attack. And certainly, no American should be afraid to sleep in their own home because of his or her sexual orientation.

We have had strong bipartisan support for this legislation in the past, and it continues to receive bipartisan support. We just have not been able to get it to the President's desk for his consideration. Today, I ask all of my colleagues to work to ensure that this legislation is not simply supported, but actually gets passed and signed into law. Let's send a signal to Clint Risetter's family, and to all Americans, that our nation will no longer turn a blind eye to hate crimes in this country.

CONFIRMATION OF SHERIFF STEPHEN FITZGERALD TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN

Mr. KOHL. Mr. President, I rise today in support of the confirmation of Sheriff Stephen Fitzgerald to be United States Marshal for the Western District of Wisconsin.

Sheriff Fitzgerald's qualifications for this position are impressive. He has served as the Sheriff of Dodge County since 1989 and as a detective and patrol officer with the Chicago Police Department before seeing the light and moving to the greener pastures of Wisconsin to continue his lifelong devotion to law enforcement and public service.

Sheriff Fitzgerald received a unanimous vote of the Judiciary Committee yesterday and deserves the support of the full Senate today. We look forward to his service to the Western District of Wisconsin.

FLORIDA'S 2002 OLYMPIC MEDALISTS

Mr. NELSON of Florida. Mr. President, I rise today to recognize five athletes who recently represented our Nation at the 19th Winter Olympic Games in Salt Lake City.

While the accomplishments of these competitors are exceptional by any measure, this group deserves special recognition; that's because Garrett Hines, Derek Parra, Jennifer Rodriguez, Brian Shimer and Chris Thorpe are Floridians. For the record, Florida sees snow a little more often than once every ice age, and the State's highest mountain is but a bunny hill compared to the terrain these athletes saw in Utah.

Nevertheless, these five Floridians won seven medals in the luge, the bobsled and on the speed skating oval.

Garrett Hines, along with teammate Randy Jones, became the first black American males to win a medal in the Winter Olympics, as the United States took silver in the four-man bobsled. Garrett is the pride of Sanford, FL, and I'd like to wish him luck in his future endeavors.

Similarly, Derek Parra achieved a barrier-breaking milestone, becoming the first Hispanic American to medal in the Winter Olympics as he won both a gold and silver in speed skating.

These two pioneers have left a lasting mark on their sports, and I am proud to call them Floridians.

Also, Jennifer Rodriguez, known as ''Miami Ice,'' showed the world that South Florida has a place on the Winter Olympic map. After becoming the first Hispanic American to compete for the United States Winter Olympic Team during the 1998 Games in Japan, Rodriguez not only competed in Salt Lake City, she won two speed skating bronze medals.

Brian Shimer continued the South Florida success, as the Naples native took home a bronze in the four-man bobsled. This five-time Olympian had never before won a medal, but as the driver in this year's bronze medal winning sled, he has realized a career-long goal.

Finally, Daytona Beach resident Chris Thorpe, added a bronze medal in doubles luge to the silver he won four years ago in the Nagano Games. Chris has said this will be his last Olympics, and I'd like to wish him luck as he finishes his undergraduate degree at the University of Florida, Gainesville.

I applaud the commitment these athletes have shown in reaching the pinnacle of their respective sports, and I hope their willingness to sacrifice and their determination to succeed motivates all Americans to exceed expectations and achieve the extraordinary.

I would ask to have printed in the RECORD the names and hometowns of

these five athletes, along with the events they competed in and the medals they won. This group is a portrait of diversity, and as representatives of Florida and America, they have made us all very proud.

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

FLORIDA MEDALISTS AT THE 19TH WINTER OLYMPIC GAMES

Garrett Hines, Orlando, FL, Silver, Bobsled, Four-man; Derek Parra, Orlando, FL, Gold, Speed skating, 1,500 meters, Silver, Speed skating, 5,000 meters; Jennifer Rodriguez, Miami, FL, Bronze, Speed skating, 1,000 meters, Bronze, Speed skating, 1,500 meters; Brian Shimer, Naples, FL, Bronze, Bobsled, Four-man; Chris Thorpe, Daytona Beach, FL, Bronze, Luge, Doubles.

IN MEMORY OF HOWARD CANNON

Mr. HOLLINGS. Mr. President, I want to remember our friend, and outstanding former chairman of the Commerce Committee, Howard Cannon. I had the good fortune to serve with Senator Cannon for most of his four terms, and what set him above in my eyes was that he came from the school that the Senate is an institution where people get things done. Had it not been for this courageous vote to end a filibuster in 1964, the landmark civil rights legislation that has so dramatically changed this country would never have gotten to the Senate floor.

It is almost 20 years since he left the Commerce Committee, and I find his shoes are still difficult to fill. We called him Mr. Aviation because he ended 40 years of federal control over the airlines. Had it not been for his interest in water projects and basic infrastructure, Las Vegas would not have had the phenomenal growth it has seen.

No question, it is hard to find a Senator in the last half century whose loyalty to his convictions has made more lasting contributions to our nation and to his state. We will miss him.

My wife Peatsy, and I want to express our deepest sympathy to his charming wife, Dorothy, and to their family.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 10, 1999 in Anchorage, AK. A gay man, Alexander Paul Nicholai, 45, was stabbed to death in his apartment. The attacker, Kenneth J. Washington, 21, who claimed he was defending himself against unwanted sexual advances, was charged with first-degree murder in connection with the incident.

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 of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.•

THE IMPORTANCE OF ENFORCING GUN LAWS

• Mr. LEVIN. Mr. President, sadly another gun tragedy occurred in my State this past Tuesday in Mount Pleasant, MI when three people were shot and killed allegedly by the ex-husband of one of them. According to a Detroit Free Press article, the man had a recent domestic violence conviction. This case illustrates the importance of closing the loopholes in our gun laws and preventing domestic violence offenders from owning firearms.

According to a Violence Policy Center analysis, a woman is 14 times more likely to be murdered by a spouse, intimate acquaintance or close relative if there was a history of domestic violence. Having one or more guns in the home makes a woman more than seven times more likely to be the victim of homicide.

Current law prohibits the possession of firearms by any person convicted of a misdemeanor crime of domestic violence and prohibits the sale of any firearm or ammunition to a person convicted of domestic violence. But we have to do more to prevent women from being victims of gun violence.

First, we must continue to fund the National Criminal History Improvement Program, which assists States in compiling criminal records and establishing identification systems for Brady gun background checks. In addition, we need to act now to close the gun show loophole and keep domestic abusers and other criminals from buying weapons at gun shows. These critical steps will help make America safer by ensuring that the criminal background information is accurate and accessible and make it tougher for those with a domestic violence conviction to obtain a firearm by easily bypassing a background check.•

IN HONOR OF HADASSAH'S 90TH ANNIVERSARY

• Mr. CORZINE. I rise today to pay tribute to Hadassah, the Women's Zionist Organization of America, on the occasion of their 90th anniversary. Founded in 1912 by Henrietta Szold and a small study circle of American women, Hadassah was committed to bringing modern health care to the Holy Land. It has since grown to become the largest Jewish and largest women's membership organization in the nation.

In 1913, this fledgling organization sent two public health nurses to Jerusalem to set up a maternity clinic and treatment center for women and children. A short 27 years later, Hadassah established the Hadassah Hospital on Mt. Scopus. Since that auspicious milestone, Hadassah has become a leading force in providing for Israel's medical needs, opening various clinics across the country and a new center of medical excellence, the world-renowned Ein Karem Hospital. I had the chance to personally visit the Hadassah facilities when I was in Israel last August, and to see first hand the care and compassion that are provided on a daily basis to anyone in need regardless of race, color, creed, or national origin. Hadassah hospitals, in addition to serving as a model of peaceful coexistence in the Middle East, provide state-of-the-art health services ranging from emergency attention to long-term care to more than 600,000 patients a year.

As its first national domestic effort, Hadassah women sold $200 million in World War II bonds—a remarkable accomplishment by any standard. After Pearl Harbor, Hadassah mobilized its members to aid the war effort by beginning a blood bank and donating supplies. Their work continues in the United States through voter registration drives, grassroots advocacy on United States-Israel relations, volunteering in domestic violence shelters, and numerous other humanitarian efforts.

Another key component of Hadassah's mission is education. Through the College of Technology, the Career Counseling Institute, and Youth Villages, and in the United States through Young Judaca and the Hadassah Leadership Academy, they accomplish their goal to provide the people of Israel with quality educational programs and learning opportunities.

Ninety years later, the Hadassah Foundation remains true to its original mission and is dedicated to—improving the status, health and well being of women and girls; bringing their contributions, issues and needs from the margins to the center of Jewish concern; and encouraging and facilitating active participation in decisionmaking and in leadership in all spheres of life. Their strength comes from action. And their actions bring to their sisters, to their homeland, and to our Nation the precious gifts of health, education, and the power of hope. As Hadassah looks toward the next century, they see continued pioneering, continued progress, and continued innovation in health care in Israel, while continuing to share their knowledge and experience for the benefit of mankind.

For the services they have provided to Israel and across the globe, and for their dedication to the well-being of their community, I offer my sincere congratulations to Hadassah for 90 years of providing the adage that together we can make a difference and

together we can change people's lives. Shalom!●

TRIBUTE TO THE HEROISM OF ISAAC HO'OPI'I

● Mr. AKAKA. Mr. President, it is with great pride that I come to the floor today to speak about the courageous and heroic acts of a dear friend and constituent, Defense Protective Service Officer Isaac Ho'opi'i. I have always said that Hawaii is a unique place not because of its beauty, but because of its people. The people of Hawaii share a special attitude, which has been referred to as the ''Aloha spirit.'' Aloha in Hawaiian has a number of meanings, including love. The Aloha spirit can best be explained as the love of others and is illustrated through acts of kindness. Isaac Ho'opi'i exemplifies and lives the Aloha spirit.

I rise today to honor the actions of Officer Isaac Ho'opi'i, who was awarded the Office of Secretary Medal of Valor for his efforts in responding to the tragedy at the Pentagon on September 11, 2001. There have been a number of news articles and television segments recounting Isaac's heroic actions in the wake of tragic events at the Pentagon on September 11.

Isaac is most well-known as ''the voice'' in the dark smoke, moments after Flight 77 crashed into the Pentagon, calling for anyone who was in the blackened, smoke-filled corridors to come toward his voice. Seven people responded to his calls to head toward his voice and were guided safely out of the burning Pentagon on September 11. Isaac also physically carried at least eight individuals out of the burning building on that fateful day. He and his K–9 partner, Vito, worked 36 hours straight immediately after the plane crashed into the Pentagon—they have continued on 12-hour shifts since.

I was honored to attend the Medal of Valor ceremonies on Tuesday afternoon at the Pentagon. I witnessed Isaac receiving the Medal of Valor, the highest award in the Department of Defense for a civilian. 38 other individuals also received the award on Tuesday, and I salute their brave acts as well.

Isaac, born and raised in Hawaii, has lived in Washington, D.C., for the past twelve years and has spent the last five years as a member of the Defense Protective Service. I have known Isaac for over 12 years. I first met him when I was a member of the House of Representatives. My family and I have spent time with Isaac and his family, his wife Gigi, and their children, Emily, Bess, and Jeff, on many occasions.

When I spoke to him after September 11, and discussed his split-second decision to respond to the burning Pentagon with little concern for his personal safety, I asked him how he felt. He modestly discounted his heroic actions. I was told by others that Isaac felt badly after September 11, because he felt that he should have been able to help more people. I am sure that those 15 people who he personally helped out of the Pentagon, and their families, are very thankful for his quick thinking and willingness to risk his life. His own wife and family had no idea about his safety on September 11, because of his immediate response to the site.

Isaac is a man who is always willing to help others. During the awards ceremony, Mr. Paul Haselbush, Director of the Real Estate and Facilities Directorate, mentioned a letter he received from a woman who had been stranded on the road with a flat tire for three hours in the cold. She wrote to the Department of Defense to thank the Defense Protective Service for the actions of Officer Isaac Ho'opi'i, who saw her stranded on the road, stopped to help her, and fixed her flat tire. When she saw his name, she recognized Isaac as ''the voice'' that she had read about in the newspaper who had saved some of the people in the Pentagon on September 11th.

In November of last year, Isaac went home to Hawaii for a family vacation. Isaac took one week of his vacation to talk to students in schools, not about his heroic acts, but about the events of September 11th and to answer their questions about why terrorists would attack the United States. I asked Isaac why he spoke with the students. He told me that he wanted to inspire them to reach out for their goals and dreams—that if he, a Native Hawaiian boy raised in Waianae could move to Washington, D.C., become successful by helping others and sharing the Aloha Spirit, they could all do the same. He told me if he just reached one student his time would have been spent well. Isaac reached more than one student. He has received a number of letters from the students he spoke to during his trip to Hawaii.

On Tuesday, when I told Isaac that I was so very proud of him, he smiled, and told me that he was just trying to be a good Hawaiian and to share the spirit of Aloha. Isaac Ho'opi'i is indeed a wonderful man, a wonderful American, and his actions reflect the Aloha Spirit, the essence of the people of Hawaii. It is with great pride that I congratulate Isaac Ho'opi'i and the other 38 recipients of the Medal of Valor for their courageous acts on September 11, 2001.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WELLSTONE (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 2002. A bill to ensure that victims of domestic violence get the help they need in a single phone call, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. MCCAIN, Ms. LANDRIEU, Mr. CONRAD, Mr. BINGAMAN, Mr. BREAUX , and Mr. JOHNSON):

S. 2003. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. CORZINE, Ms. STABENOW, Mr. JOHNSON, and Mrs. BOXER):

S. 2004. A bill to improve quality and transparency in financial reporting and independent audits and accounting services, to designate an Independent Public Accounting Board, to enhance the standard setting process for accounting practices, to improve Securities and Exchange Commission resources and oversight, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 222. A resolution commending and supporting the troops; considered and agreed to.

By Mr. BIDEN (for himself, Mrs. BOXER, Mr. DODD, Mrs. CLINTON, Ms. CANTWELL, Mr. CARPER, Mrs. MURRAY, Ms. LANDRIEU, Ms. COLLINS, Mr. FEINGOLD, Mr. KOHL, Mr. HATCH, Mr. BREAUX, Ms. STABENOW, Mr. SCHUMER, Mr. SPECTER, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. BAYH, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. CARNAHAN, Mr. LEVIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. DURBIN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. AKAKA, Mr. KERRY, Mr. STEVENS, Mr. BURNS, and Mr. BINGAMAN):

S. Res. 223. A resolution designating March 8, 2002, as ''International Women's Day''; considered and agreed to.

By Mr. JOHNSON (for himself, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. CONRAD, Mr. BINGAMAN, Mr. BAUCUS, Mr. DASCHLE, Mr. CAMPBELL, and Mr. FEINGOLD):

S. Res. 224. A resolution designating September 6, 2002, as ''National Crazy Horse Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1860

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 1992

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1992, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

AMENDMENT NO. 2979

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2979 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 2002. A bill to ensure that victims of domestic violence get the help they need in a single phone call, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, today along with Senators COLLINS, KENNEDY, DEWINE and BAYH, I am proud to introduce the National Domestic Violence Hotline Enhancement Act. Modeled after the Day One project in Minnesota, the Act would create a web site that would allow National Domestic Violence Hotline operators, shelter based advocates and relevant State and local domestic violence service providers around the country to more quickly and easily find the most appropriate shelter for families seeking safety from abuse. The highly secure and confidential web site would keep a continuously updated, nationwide list of available shelter for victims of domestic violence and their families. It would also make available to the Hotline and to advocates information about services and facilities offered by these shelters, such as language, disability, transportation and children's services.

In doing so, the new site would ensure that whenever a woman calls the Hotline or a shelter seeking help, the operator can immediately check the web site, get an up-to-the-minute listing of available shelters and services around the country, then, place the caller in the most appropriate shelter to meet her family's needs for safety, location, language and other services without the caller ever having to hang up the phone. The web site will ensure that during one of the most stressful and dangerous times of their lives, victims of domestic violence and their families can get the help they need in a single, easy phone call.

Minnesota's Day One Program, which is the model for this bill, has run a highly successful, confidential web site that links every shelter in Minnesota. Day One has shown what profound benefits this new technology can bring to the lives of battered women and their children. It has broken down barriers families face in their first attempts to find safety, resulting in faster, more appropriate placements. In fact, Day One reports that 90 percent of women and children who call are assured services and shelter in a single call. In other words, when and where they need them most. This is critical since needing to make and receive multiple followup calls to find the most appropriate shelter has been a major barrier for women trying to escape an unsafe situation.

The website helps ensure that women and children are placed in shelters that are best for them, whether that means shelters that are near transportation or a school, shelters that provide language or disability services, or shelters that have special programs for children. Finding shelter in a place where families can get the unique supports that they need also overcomes more of the traditional obstacles to safety.

Having an online network of shelters also allows survivors and their children to relocate to a broader number of areas in the state so that they can be as safe as possible from their batterer, if that is necessary.

The Network also benefits families because it benefits the service providers who help families. The new technology has saved staff time by reducing the number of calls staff has to make to find the best placement for clients. The web site has also opened lines of communication between shelters in Minnesota and has allowed a better sharing of needs and ideas which has led to better relationships and cooperation between shelters. Further, it has led to expanded documentation of occupancy rates and services needed and provided in Minnesota. In a survey of Minnesota shelters, 95 percent of respondents said that their experience with Day One is ''excellent.'' All of this means better service for battered women and their families.

We have used the most advanced technology to improve education, science, medicine and almost every aspect of our lives. None of us can have failed to recognize the powerful change the Internet has brought to our society. None of us can deny that we must embrace this change and use it to our greatest advantage. The National Domestic Violence Hotline Enhancement Act now will apply America's newest and best technology to help solve one of our nation's oldest, most confounding and brutal problems, domestic violence. This move is long overdue. The National Network to End Domestic Violence estimates that only 43 percent of shelters in the United States have Internet access, leaving well over half of all shelters without services the rest of us have come to think of as routine. In linking the shelters on an electronic network, this bill would help every shelter in the country have Internet access. It gives us the opportunity to use one of the century's greatest advances to save the lives of women and children.

Last year at least 32 women and 10 children were murdered as a result of domestic violence in Minnesota. Across the Nation, a woman is battered every 15 seconds. Three to 10 million children nationally are estimated to witness domestic violence each year, 70 percent of whom are abused themselves. Domestic Violence is in all of our communities. Despite its pervasiveness, there is still nowhere where violence is more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. It is a problem we cannot afford to ignore. People who will try to keep family violence quiet and hidden behind the walls of the home ignore its tragic echoes in our schools, in the workplace and on the streets.

I do not want to hear one more story about a woman being murdered by her husband or by her boyfriend. I do not want to hear one more story about a woman being beaten, or her child fighting in school because he saw fighting in his home.

If we are going to put an end to this horrible pattern, we must put an end to the pattern where women seek shelter, but give up in frustration when they find none. We must put an end to the pattern that one quarter of homeless people on any given night are victims of domestic violence and their children. This bill is one step in that direction.

Over the past six years, the National Domestic Violence Hotline has received over 500,000 calls from women and children in danger from abuse. If we ensure that a web site similar to the one in Minnesota were made available to all of these families seeking help, so that women can get shelter and services when and where they need it, we could take a strong step to ensuring the safety and well being of hundreds of thousands of families fleeing domestic violence around the country. Technology gives us the tools to help undo one of the greatest wrongs we confront as a society. We cannot turn our backs on this opportunity. I urge my colleagues' support of this important legislation.

Ms. COLLINS. Mr. President, today I join Senators WELLSTONE, KENNEDY, DEWINE, and BAYH in introducing the National Domestic Violence Hotline Enhancement Act. This legislation would authorize the Department of Health and Human Services to oversee the creation of a secure web site that would link every domestic violence shelter and service provider in the United States and the National Domestic Violence Hotline.

The objective is to enable victims of domestic violence and their families who are seeking safety from abuse to more quickly and easily find the shelter and other services they so desperately need. The secure and confidential web site would keep a continuously updated, nationwide list of available shelter and services, such as transportation and children's services, for victims of domestic violence and their families.

Once the web site is operational, whenever a woman calls the Hotline, a shelter or other domestic violence project, the operator can immediately check the site and get an up-to-date listing of available shelters and services around the country. With a single phone call, a victim of domestic violence and her family can be placed in the most appropriate shelter to meet their needs or more quickly obtain the other services that will enable them to escape a dangerous situation.

Domestic violence is the number one cause of injury to women in the United States. In this country, a woman is battered every 15 seconds. It is estimated that one in five women admitted to emergency rooms is there due to battering. Almost one-third of the American women murdered each year are killed by their current or former partners, usually a husband. In the State of Maine, the overall crime rate dropped by 12 percent in 2000, but domestic violence reports increased by 12.5 percent. It is the leading cause of murder in Maine, resulting in over half the state's homicides.

Even when children aren't the target of family violence, those who witness abuse in their homes do not escape unscathed. Tragically, they too are victims, with effects that can include physical, psychological and behavioral problems. Moreover, many of the millions of children who suffer or witness abuse in their homes grow up to perpetuate the legacy of family violence. A report by the American Psychological Association found that a ''child's exposure to the father abusing the mother is the strongest risk for transmitting violent behavior from one generation to the next.''

According to one estimate by the American Medical Association, domestic violence costs the nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and nonproductivity. Add the untold costs in suffering and destroyed lives caused by domestic abuse, and the need to more effectively intervene and break the cycle of violence becomes even more compelling.

Information technology has improved many aspects of our lives in recent years, and it is time we used advances in technology to help victims and break the cycle of domestic violence. The National Domestic Violence Hotline Enhancement Act will do just that by more effectively helping women and children escape unsafe and violent situations.

To achieve the goal of linking the National Domestic Violence Hotline and every domestic violence shelter and service provider on an electronic network, the legislation authorizes the use of funds to provide Internet access and training to shelters that currently do not have the necessary technology. This is a critical element of the bill because only 43 percent of shelters in the United States have Internet access, leaving over half of all shelters without services that many of us now take for granted.

The National Domestic Violence Hotline Enhancement Act would create a national domestic violence website and secure network, and it will give service providers the tools to both contribute to and benefit from that network. By doing so, the bill would help ensure that hundreds of thousands of women and children in need of help to escape violence will find the safety and well-being they deserve. I urge my colleagues to support this important legislation.

By Mr. NELSON of Florida (for himself, Mr. MCCAIN, Ms. LANDRIEU, Mr. CONRAD, Mr. BINGAMAN, Mr. BREAUX, and Mr. JOHNSON):

S. 2003. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

Mr. NELSON. Mr. President, I rise today to introduce legislation, on behalf of Senators JOHN MCCAIN, Ms. LANDRIEU, Mr. CONRAD, Mr. BINGAMAN, Mr. BREAUX, and Mr. JOHNSON, to protect our veterans from financial predators who offer ''instant cash'' in exchange for future pensions or disability pay.

Current law prohibits the direct sale of a veteran's pension or disability benefits. These payments are a tax-free, monthly check from the government, meant to provide important financial support to veterans who were disabled or wounded in service to our country. In the State of Florida alone, 245,000 veterans or their survivors received such compensation last year; and the Department of Veterans Affairs paid out nearly $21.3 billion nationwide.

To get this pot of money, some companies have used a loophole that enables them to enter into contract with veterans and offer them ''instant cash'' in exchange for future benefits.

These contracts require veterans to sign away their disability benefits or pensions for a certain period, often 8 years. In exchange, companies give them a lump-sum cash payment, typically valued at only 30 cents per dollar and in certain cases, companies require veterans to put up collateral, such as taking out a life insurance policy, potentially leaving a veteran's family out in the cold.

The VA has called this practice a ''financial scam.'' The VA Inspector General says: ''These schemes seem to target the most financially desperate veterans who are the most vulnerable. For many unsuspecting veterans, these benefit buyouts could be financially devastating.'' In one case, a veteran received a lump total of $73,000 in return for his monthly benefit checks of $2,700 over 10 years. An annual interest rate of 28.5 percent.

I find this practice reprehensible. The intent of the law that prohibits the assignment of a veteran's benefits is being skirted. My bill expands the definition of assignment of benefits and makes a violation punishable by a stiff fine, and up to 1 year in jail.

The second part of my bill creates a 5-year education and outreach campaign, through the VA, to provide information to veterans about what legitimate financial services are available to them.

The Disabled American Veterans, Paralyzed Veterans of America, Vietnam Veterans of America, and AMVETS have endorsed this bill. I look forward to having the support of this body as we move to better protect our veterans from ''instant cash'' and other financial schemes.

I would like to conclude with a comment from one of our country's veterans. ''. . . My pension isn't a lottery winning. It's an award from the American people for serving my country, and it's appalling to think there are those out there that would rob you of this honor and steal your future.''

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2003

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 ''Veterans Benefits and Pensions Protection Act of 2002''.

SEC. 2. APPLICABILITY OF PROHIBITION ON ASSIGNMENT OF VETERANS BENEFITS TO AGREEMENTS ON FUTURE RECEIPT OF CERTAIN BENEFITS.

(a) IN GENERAL.—Section 5301(a) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by designating the last sentence as paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and

(3) by adding at the end the following new paragraph:

''(3)(A) For purposes of this subsection, in any case where a beneficiary entitled to compensation, pension, or dependency and indemnity compensation enters into an agreement with another person under which agreement such other person acquires for consideration the right to receive payment of such compensation, pension, or dependency and indemnity compensation, as the case may be, whether by payment from the beneficiary to such other person, deposit into an account from which such other person may make withdrawals, or otherwise, such agreement shall be deemed to be an assignment and is prohibited.

''(B) Any agreement or arrangement for collateral for security for an agreement that is prohibited under subparagraph (A) is also prohibited.

''(C)(i) Any person who enters into an agreement that is prohibited under subparagraph (A), or an agreement or arrangement that is prohibited under subparagraph (B), shall be fined under title 18, imprisoned for not more than one year, or both.

''(ii) This subparagraph does not apply to a beneficiary with respect to compensation, pension, or disability and indemnity compensation to which the beneficiary is entitled under a law administered by the Secretary.''.

(b) EFFECTIVE DATES.—(1) Subparagraphs (A) and (B) of paragraph (3) of section 5301(a) of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to any agreement or arrangement described in such subparagraphs, whether entered into before, on, or after the date of the enactment of this Act, and any such agreement or arrangement entered into before the date of the enactment of this Act is void and unenforceable as of such date.

(2) Subparagraph (C) of such paragraph shall apply with respect to any agreement or arrangement covered by such subparagraph that is entered into on or after the date of the enactment of this Act.

(c) OUTREACH.—The Secretary of Veterans Affairs shall, during the five-year period beginning on the date of the enactment of this Act, carry out a program of outreach to inform veterans and other recipients or potential recipients of compensation, pension, or disability and indemnity compensation benefits under the laws administered by the Secretary of the prohibition on the assignability of such benefits under law. The program shall include information on various schemes to evade the prohibition, and means of avoiding such schemes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2003 through 2007, $3,000,000 for purposes of carrying out the program of outreach required by subsection (c).

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 222—COMMENDING AND SUPPORTING THE TROOPS

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to.

S. RES. 222

Whereas, Al Qaeda, which attacked the United States on September 11 and killed thousands of people, remains a threat to the national security of the United States;

Whereas, the servicemen and women of the United States, who have undertaken more than twenty weeks of courageous and successful operations, are currently engaged in the largest ground combat operation in Afghanistan since the October 7, 2001 start of U.S. and allied military efforts;

Whereas, United States military personnel face tremendous risks in Afghanistan, as evidenced by the fierce attacks that killed at least 8 American servicemen and injured more than 30 American servicemen during the conduct of Operation Anaconda;

Whereas, we are engaged in an unprecedented global conflict, one that presents many new and dangerous challenges to the men and women of the Armed Forces;

Whereas, the Senate has supported all of the President's requests to meet this deadly new threat to world peace;

Whereas, this conflict will require our unflinching resolve, and the first priority of the Congress is to provide our soldiers, sailors, airmen, and marines with the necessary resources and tools required for victory;

Whereas, the United States remains steadfastly determined to bring to justice the perpetrators of the September 11 attacks against America.

Now, therefore, be it

Resolved by the Senate, That

(1) The Senate expresses the gratitude of the Nation to:

(A) The United States Armed Forces who are participating in Operation Enduring Freedom.

(B) The families of American service men and women participating in Operation Enduring Freedom, who have borne the burden of separation from their loved ones, and staunchly supported them during this effort.

(2) The Senate expresses its condolences to the families of the brave American service personnel who have lost their lives defending America in the war against terrorism.

(3) The Senate reaffirms that it stands united with the President in the ongoing effort to defeat terrorism.

SENATE RESOLUTION 223—DESIGNATING MARCH 8, 2002, AS ''INTERNATIONAL WOMEN'S DAY''

Mr. BIDEN (for himself, Mrs. BOXER, Mr. DODD, Mrs. CLINTON, Ms. CANTWELL, Mr. CARPER, Mrs. MURRAY, Ms. LANDRIEU, Ms. COLLINS, Mr. FEINGOLD, Mr. KOHL, Mr. HATCH, Mr. BREAUX, Ms. STABENOW, Mr. SCHUMER, Mr. SPECTER, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. BAYH, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. CARNAHAN, Mr. LEVIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. DURBIN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. AKAKA, Mr. KERRY, Mr. STEVENS, Mr. BURNS, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to.

S. RES. 223

Whereas all over the world women are contributing to the growth of economies, participating in the world of diplomacy and politics, and improving the quality of the lives of their families, communities, and nations;

Whereas discrimination continues to deny women full political and economic equality and is often the basis for violations of women's basic human rights;

Whereas worldwide the lives and health of women and girls continue to be endangered by violence that is directed at them simply because they are women;

Whereas worldwide violence against women includes rape, genital mutilation, sexual assault, domestic violence, dating violence, honor killings, sexual trafficking in women, dowry-related violence, female infanticide, sex selection abortion, forced pregnancy, forced sterilization and forced abortion;

Whereas worldwide at least 1 in 3 females has been beaten or sexually abused in her lifetime;

Whereas 1 in 6 women in the United States has experienced an attempted or completed sexual assault;

Whereas somewhere in the United States, a woman is battered, usually by her intimate partner, every 15 seconds;

Whereas somewhere in the United States, a woman is raped every 90 seconds;

Whereas it is estimated that 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas only 17 countries consider marital rape to be a criminal offense;

Whereas worldwide, women account for almost half of all cases of HIV/AIDS, approximately 32,400,000, and in countries with high HIV prevalence, young women are at a higher risk than young men of contracting HIV;

Whereas worldwide sexual violence, including marital rape, has been denounced as a major cause of the rapid spread of HIV/AIDS among women;

Whereas ⅔ of the world's 876,000,000 individuals who are illiterate are women;

Whereas of the 125,000,000 school-aged children not in school all over the world, ⅔ are girls;

Whereas worldwide girls are less likely to complete school than boys;

Whereas in the United States, in the 3 decades since 1971, the educational attainment rates of females has increased faster than those of males, and by the year 2000, not only did females have higher rates of completing high school and some college, but there were no differences in the percentages of males and females with a bachelor's degree or higher;

Whereas it is estimated that women and their children make up more than 70 percent of the 1,300,000,000 poorest people in the world;

Whereas worldwide, women remain vastly underrepresented in national and local assemblies, accounting for less than 10 percent of the seats in parliament, on average (except for East Asia where the figure is approximately 18 to 19 percent), and in no developing region do women hold more than 8 percent of the ministerial positions;

Whereas illegal trafficking worldwide for forced labor, domestic servitude, or sexual exploitation involves between 1,000,000 and 2,000,000 women and children each year, of whom 50,000 are transported to the United States;

Whereas worldwide women still earn less, own less property, and have less access to education, employment, and health care than do men;

Whereas March 8 has become known as International Women's Day for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace;

Whereas the dedication and successes of those working all over the world to end violence against women and girls and fighting for equality should be recognized; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2002, as International Women's Day;

(2) reaffirms its commitment—

(A) to ending discrimination and violence against women;

(B) to ensuring the safety and welfare of women; and

(C) to pursuing policies that guarantee the basic rights of women both in the United States and in the world; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe ''International Women's Day'' with appropriate programs and activities.

SENATE RESOLUTION 224—DESIGNATING SEPTEMBER 6, 2002, AS ''NATIONAL CRAZY HORSE DAY''

Mr. JOHNSON (for himself, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. CONRAD, Mr. BINGAMAN, Mr. BAUCUS, Mr. DASCHLE, Mr. CAMPBELL, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 224

Whereas Crazy Horse was born on Rapid Creek in 1843;

Whereas during his lifetime, Crazy Horse was a great leader of his people;

Whereas Crazy Horse was a warrior and a military genius, and his battle strategies are studied to this day at West Point;

Whereas Crazy Horse was a ''Shirt Wearer'', having duties comparable to those of the Secretary of State;

Whereas it was only after he saw the treaty of 1868 broken that Crazy Horse defended his people and their way of life in the only manner he knew;

Whereas Crazy Horse took to battle only after he saw his friend, Conquering Bear, killed and after he saw the failure of Federal Government agents to supply treaty guarantees such as food, clothing, shelter, and necessities for existence; and

Whereas Crazy Horse was killed at Fort Robinson, Nebraska, on September 6, 1877, when he was only 34 years of age: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 6, 2002, as ''National Crazy Horse Day''; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. JOHNSON. Mr. President, I rise today to submit a resolution that will commemorate the life of Crazy Horse. I submit this legislation along with Senators DORGAN, BEN NELSON, CONRAD, BINGAMAN, BAUCUS, DASCHLE, CAMPBELL, and FEINGOLD. Crazy Horse was a great leader of his people, and the designation of September 6 will be the ultimate commendation for his bravery and contribution to Native Americans.

Crazy Horse was born on Rapid Creek in 1843. He was killed when he was only 34 years of age, September 6, 1877. He was stabbed in the back by a soldier at Fort Robinson, NE, while he was under U.S. Army protection. During his life he was a great leader of his people. Crazy Horse was a warrior and a military genius. His battle strategies are studied to this day at West Point.

Crazy Horse was bestowed with the honor of becoming a Shirt Wearer. This honor is comparable to duties like that of the Secretary of State.

Crazy Horse defended his people and their way of life in the only manner he knew, but only after he saw the treaty of 1868 broken. He took to the warpath only after he saw his friend Conquering Bear killed; only after he saw the failure of the government agents to bring required treaty guarantees such as food, clothing, shelter and necessities for existence. In battle the Sioux war leader would rally his warriors with the cry, ''It is a good day to fight—it is a good day to die.''

Throughout recent history, a memorial commemorating the life of this great warrior is under construction in my State of South Dakota. I would like to take these efforts one step further and designate September 6, 2002, the 125th anniversary of Crazy Horse's death, as ''National Crazy Horse Day.''

I urge my colleagues to join me in the commemoration of this great hero.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 16 and 17, insert the following:

SEC. 5____. REPORT ON MISSILE DEFENSE OF NUCLEAR FACILITIES.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a study of the feasibility and desirability of establishing ground-based air defense missile systems, integrated with the national air defense system under the North American Aerospace Defense Command, at critical nuclear facilities to protect against threats from aircraft.

(b) MATTERS TO BE ADDRESSED.—The study shall include analyses of—

(1) alternative organizations, structures, and equipment to be used in connection with the missile defense systems; and

(2) the utility, suitability, feasibility, risks, and costs of establishing the missile defense systems.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the results of the study.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Sarah Lennon, a fellow in the office of Senator CARNAHAN, be granted floor privileges during debate on the energy bill.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DASCHLE. Mr. President, we will be taking up other business before the end of the day, but until that time, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:20 a.m., recessed subject to the call of the Chair and reassembled at 11:50 a.m., when called to order by the Presiding Officer (Mr. WYDEN).

Mr. DASCHLE. Mr. President, there are pieces of business we need to accommodate prior to the end of the session today. All of these matters have the approval of the distinguished Republican leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. I begin by asking unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 707 through 723, en bloc, that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, any statements thereon appear at the appropriate place in the RECORD, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Paul I. Perez, of Florida, to be United States Attorney for the Middle District of Florida, for the term of four years.

Eric F. Melgren, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

John Schickle, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

William R. Whittington, of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Stephen Gilbert Fitzgerld, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for a term of four years.

J.C. Raffety, of West Virginia, to be United States Marshal for the Northern District of West Virginia for a term of four years.

James Anthony Rose, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

James Loren Kennedy, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Theophile Alceste Duroncelet, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

James Thomas Plousis, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.

Charles R. Reavis, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Timothy Dewayne Welch, of Oklahoma, to be United States Marshal for the Northern District of Oklahoma for the term of four years.

Michael Robert Regan, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

Jesse Seroyer, Jr., of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Gregory Allyn Forest, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

John R. Edwards, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

INTERNATIONAL WOMEN'S DAY

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 223, submitted earlier today by Senators BIDEN, BOXER, DODD, and others.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 223), designating March 8, 2002, as ''International Women's Day''.

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

Mr. BIDEN. Mr. President, today I introduced a Senate resolution designating March 8 as International Women's Day. A similar resolution will be introduced in the House of Representatives by Representative SCHAKOWSKY with the support of the Women's Caucus. International Women's Day was first observed in 1909, and since then it has provided an opportunity for us to take a moment to remember, celebrate and honor the remarkable steps women have made in their fight for equality all over the globe. This year, Afghan women are the symbol of International Women's Day. Afghan women are triumphant examples of women empowered and able to transform their lives.

We have much to admire in the courage and endurance of Aghan women. Afghan women withstood for more than 5 years systemic oppression by the Taliban. For more than 5 years, women in Afghanistan—solely because they were women—were silenced, forbidden to enter public life, forbidden to be seen unaccompanied on city streets, forbidden to teach or attend schools, forbidden to seek health care and forbidden to work. If women disobeyed, they were beaten. The threat of violence kept women quiet and compliant.

Since the downfall of the Taliban, the veil has lifted for women in Afghanistan. Today we see news clips of women walking the streets of Kabul without burkas and girls learning to read in a city school. Women are resuming their jobs as teachers, government workers and doctors. The Health Minister in the new interim government is a Tajik woman surgeon from Kabul. There is a new Ministry of Women's Affairs led by Dr. Sima Samar who is steadily pushing and pulling to restore women's rights. These are enormous strides to regain women's rights in Afghanistan and a testament to the strength of Afghan women.

The collaboration, persistence and support of international women's groups to expose the Taliban's oppression should also be recognized. While the plight of Afghan women surfaced on the cover of American magazines only this year, many women's groups have been working on the situation for years—writing letters, pressing for action, and supporting refugees. Indeed, in December, an incredible array of international women's groups gathered in Brussels from all over the world to discuss and strategize ways to change Afghanistan. The international women's community understands that this is a long and complicated process for change, and they remain strongly beside Afghan women. International Women's Day gives us an opportunity to acknowledge their tireless efforts and achievements.

As we have seen in Afghanistan, an essential component to achieving gender equality is ending violence against women—an issue about which I care deeply. Women cannot fully participate in a society when they live in fear of violence. Supporting International Women's Day means supporting an end to violence against women.

Without a doubt, we must start in our living rooms. Unfortunately, there is still much to be done in the United States. But steadily we are making significant improvements. According to United States Justice Department data, the overall rate of intimate partner violence against all females decreased a dramatic 41 percent between 1993 and 1999. I am proud to say that some of the improvements come directly from my bill, the Violence Against Women Act of 1994, and its reauthorization in 2000. We have transformed a ''private'' family matter into a serious, public crime.

Now we are setting our sights on cultural changes and creating a society that has zero tolerance for violence against women. Men who hit or assault women must become the pariahs of our society. We need to teach our young men and boys that violence against girls is completely and utterly unacceptable. And then spread the word around the globe.

International Women's Day reminds us that as we are fighting to end violence against women in America, we need to extend our reach, and fight violence against all women. The range of gender-related violence is staggering. It occurs in every segment of society, without regard for class, color, ethnicity, or country. The violence includes honor killings, sexual trafficking in women, dowry-related violence, female infanticide, sexual assault, and domestic violence. Studies indicate that 1 out of every 3 women in the world has been battered by an intimate partner. Data on rape indicates that as many as 1 in 5 women worldwide are victims of rape, with young women as the most frequent targets. Women everywhere cannot fully participate in society until the violence ends.

We will get there. Despite the threat of violence, women have made incredible strides. Worldwide, there is a closing gender gap in primary and secondary school education. In 1998, 8 percent of the world's cabinet ministers were women, compared to 4 percent in 1994. All over the world women are actively engaged in the economy as workers, producers, traders, managers, and owners. On International Women's Day let us imagine what women can accomplish when they no longer fear violence.

Mr. President, I sincerely hope that all of my colleagues join me to support this resolution to designate March 8 as International Women's Day, to celebrate the enormous progress of women and to reaffirm our commitment to end violence and discrimination against women.

Mr. FEINGOLD. Mr. President, today I rise to commemorate International Women's Day. For nearly a century, women's groups worldwide have paused on this day to celebrate the achievements and contributions of women around the globe. It is a special occasion to remember the progress women have made and to reflect upon the injustices and hardships women still face in the struggle for total equality.

International Women's Day is recognized in many countries around the

world, and in some cases, is celebrated as a national holiday. This past week, the Senate has marked this holiday with a Senate resolution urging the President to designate March 8 as International Women's Day in the United States. Also, in honor of this day, there have been series of briefings and discussions about violence and discrimination against women for Members of Congress and their staff. I hope my colleagues have had an opportunity to participate in these discussions and view the exhibits.

Women have made tremendous strides in the last century. In the United States, more and more women are attending college and earning postgraduate degrees. Consequently, more women are entering the workforce, and starting their own companies. Women all over the world are increasingly becoming more active in the political process, having earned the right to vote, being elected to office, and appointed to positions of power. In the year 2000, 11 countries were lead by women.

In our own country, while much progress has been made in the struggle for equality, there are many cases where women are still at a disadvantage. Women continue to earn less than men. Equal pay for equal work is the law of the land, but that promise remains unfulfilled for many. Although some progress has been made in narrowing the gender wage-gap since Congress enacted the Equal Pay Act in 1963, unfair wage disparities continue to be a problem. Wage discrimination is costing families thousands of dollars each year. I am proud to support legislative efforts to correct his discrepancy.

We cannot forget women and children when the Senate considers reauthorization of Temporary Assistance for Needy Families later this year. Too often, women and children fall through the cracks of the system. While many women are going to work, many have to sacrifice time spent with their children in order to afford child care, education, and health care for their kids.

Unfortunately, violence against women is still all too prevalent in our country. Domestic violence is the leading cause of injury among women of child-bearing age. One out of every six American women have been victims of a rape or an attempted rape. Many rapes go unreported, and more than half of the women attacked knew their assailant. Only recently have states begun to recognize crimes such as stalking or marital rape.

Today, we must also consider the challenges facing women abroad. Women in the developing world are more likely to live in poverty, suffer from malnutrition and lack access to education. Despite the expansion of women's health care research and practices in the last two decades, women still have unequal access to these services.

The HIV/AIDS crisis in Africa is particularly alarming. As chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I have had the opportunity to travel to numerous countries in Africa and see firsthand the devastating toll that HIV/AIDS and other infectious diseases are taking on the people of this continent. According to United Nations reports, over 25 million adults and children in Africa are infected with the HIV virus, the majority of them in Sub-Saharan Africa. Sub-Saharan Africa is the only region in which women are infected with the virus at a higher rate than men. UNAIDS, the United Nations Program on HIV/AIDS, reports that women make up an estimated 55 percent of the HIV-positive adult population in this region, as compared to 47 percent worldwide. Young women are especially at risk. The United Nations reports that in the region girls age 15–19 are infected with HIV at a rate of 15 percent to 23 percent, whereas infection rates among boys of the same age group are 3 percent to 4 percent.

Women in other countries suffer tragic human rights abuses as well. They are victims of domestic violence and illegal trafficking of persons for slavery and prostitution. In some countries, women fall victim to ''honor killings,'' a deplorable practice whereby women are murdered by male relatives for actions that are perceived to bring dishonor to the family.

Rape and sexual assault have often been used as weapons of war. The international tribunals for the former Yugoslavia and Rwanda are setting legal precedents in convicting men for rape, torture, and enslavement of women during times of war or regional conflict. These convictions set an international legal precedent for rape to be considered a crime against humanity.

In the last few months, the whole world has come to understand the treatment and status of Afghan women under the reign of the Taliban. Now, as the Afghan people begin to rebuild and reconstruct their country, it is imperative that women play an integral role in that effort. International aid should be given to help women regain their rights to an education, access to quality health care, and involvement in the political process. Women should be included in all levels of government for the future of Afghanistan. Restoring human rights, and, in particular, women's human rights, is key to Afghanistan's successful reconstruction and the transition to democracy.

The protection of women's rights is vital to the success of promoting fundamental human rights. The United States Senate can work towards protecting women's rights and improve the status of women domestically and internationally by acting upon the United Nations Convention on the Elimination of Discrimination against Women, or CEDAW. CEDAW is the most comprehensive treaty on women's human rights addressing almost all forms of discrimination in areas such as education, employment, marriage and family, health care, politics and law. It has been over two decades since the United States signed this treaty, and it still awaits consideration before the United States Senate. Once again, I urge the Committee on Foreign Relations to take up this treaty and finally allow the Senate the opportunity to offer its advice and consent on this important convention.

In conclusion, today, as we honor women everywhere and celebrate their accomplishments and contributions to history, we must recognize that there is still more to be done in the struggle for gender equity. Discrimination and violence against women still exist here at home and abroad. The United States and the rest of the international community must reaffirm their commitment to promote gender equality and human rights around the world.

Mr. DASCHLE. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

GREEK INDEPENDENCE DAY

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, S. Res. 214.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 214) designating March 25, 2002, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

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

Mr. DASCHLE. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 214

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821, ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors

and be thought worthy of them if we succeed in resembling you'';

Whereas Greece is 1 of only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict for more than 100 years;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece, presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece in the World War II period;

Whereas President George W. Bush, in a letter to the Prime Minister of Greece, Constantinos Simitis, in January 2001, referred to the ''stable foundations and common values'' that are the basis of relations between Greece and the United States;

Whereas President Bush in his January 10, 2002 meeting with the Greek Prime Minister, said, ''I am most appreciative of your strong stand against terror. You have been a friend in our mutual concerns about routing out terror around the world,'' and, ''I look forward to the Olympics. It's going to be a magnificent moment for the sporting world to have the Olympics return to Athens. I'm confident your country will do a fine job'';

Whereas as a member of NATO, Greece has assigned members of its air force to fly surveillance missions over the United States;

Whereas Greece is a stabilizing force by virtue of its political and economic power in the volatile Balkan region, is one of the fastest growing economies in Europe, and will hold the presidency of the European Union in 2003;

Whereas Greece, geographically located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2002, marks the 181st anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2002, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

HUNGER TO HARVEST: DECADE OF SUPPORT FOR SUB-SAHARAN AFRICA

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 262, H. Con. Res. 102.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 102) relating to efforts to reduce hunger in sub-Saharan Africa.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (H. Con. Res. 102) was agreed to.

The preamble was agreed to.

RECORD TO REMAIN OPEN

Mr. DASCHLE. Mr. President, I ask unanimous consent that the RECORD remain open today, Friday, March 8, until 2 p.m. for the introduction of legislation and the submission of statements.

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

COMMENDING AND SUPPORTING OUR TROOPS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 222, submitted earlier today by the two leaders.

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

The legislative clerk read as follows:

A resolution (S. Res. 222) commending and supporting the troops.

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

Mr. DASCHLE. Mr. President, in more than 20 weeks of operations in Afghanistan, our troops have liberated Afghanistan, decimated the Taliban, disrupted al Qaeda operations and captured hundreds of al Qaeda terrorists.

Their success lulled much of the world into thinking that our work in Afghanistan was done. The somber news of earlier this week—that eight of America's finest soldiers had been killed in action—reminds us that there is much to be done in Afghanistan.

Right now, our troops are doing that work. They are engaged in the largest ground offensive of the war, confronting the hardest of the hard core of al Qaeda.

The resolution that we are about to pass reminds our troops that we are thinking of them and are praying for them. The 6-month anniversary of September 11 is next week.

It expresses our condolences to the families of those who have lost loved ones in Operation Enduring Freedom.

And it makes absolutely clear on the 6-month juncture, to the al Qaeda terrorists, and to all who of those who wish to take notes, that we will not stop until they have been defeated.

But this resolution is also important for another reason. On September 14, we voted unanimously to send our troops into action against the perpetrators of the cowardly and heinous attacks on the World Trade Center and the Pentagon. That was our constitutional duty, and it is one that none of us takes lightly.

The soldiers who were killed this week—and in the last twenty-one weeks of Operation Enduring Freedom—died doing the work that we sent them out to do. It is only fitting, then, that we take a moment here in the Senate to thank them and their families and to reaffirm the commitment that we made on September 14—that we will not rest until the perpetrators of the September 11 attacks are brought to justice.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

(The resolution is printed in the RECORD under ''Statements on Submitted Resolutions.'')

ORDERS FOR MONDAY, MARCH 11, 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 3 p.m., Monday, March 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

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

PROGRAM

Mr. DASCHLE. Mr. President, I announced earlier that there will be no rollcall votes on Monday. Many of my colleagues have heard me make similar announcements with some concern for the lost opportunity that these days present. Not having votes means very few amendments are offered. When very few amendments are offered, we lose another critical day in accomplishing all that must be done prior to the coming recess, as well as to the end of this session of Congress.

While there are no votes on Monday, I do hope that Senators will come to the floor and offer amendments so that we might have votes on them Tuesday morning.

Senators should be notified that there will be votes on Tuesday morning. It is my sincere hope that a number of amendments can be offered, considered, and completed in debate on Monday afternoon.

The next rollcall vote will occur on the morning of Tuesday, March 12.

ADJOURNMENT UNTIL 3 P.M. MONDAY, MARCH 11, 2002

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:57 a.m., adjourned until Monday, March 11, 2002, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 2002:

DEPARTMENT OF JUSTICE

PAUL I. PEREZ, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA, FOR THE TERM OF FOUR YEARS.

ERIC F. MELGREN, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS.

DENNIS CLUFF MERRILL, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN SCHICKEL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

WILLIAM R. WHITTINGTON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

STEPHEN GILBERT FITZGERALD, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR A TERM OF FOUR YEARS.

J.C. RAFFETY, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS.

JAMES ANTHONY ROSE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

JAMES LOREN KENNEDY, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

THEOPHILE ALCESTE DURONCELET, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

JAMES THOMAS PLOUSIS, OF NEW JERSEY, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF FOUR YEARS.

CHARLES R. REAVIS, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

TIMOTHY DEWAYNE WELCH, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

MICHAEL ROBERT REGAN, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

JESSE SEROYER, JR., OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

GREGORY ALLYN FOREST, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

JOHN R. EDWARDS, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1689–S1713

Measures Introduced: Three bills and three resolutions were introduced, as follows: S. 2002–2004, and S. Res. 222–224. **Page S1705**

Measures Passed:

International Women's Day: Senate agreed to S. Res. 223, designating March 8, 2002, as ''International Women's Day''. **Pages S1710–11**

Greek Independence Day: Senate agreed to S. Res. 214, designating March 25, 2002, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''. **Pages S1711–12**

Hunger to Harvest: Decade of Support for Sub-Saharan Africa: Senate agreed to H. Con. Res. 102, encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa. **Page S1712**

Commending Troops: Senate agreed to S. Res. 222, commending and supporting the troops. **Page S1712**

Energy Policy Act: Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto: **Pages S1693–94**

Adopted:

By a unanimous vote of 94 yeas (Vote No. 45), McCain Amendment No. 2979 (to Amendment No. 2917), to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation. **Page S1693**

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. **Pages S1693–94**

Feinstein Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets. **Page S1693**

Bingaman/Domenici Amendment No. 2990 (to Amendment No. 2917) to promote collaboration between the United States and Mexico on research related to energy technologies. **Page S1693**

A unanimous-consent agreement was reached providing for further consideration of the bill at 3 p.m., on Monday, March 11, 2002. **Page S1712**

Job Creation and Worker Assistance Act: By 85 yeas to 9 nays (Vote No. 44), Senate agreed to the motion to concur in the amendment of the House to the Senate amendment to H.R. 3090, to provide tax incentives for economic recovery, clearing the measure for the President. **Pages S1689–92**

Nominations Confirmed: Senate confirmed the following nominations:

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

Paul I. Perez, of Florida, to be United States Attorney for the Middle District of Florida, for the term of four years.

John Schickel, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

William R. Whittington, of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Stephen Gilbert Fitzgerald, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for a term of four years.

J.C. Raffety, of West Virginia, to be United States Marshal for the Northern District of West Virginia for a term of four years.

James Anthony Rose, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

James Loren Kennedy, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Theophile Alceste Duroncelet, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

James Thomas Plousis, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.

Charles R. Reavis, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Timothy Dewayne Welch, of Oklahoma, to be United States Marshal for the Northern District of Oklahoma for the term of four years.

Michael Robert Regan, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

Jesse Seroyer, Jr., of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Eric F. Melgren, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

Gregory Allyn Forest, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

John R. Edwards, of Vermont, to be United States Marshal for the District of Vermont for the term of four years. **Pages S1709–10, S1713**

Additional Cosponsors: **Pages S1705–06**

Statements on Introduced Bills/Resolutions: **Pages S1706–09**

Additional Statements: **Pages S1704–05**

Amendments Submitted: **Page S1709**

Privilege of the Floor: **Page S1709**

Record Votes: Two record votes were taken today. (Total—45) **Pages S1692, S1693**

Adjournment: Senate met at 9:15 a.m., and adjourned at 11:57 a.m., until 3 p.m., on Monday, March 11 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S1712–13).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—BUREAU OF RECLAMATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings on proposed budget estimates for fiscal year 2003 for the Bureau of Reclamation, Department of the Interior, after receiving testimony from Bennett W. Raley, Assistant Secretary for Water and Science, and John W. Keys III, Commissioner, Bureau of Reclamation, both of the Department of the Interior.

House of Representatives

Chamber Action

The House was not in session today. It will meet on Monday, March 11 at 2 p.m.

Committee Meetings

DISTRICT OF COLUMBIA—ECONOMIC DEVELOPMENTS

Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on "Economic Development in the District of Columbia: The Role of National Capital Revitalization Corporation." Testimony was heard from Donald Carey Williams, Regional Administrator, National Capital Region, GSA; Nelson Bregon, Deputy Assistant Secretary, Grant Programs, Office of Community Planning and Development, Department of Housing and Urban Development; Eric Price, Deputy Mayor, Economic Development, District of Columbia; Rod Heller, Chairman of the Board, and Elinor Bacon, CEO, National Capital Revitalization Corporation; and Shabbir Safdar, Chair, D.C. Public Affairs Committee, Greater Washington Board of Trade.

Joint Meetings

FEBRUARY EMPLOYMENT SITUATION

Joint Economic Committee: Committee concluded hearings to examine the employment and unemployment situation for February, after receiving testimony from Lois Orr, Acting Commissioner, Bureau of Labor Statistics, Department of Labor.

CONGRESSIONAL PROGRAM AHEAD

Week of March 11 through March 16, 2002

Senate Chamber

On *Monday,* at 3 p.m., Senate will resume consideration of S. 517, Energy Policy Act.

During the balance of the week, Senate expects to continue consideration of S. 517, Energy Policy Act, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: March 12, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the prohibition of human reproductive cloning and saving medical research, 9:30 a.m., SD–124.

March 12, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of State, 10 a.m., SD–138.

March 13, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Housing and Urban Development, 9:30 a.m., SD–138.

March 13, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce, 10:30 a.m., SD–116.

March 13, Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2003 for the Library of Congress and the Congressional Research Service, 10:30 a.m., SD–124.

March 14, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine farm economy and rural sector issues, 10 a.m., SD–138.

March 14, Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Treasury, 2 p.m., SD–138.

March 14, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Education, 2:30 p.m., SD–124.

March 14, Subcommittee on District of Columbia, to hold hearings to examine regional emergency planning for the Nation's Capital, 2:30 p.m., SD–192.

March 15, Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Energy, 10 a.m., SD–138.

Committee on Armed Services: March 12, Subcommittee on Emerging Threats and Capabilities, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on special operations military capabilities, operational requirements, and technology acquisition, 2:30 p.m., SR–222.

March 13, Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense Health Program, 9:30 a.m., SR–232A.

March 13, Subcommittee on Strategic, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on Ballistic Missile Defense acquisition policy and oversight, 2:30 p.m., SR–222.

March 14, Full Committee, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the atomic energy defense activities of the Department of Energy, 9:30 a.m., SH–216.

March 14, Subcommittee on Airland, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on Army modernization and transformation, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: March 12, to hold oversight hearings on the economy of the United States, 10 a.m., SD–538.

March 13, Full Committee, to hold oversight hearings on the implementation of the Transportation Equity Act for the 21st Century (105–178), 10 a.m., SD–538.

March 14, Full Committee, to resume oversight hearings to examine accounting and investor protection issues raised by the Enron situation, and other public companies, focusing on the accounting profession, audit quality and independence, and formulation of accounting principles, 10 a.m., SD–538.

March 14, Full Committee, to hold hearings on the nominations of JoAnn Johnson, of Iowa, and Deborah Matz, of New York, each to be a Member of the National Credit Union Administration Board, 3 p.m., SD–538.

Committee on Commerce, Science, and Transportation: March 13, to hold hearings on the nominations of Robert Watson Cobb, of Maryland, to be Inspector General, and Major General Charles F. Bolden, Jr., United States Marine Corps, to be Deputy Administrator, both of the National Aeronautics and Space Administration, 2:30 p.m., SR–253.

March 14, Full Committee, to hold hearings on S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, and improve security and service on Amtrak, 9:30 a.m., SR–253.

Committee on Environment and Public Works: March 12, Subcommittee on Superfund, Toxics, Risk, and Waste Management, to hold hearings to examine environmental enforcement, 10 a.m., SD–406.

March 12, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2003 for the First Responder Initiative, 2:30 p.m., SD–406.

March 13, Full Committee, to hold hearings to examine the economic and environmental risks associated with increasing greenhouse gas emissions, 9:30 a.m., SD–406.

Committee on Finance: March 12, to hold hearings to examine welfare reform issues, 10 a.m., SD–215.

March 14, Subcommittee on Health Care, to hold hearings to examine reimbursement and access to prescription drugs under Medicare Part B, 10 a.m., SD–215.

Committee on Foreign Relations: March 14, to hold hearings on the nomination of Richard Monroe Miles, of South Carolina, to be Ambassador to Georgia; the nomination of James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria; the nomination of Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg; and the nomination of Lawrence E. Butler, of Maine, to be Ambassador to The Former Yugoslav Republic of Macedonia, 2 p.m., SD–419.

Committee on Governmental Affairs: March 11, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine the Central Intelligence Agency national intelligence estimate of foreign missile development and the ballistic missile threat through 2015, 1:30 p.m., SD–342.

March 12, Full Committee, business meeting to consider the nomination of Jeanette J. Clark, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of Louis Kincannon, of Virginia, to be Director of the Census, Time to be announced, Room to be announced.

March 12, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings on S. 1800, to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies, 2:30 p.m., SD–342.

March 13, Full Committee, to resume hearings to examine public health and natural resources, focusing on implementation of environmental laws, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: March 12, Subcommittee on Public Health, to hold hearings to examine solutions for uninsured patients, 10 a.m., SD–430.

March 14, Full Committee, to hold hearings to examine the future of American steel, focusing on ensuring the viability of the industry and the health care and retirement security for workers, 2 p.m., SD–430.

March 15, Full Committee, to hold hearings to examine child care improvement issues, 9:30 a.m., SD–430.

Committee on Indian Affairs: March 14, to hold hearings on the President's budget request for Indian programs for fiscal year 2003, 10 a.m., SR–485.

Select Committee on Intelligence: March 13, to hold closed hearings to examine pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: March 13, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the worldwide connection between drugs and terrorism, 10 a.m., SD–226.

March 14, Full Committee, to hold hearings to examine competition, innovation, and public policy concerning digital creative works, 10 a.m., SD–226.

Committee on Veterans' Affairs: March 14, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association, 10 a.m., 345 Cannon Building.

March 14, Full Committee, to hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs, 2 p.m., SR–418.

House Chamber

To be announced.

House Committees

Committee on Appropriations, March 12, Subcommittee on Labor, Health and Human Services and Education, on Substance Abuse Mental Health Services, and Administration on Aging, 2 p.m., 2358 Rayburn.

March 12, Subcommittee on Veterans' Affairs, Housing and Urban Development and Independent Agencies, on EPA, 9:30 a.m., and 1:30 p.m., 2359 Rayburn.

March 13, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Farm and Foreign Agricultural Services, 9:30 a.m., 2362A Rayburn.

March 13, Subcommittee on Commerce, Justice, State and Judiciary, on Supreme Court, 10 a.m., and on Small Business Administration, 2 p.m., H–309 Capitol.

March 13, Subcommittee on Defense, on Defense Transformation, 9:30 a.m., H–140 Capitol.

March 13, Subcommittee on Energy and Water Development, on Department of Energy-Science, Nuclear Energy and Renewable Energy, 10 a.m., 2362B Rayburn.

March 13, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Administrator of Agency for International Development, 10 a.m., 2359 Rayburn.

March 13, Subcommittee on Interior, on Forest Service, 10 a.m., B–308 Rayburn.

March 13, Subcommittee on Labor, Health and Human Services, and Education, on National Institutes of Health Fiscal Year 2003 Budget Overview, 11 a.m., 2358 Rayburn.

March 13, Subcommittee on Military Construction, on Housing Privatization, 9:30 a.m., B–300 Rayburn.

March 13, Subcommittee on Transportation, on FAA, 10 a.m., 2359 Rayburn.

March 13, Subcommittee on Treasury, Postal Service and General Government, on GSA, 10 a.m., H–144 Capitol, and on U.S. Postal Service, 2 p.m., 2359 Rayburn.

March 13, Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on Office of Science Technology Policy, 9:30 a.m., and on Department of Defense-Civil, Cemeterial Expenses, Army, 10:30 a.m., H–143 Capitol.

March 14, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Food Safety and Inspection Service, 9:30 a.m., 2362A Rayburn.

March 14, Subcommittee on Commerce, Justice, State and Judiciary, on State Department-International Organizations, 10 a.m., and on NOAA, 2 p.m., H–309 Capitol.

March 14, Subcommittee on Defense, on Fiscal Year 2003 Army Budget Overview, 9:30 a.m., H–140 Capitol.

March 14, Subcommittee on Energy and Water Development, on Department of Energy-Nuclear Waste Management and Disposal, 10 a.m., 2362B Rayburn.

March 14, Subcommittee on Interior, oversight hearing on Bureau of Indian Affairs, and Office of Special Trustee for American Indians, 10 a.m., B–308 Rayburn.

March 14, Subcommittee on Labor, Health and Human Service and Education, on National Institutes of Health Panel: From Bench to Bedside and Beyond, 9:45 a.m., 2358 Rayburn.

March 14, Subcommittee on Transportation, on Member of Congress, 10 a.m., 2358 Rayburn.

March 14, Subcommittee on Treasury, Postal Service and General Government, on OMB, 10 a.m., and on Executive Office of the President, 2 p.m., 2359 Rayburn.

March 14, Subcommittee on VA, HUD and Independent Agencies, on Community Development Financial Institutions, 10 a.m., and on National Institute of Environmental Health Services, 11 a.m., H–143 Capitol.

Committee on Armed Services, March 12, Special Oversight Panel on Morale, Welfare and Recreation, hearing on the fiscal year 2002 National Defense Authorization budget request, 3 p.m., 2212 Rayburn.

March 12, Subcommittee on Military Research and Development, hearing on the fiscal year 2003 National Defense Authorization budget request, 4 p.m., 2118 Rayburn.

March 13, full Committee, hearing on the fiscal year 2003 Department of Energy budget request, 10 a.m., 2118 Rayburn.

March 13, Subcommittee on Military Personnel, hearing on the fiscal year 2002 National Defense Authorization budget request, 2 p.m., 2212 Rayburn.

March 13, Subcommittee on Military Readiness, hearing on competitive sourcing/outscourcing/A–76 and strategic sourcing, 2 p.m., 2118 Rayburn.

March 14, full Committee, to continue hearings on the fiscal year 2003 National Defense Authorization budget request, 9:30 a.m., 2118 Rayburn.

March 14, Special Oversight Panel on the Merchant Marine, hearing on the fiscal year 2003 Maritime Administration Authorization budget request, 8 a.m., 2212 Rayburn.

March 14, Subcommittee on Military Readiness, hearing on environmental and encroachment issues, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, March 12, Subcommittee on 21st Century Competitiveness, hearing on ''Welfare at Work: Ties Between TANF and Workforce Development,'' 2 p.m., 2175 Rayburn.

March 13, Subcommittee on Education Reform, to mark up H.R. 3801, Education Sciences Reform Act of 2002, 10:30 a.m., 2175 Rayburn.

March 13, Subcommittee on Employer-Employee Relations, hearing on ''Assessing Mental Health Parity: Implications for Patients and Employers,'' 3 p.m., 2175 Rayburn.

Committee on Energy and Commerce, March 13, Subcommittee on Health, hearing entitled ''The 2003 Budget: A Review of the HHS Health Care Priorities,'' 10 a.m., 2322 Rayburn.

March 14, Subcommittee on Oversight and Investigations, to continue hearings on the Financial Collapse of Enron Corp., focusing on Enron's inside and outside counsel, 10 a.m., 2322 Rayburn.

Committee on Financial Services, March 13, hearing on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002, 10 a.m., 2128 Rayburn.

March 14, Subcommittee on Financial Institutions and Consumer Credit, hearing on the Financial Services Regulatory Relief Act of 2002, 9:30 a.m., 2128 Rayburn.

March 14, Subcommittee on Housing and Community Opportunity, hearing entitled ''Review of the Community Development Block Grant Program,'' 10 a.m., 2220 Rayburn.

Committee on Government Reform, March 12, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on ''Regulatory Accounting: Costs and Benefits of Federal Regulations,'' 2 p.m., 2154 Rayburn.

March 12, Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on ''Combating Terrorism: Protecting the United States—Part 1,'' 10 a.m., 2154 Rayburn.

March 13, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on ''The Use and Abuse of Government Purchase Cards,'' 10 a.m., 2154 Rayburn.

March 15, Subcommittee on Technology and Procurement Policy, hearing on ''General Services Administration Agency Reorganization,'' 10 a.m., 2154 Rayburn.

Committee on International Relations, March 13, Subcommittee on Europe, hearing on U.S. and Europe: The Bush Administration and Transatlantic Relations, 1:30 p.m., 2200 Rayburn.

March 14, full Committee, hearing on the Afghanistan Freedom Support Act of 2002, 11 a.m., 2172 Rayburn.

Committee on Resources, March 12, Subcommittee on Forests and Forest Health, oversight hearing on Fiscal Year 2003 Forest Service Program Budget, 4 p.m., 1334 Longworth.

March 13, full Committee, oversight hearing on the National Academy of Science Interim Report on Endangered and Threatened Fishes in the Klamath River Basin, 10 a.m., 1334 Longworth.

March 14, Subcommittee on Energy and Mineral Resources, oversight hearing on ''FY 2003 U.S. Geological Survey, Minerals Management Service and Office of Surface Mining Reclamation & Enforcement Budgets,'' 2 p.m., 1334 Longworth.

March 14, Subcommittee on Fisheries Conservation, Wildlife and Oceans, the Subcommittee on National Parks, Recreation and Public Lands and the Subcommittee on Forests and Forest Health, joint hearing on H.R. 3558, Species Protection and Conservation of the Environment Act, 10 a.m., 1334 Longworth.

Committee on Rules, March 12, to consider the following: H.R. 2146, Two Strikes and You're Out Child Protection Act; and H.R. 2341, Class Action Fairness Act of 2001, 5 p.m., H–313 Capitol.

Committee on Science, March 13, Subcommittee on Energy, hearing on the Energy Pipeline Research, Development, and Demonstration Act, 2 p.m., 2318 Rayburn.

Committee on Small Business, March 13, hearing on ''Subsidy Rate Calculation: Unfair Tax on Small Business,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 13, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Port Security: Shipping Containers, 2 p.m., 2154 Rayburn.

March 13, Subcommittee on Water Resources and Environment, hearing on the Water Quality Financing Act of 2002, 10 a.m., 2167 Rayburn.

March 14, Subcommittee on Aviation and the Subcommittee on Railroads, joint oversight hearing on Reauthorization of the National Transportation Safety Board, 10 a.m., 2167 Rayburn.

March 14, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Financial Responsibility for Port Security, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 13, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs Information program, with a review of VA's integrated systems architecture plan, Veterans Benefits Administration's VETSNET program, information security, Veterans Health Administration's Decision Support Systems, and the Government Computer-Based Patient Record Program, 10 a.m., 334 Cannon.

Committee on Ways and Means, March 12, hearing on the Administration's Plan to Build on the Successes of Welfare Reform, 2:30 p.m., 1100 Longworth.

March 14, Subcommittee on Health, hearing on Rationalizing Medicare Supplemental Insurance, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, March 13, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Unmanned Aerial Vehicle Programs, 2 p.m., H–405 Capitol.

Joint Meetings

Conference: March 13, meeting of conferees on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, 4 p.m., HC–5, Capitol.

Joint Meetings: March 14, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

3 p.m., Monday, March 11

Senate Chamber

Program for Monday: Senate will resume consideration of S. 517, Energy Policy Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, March 11

House Chamber

Program for Monday: Pro forma session.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $211.00 for six months, $422.00 per year, or purchased for $5.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.