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## Senate

### SCHEDULE

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Daniel P. Coughlin, Chaplain, U.S. House of Representatives.

#### PRAYER

The guest Chaplain offered the following prayer:

Lord, shed upon any darkness in our souls the bright light of Your wisdom; that this body may be enlightened and serve You with purity of intention.

Monday marks the beginning of another week of work. Bless the work of this Senate, all its Members and all who assist them in their noble endeavor to serve this Nation.

May the very desire to serve You, in the Spirit of truth and justice, be so pleasing in Your sight that You accomplish great deeds in and through Your people.

Let our greatness be measured by You and You alone. Help us to never settle for less or live by any other standard than what You expect of us.

With You as our source of inspiration, our work will be sanctified and our interaction with others laudable.

With You as our judge, all hesitancy will be set aside and every accomplishment will give You glory now and forever.

Amen.

#### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, this morning there will be an hour of morning business for Senators to give statements and introduce legislation. At 1 p.m. today, the Senate will resume consideration of S. 14, the Energy bill. Chairman DOMENICI will be here and available for Members to come to the floor today and to offer their amendments.

Last week, in addition to finishing action on the child tax credit and the Defense authorization bill, we were able to make progress on the Energy bill. The Senate worked its will on a number of amendments relating to ethanol. We conducted six rollcall votes on that issue last week, and I thank all Members in the energy debate last week and look forward to their continued participation over the course of this week. We will continue to move forward on this important legislation to produce a national energy policy which our Nation so badly needs.

To this end, we will continue to have discussions with the other side of the aisle in an effort to reach an agreement on the remaining amendments to the Energy bill. We would like to finish consideration of the bill this week, so it is my hope that we will have a filing deadline for amendments to allow the chairman and the ranking member to work through an amendment list. Again, we are working with the chairman and ranking member and our colleagues to produce such a list.

As a reminder, there will be a rollcall vote today beginning at 5:45. That vote will be on the confirmation of the nomination of Michael Chertoff to be a United States Circuit Judge for the Third Circuit.

For the remainder of the week, Chairman DOMENICI will continue to process amendments on the Energy bill. In addition, we are working on an agreement for the FAA reauthorization bill. This week, we will be looking for the appropriate window to consider

that reauthorization of the Federal Aviation Administration.

Also, we will continue to work toward consent agreements on the State Department authorization bill as well as the bioshield bill so that they can be placed on the Senate's schedule as well.

This week, we will likely—almost certainly—consider a bill on which Senator MCCONNELL has been working related to Burma and proposed sanctions.

Finally with respect to the schedule, I would remind my colleagues that on Monday of next week—that is, 7 days from today—the Senate will begin consideration of a Medicare improvement and prescription drug bill. Members should expect busy sessions during both this week and the 2 following weeks; that is, the total of the coming 3 weeks prior to the next scheduled adjournment.

We have had a very productive session thus far. I do want to thank all Members for their hard work and cooperation.

Mr. REID. Mr. President, if I may, briefly, our leader announced to the assembled Democrats last Thursday that we were not going to ask for a filing deadline on amendments but we would request from our folks a finite list of amendments so that we could get a list of the amendments people wished to offer. We were confident the Democrats were going to offer amendments that would be relevant to the bill. I am not sure what that term means—but anyway, in keeping with the Energy bill. So we can work, then, with those who have offered amendments.

I have spoken to both managers of the bill. Toward the end of last week, we had a little problem in that our side had an amendment to offer and some of our Senators were not here; Senator DOMENICI wanted to offer an amendment and some of his Senators were not here. I hope this week we can just move forward with the amendments. Senator DOMENICI has an amendment

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



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dealing with Indians he wants to offer right away. We hope that can be done. He knows there is going to be a second-degree amendment offered to that. That will take several hours.

I think we are moving down the road on this most important energy legislation. Once we get the amendments, we can better advise the majority leader and Senator DASCHLE as to how long we estimate it will take. We have acknowledged, in our assembled meetings of Democrats, that we appreciate your allowing the Senate to work its will, and not, as has been done in the past on more occasions than we would like to acknowledge, just filing cloture. You have indicated you are not going to do that until you believe it is necessary, and I don't think it is necessary, at this stage.

Mr. FRIST. Mr. President, I appreciate the comments of the assistant Democratic leader. We are in discussions. The real objective is to have a list of amendments so we can have the definition to both gather support on both sides of the aisle and to really give a focus so we can establish a roadmap by which we can adequately debate, adequately amend this bill appropriately so. That is the purpose. Again, we are working on both sides of the aisle, with the two managers of the bill to that end.

Mr. President, I want to very briefly comment on the last 2 weeks. As we start each week—at least as I start each week, I can't help but come in early Monday morning and look at where we have been and project where we are going. As I laid out the schedule, where we are going is pretty clear, in terms of how we will spend the next 3 weeks on the floor of the Senate. I hope the clarity and the specific plan that I lay out—recognizing it can be modified at any time and should be modified according to circumstances that arise over the course of the day, but I hope that outlook, that vision of where we are going, that agenda setting, does facilitate the overall action, debate, and amendment process of this body.

It also gives me the opportunity to look back over the last 2 weeks. Indeed, as I look back over the last 2 weeks, we made huge progress, I believe, especially for America's taxpayers. That 2003 jobs and growth bill passed by Republicans in the Senate, signed by President Bush, will provide an average of \$1,786 in tax relief for over 45 million married couples. Forty million families with children will see their taxes lowered by over \$1,549.

Six million single mothers will receive an average tax cut of over \$550. Twelve million elderly taxpayers will receive an average tax cut of \$1,401. Meanwhile, 3 million individuals and families will be taken off the tax rolls completely.

Indeed, that is progress. That is action. That is delivery for the American people. Republicans in the House and Senate worked hard to provide this

substantial tax relief for America's working families. Indeed, we have delivered.

Democrats spent a lot of time talking about tax relief for minimum-wage families. But it was the Republicans who took action and got tax relief done. Thanks to Republicans, the Senate now has provided tax relief for families at all income levels, including middle-class families in which both parents work. Working families will now have extra money in their budgets to pay the bills, to purchase clothes, to put food on the table, and maybe even take a family road trip.

Last week, we passed a second tax bill that provides additional tax relief for families with children. This bill included some important tax reforms as well. This second family tax relief bill in 2 weeks creates a uniform definition of a child. Instead of five confusing and even seemingly conflicting and separate definitions, the Tax Code has been simplified to make it easier for folks to fill out the forms and get the tax relief to which they are entitled.

Tax simplification has been a long-standing goal of Republicans. Expect more efforts on the part of Republicans to make the Tax Code more understandable and less burdensome for America's tax filers.

That family tax relief bill will also accelerate the currently scheduled increase in the refundability of the child tax credit, and it will phase in the elimination of a marriage penalty that is built into that current formulation of the credit. These fixes will allow the child tax credit to benefit more middle-income families.

Together, just in the last 2 weeks, the 2003 jobs and growth package coupled with the family tax relief bill provide the third largest tax relief in the history of the United States. These actions have helped lift consumer confidence.

Interest rates and inflation remain low. Credit conditions have improved as long-term interest rates have fallen to their lowest levels since the 1950s. Families are rebalancing their debt from short-term consumer credit to longer term credit such as mortgages—a wise and prudent move. We are seeing declines in energy prices.

We have a lot of reasons to be optimistic. Economic growth increased 1.6 percent in the first quarter of this year, up slightly from 1.4 percent in the last quarter of this year. Many economists expect continued growth in the current quarter. Consensus forecasts expect growth to approach 3.7 percent by the final quarter of this year.

I say this in a very optimistic vein as we look to the future. Yet there are some clouds. We heard last week the unemployment rate has risen to levels last seen in the economic upturn of 1994. This suggests the growth in the economy over the last few years has been in large part due to rapid productivity gains.

In addition, since 1999, the rising cost of health benefits has exceeded the growth in wages and salaries. As a result, health care costs are driving up the cost of hiring and employing workers. In other words, good jobs are becoming more expensive—another important reason we need to strengthen Medicare, to save and preserve and strengthen and indeed modernize Medicare and add prescription drug coverage the right way, not just giving new benefits without consideration that we have an obligation to make sure whatever we promise can be sustained, not just in the short term and in the midterm but in the long term.

We need to look at all the ways we can expand the economy, and in turn increase the supply of good jobs for America's workers.

If we look to the last 2 weeks and project over the next 3 weeks as we have addressed tax relief and tax reform, a sound sustainable energy policy as well as strengthening and improving Medicare and adding a prescription drug benefit, I think the American people and our colleagues will agree we are moving America forward by doing business in a sound and productive way.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business not to extend beyond the hour of 1 p.m., with the time equally divided between the two leaders or their designees.

The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1208 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

Mr. THOMAS. Mr. President, I understand we are in morning business.

The PRESIDENT pro tempore. That is correct.

#### THE ENERGY BILL

Mr. THOMAS. Mr. President, I will talk a little bit about the pending business that will be before us at 1 o'clock. That, of course, is the Energy Bill.

I am pleased we are now in our second week of consideration of the Energy Bill. I must say we are also in our second year of consideration of an energy bill. We did this last year. We talked about it for a couple of weeks on the floor and finally came up with a bill. We went to conference committee and were actually unable to put something together.

I continue to believe one of the most important things for this country at this time is to have a policy on energy, a policy that begins to describe a little more completely where we think we need to be in terms of the future, what we have to do to achieve that vision of where we need to be, and I think to remind ourselves that we are so involved with energy. Whether it is in your business, whether it is in your family, whether it is in defense, whether it is in the economy, energy has something to do with everything we do.

We have let ourselves get into a position where we are 60 percent dependent on foreign oil, much of which comes from that part of the world that is certainly in turmoil much of the time. So that is a real security problem for us, and an economic problem as well.

Right now, we find people talking about a shortage of natural gas, to be used largely for air-conditioning when it warms up in the summer. That is among the kinds of things that really do have an impact on our lives which we could do something about.

Again, one of the aspects of energy, which I think is true of most any part of our lives, is that things change, and they change substantially. This is particularly true in energy, and we have to make changes to accommodate the differences that occur.

With regard to natural gas, for example, we are using much more natural gas domestically than we did in the past. For one thing, where we had traditionally used coal in the generation of electricity, 97 percent of the generators, in the last several years, have been gas fired. Well, maybe that is all right, but we are not properly prepared to do that.

Right now our biggest source of natural gas is in the West, the area I come from, in the mountain region, and Wyoming particularly. That is our largest source of natural gas for the future. But our problem is we did not expect that, and we have not had the proper delivery system to move that gas from where it is available to the marketplace. Now we do not have the capacity to move the amount of gas we have available, so if there is a shortage, it is not going to be a shortage of the resource; it is going to be a shortage of our ability to have an infrastructure to move the gas where it needs to go.

There are other types of energy in the very same position. I mentioned electricity. There was a time when electric utilities generated and distributed their resource in the same area. If you were served by a particular company, that company generated the elec-

tricity and distributed it to your business or to your home, and those two things went right together. Now we have come to a situation where much of the generation is done by what is called a market generator who does not do distributing but sells it wholesale to the distributor.

So what does that require? Obviously, it requires the transmission capacity to move that energy to where the markets are. And we have not been prepared to do that. So we find ourselves in an unusual situation.

In the area of electricity, we also find ourselves at a time when we need to have a little different structure to be able to regulate this energy.

Again, as I said before, when the distribution and generation was in one place, the State public utility commissions could handle all of those things. Now it moves quite often across State lines, so that the States have less involvement in the movement of the electricity. So we need to develop what are called RTOs, regional transportation organizations, which include a number of States. There would be one in the West, for example, that probably would include 10 or 11 States, so there are joint efforts to be able to control the movement of the energy as it goes among the States and not each State competing with one another to cross State lines. There is a change in the way we do things. But we have not kept up with that change in terms of the way we regulate or prepare for that movement.

There is a great controversy within the Federal Energy Regulatory Commission, where FERC has moved in to do more of that regulation. States do not like that particularly. They would like to do it closer to home. I agree with that, but we have to have the structure to do that.

Obviously, there are other things that are equally as important, such as the idea that we find alternative sources of energy and are able to put them into a situation where they are competitive economically with the old sources we have always had. It takes a lot of investment, incentive, and research to be able to put those things together. Therefore, we need to have a policy that moves us in the direction of wind energy, or whatever it may be.

One of the real opportunities the President has talked about and we ought to be doing something about is converting coal, for example, to hydrogen so that it can be much cleaner for its use, so that it can be more easily moved about for its use, and it could even be used in automobiles, if we could find a way to do that. It takes research and incentive and money to do that. So alternatives are also important.

Along with that, of course, there is a provision for research, so that we can find new ways to do things, so we can find a way to have more conservation and be able to use energy with more of a thought toward conservation. We can

do that, but we have not really set those goals for ourselves.

Then, of course, finally, one of the things that is most important is the idea of having increased domestic production. We have a great deal of fossil fuel resources in this country. Coal is the largest one. Coal is available to us, but the production of coal is in two or three areas of the country generally, so we have to find a way to produce that coal, move it to the market, and then have it in a way that is protective of the environment. We can do that as well. It takes more research. We have to do something with cleaner air. We know we can do those things, but we have not done them as well as we might.

So there is a great deal we can do in terms of increasing production. Fifty percent of my State, for example, is owned by the Federal Government. Under much of that land are energy resources—coal, gas, and oil—and we need to continue to find better ways to produce those resources and, at the same time, protect the environment. We can do that. I am not suggesting we produce on every bit of land. Some should be set aside for single uses, such as wilderness. But these are all problems with which we need to deal.

I guess I will continue to emphasize that this bill is not just something that is dealing with today's issues but, rather, an effort to have a vision in the future of where we need to be, to be able to fill our needs and help our economy, create jobs, and have the living conditions we all desire. That means, of course, the availability of substantial amounts of energy.

So I hope we can move forward. I know there are different ideas about how you do it and different notions, depending upon where you live in different parts of the country—whether you are in a city or in a rural area and those kinds of things. But we need to come up with the kind of policy that is good for the country. We really pretty much have done this.

We worked hard in committee, and we came up with a committee plan. The House has a plan. There are some differences, of course, between the two, but that is what our committees are for, to bring together the House and the Senate versions on various issues and come together with the one that will be acceptable to the Congress and, in this case, also acceptable to the administration.

The President and the Vice President, of course, have been very supportive of an energy policy, and they continue to be. They have had some ideas that have all been put into the plan or talked about in the plan.

So we are off on it again this afternoon. We will be doing some things on nuclear power. It is interesting, again, to talk about what nuclear could be in the future. Right now, most people don't realize how much nuclear power is being generated. In some States, 30 percent of the power is nuclear. It is

probably the cleanest way to produce electricity, although there are some problems. One is the waste that comes from nuclear use. We can resolve some of those issues.

Mr. President, I hope we can move in that direction. I want to continue to work at it.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Ohio.

Mr. DEWINE. I thank the Chair.

#### TRIBUTE TO ALFRED LERNER

Mr. DEWINE. Mr. President, I rise today to pay tribute to and recognize the accomplishments of a great man and a great leader—Alfred “Al” Learner. Mr. Learner passed away on October 23, 2002, at the age of 69, following a courageous battle against cancer. He left behind a lasting legacy of hard work and remarkable generosity. Al gave so much of himself. He never hesitated to share his good fortune with his fellow citizens, particularly those who were most in need.

Al Learner was a man who not only believed strongly in the American dream, he also lived it. He was born the son of Russian immigrants in Brooklyn, NY, in 1933. He graduated from Brooklyn Technical High School in 1951 and received a B.A. from Columbia College in 1955. After college, in the early 1960s, he took a job with the Broyhill Furniture Company as a salesman. His work for Broyhill took him from New York to Baltimore and ultimately to his home in Cleveland.

With him on this journey—with him, always by his side—was his best friend, his partner, his wife, Norma. Al and Norma were high school sweethearts, and they were inseparable. Together they shared 43 years of marriage, and together they raised their two children, Randy and Nancy. Al and Norma’s commitment to each other and their children was a strong one. They were both well known for attending every school function and every after-school game their children were involved in, setting their professional lives aside to spend time with their family.

When Al was not spending time with his family, he was working tirelessly in his beloved community. Al’s numerous professional accomplishments included his service as chairman and chief executive officer of MBNA Corporation, chairman and owner of the Cleveland Browns, and trustee of Columbia University, Case Western Reserve University, and New York Presbyterian Hospital.

I was particularly struck by something Al once noted about his success. This is what he said:

This is the only country in the world [where] that would be possible. The only country in the world for a guy like me with nothing—no background, no sport, no connections, nothing to help me, and no talent. It wasn’t that I was a great violin player or a great something. Where a guy like me could just sort of figure it out every day and at some point wake up and say: “You did pretty good.”

Indeed, Al Lerner did pretty well. His accomplishments, both in terms of his personal success as well as his ability to lend a helping hand to his fellow citizens and community members, are clear indications of his success and his compassion and, yes, his humanity.

Al Lerner led by example. He served his country as a Marine Corps officer and a pilot from 1955 through 1957 and later continued his service by becoming a director of the Marine Corps Law Enforcement Foundation.

His service to our country did not end with his departure from the Armed Forces. Al was known in particular for his extremely generous contributions to local and national charities, including a contribution of \$10 million in 1993 to Rainbow Babies and Children’s Hospital in Cleveland, OH, a donation of \$16 million to support construction of the Lerner Research Institute, and a donation of \$100 million to the Cleveland Clinic, one of the largest donations to academic medicine in the history of our Nation.

His humility and his dedication to fellow citizens is nowhere better evidenced than in the quiet contributions he worked to provide for families of victims of the tragic September 11, 2001, terrorist attacks.

He helped raise funds, through his affiliation with the MBNA Corporation and the Cleveland Browns, for the Cleveland Browns Hero Fund to aid families from the New York City Fire and Police Departments who suffered the loss of a parent.

Al continued his service to the country following the September 11 attacks by serving as one of 15 members of the President’s Foreign Intelligence Advisory Board, advising President Bush on the quality and adequacy of intelligence collection to improve the security of our homeland.

Al Lerner was an American patriot, a patriot with a purpose and one who succeeded remarkably in achieving what he set out to accomplish. By embracing the American dream and dedicating himself to sharing with his fellow citizens the good fortune that resulted from his pursuit of it, Al truly distinguished himself as an outstanding American, and certainly one worthy of the respect of the Senate.

As I think about Al’s life, I am reminded of the strong bond he shared with his wife Norma. They were such good friends and were really partners in life, working side-by-side, together, to raise their family and to help their community. I was quite touched at Al’s

funeral when Norma, a very strong and courageous woman, spoke about her life with Al. I remember her saying:

[Al] took us from where we were to beyond where we even would have dreamed we are now. . . . He had an unwavering commitment to helping others and he was the most generous man I’ve ever known. There was always someone he wanted to help, whether they were sick, financially troubled or just needed a good friend.

That was Al Lerner.

I extend my thoughts and prayers to the entire Lerner family—especially Norma, Randy and Nancy—and to the families, friends, and community members who worked with Al and the organizations he supported. As Sir Winston Churchill once said:

We make a living by what we get, we make a life by what we give.

Few men have adhered more closely to this wise adage than Alfred Lerner.

I am very pleased that last week the Senate passed a resolution that my friend and colleague from Ohio, Senator GEORGE VOINOVICH, and I introduced that recognizes Al Lerner’s life, achievements, and contributions. This commemorative resolution is the least we can do in the Senate, on behalf of the entire Nation, to honor a man who dedicated his life to honoring his fellow Americans. I thank Al for all his contributions to our State and Nation.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. In my capacity as a Senator from Alaska, I ask unanimous consent the quorum call be rescinded.

Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

#### NEW PAGES

The PRESIDENT pro tempore. I ask unanimous consent the names of the new pages serving the Senate during the summer be printed in the RECORD.

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

SENATE PAGE PROGRAM—2003 SUMMER  
SESSION 1: JUNE 9—JUNE 27

Chris Amon, Yankton, South Dakota; Sonia Anand, Potomac, Maryland; Alicia Bell, Fullerton, California; J. David Burton, Owensboro, Kentucky; Angela Cacace, Kensington, Maryland; Gavin Chanin, Studio City, California; Sarah Catherine Crutcher, Madison, Mississippi; Laura Cunningham, Washington, DC; John Curran, Las Vegas, Nevada; Nicholas D’Addario, Trumbull, Connecticut; Jacqueline Devereaux, Pembroke, Virginia; Elizabeth Drumheller, Shelburne, Vermont; Nicole Durbin, West Lafayette, Indiana; Mitch Erdel, Columbia, Missouri; and Chase Erkins, Bliss, Idaho.

Bethany Gaikowski, Webster, South Dakota; W. Daniel George, Anchorage, Alaska;

Trey Grover, West Tallahassee, Florida; Seth Halpern, New Haven, Connecticut; Christopher Hart, Ashton, Maryland; David Heidrich, Jr., Oxford, Maine; Barron Hewetson; Bedford, Indiana; Leah Hirsch, Springdale, Arkansas; Emily Hollings, Charleston, South Carolina; Matthew Johnson, Wilmington, Delaware; Adam Kasold, Alexandria, Virginia; Blair Kauffman, Mystic, Connecticut; Stephanie Kelman, Phoenix, Arizona; and David Marquardt, Salt Lake City, Utah.

Carissa Marquis, Weatherford, Oklahoma; Taylor Mitchell, Alexandria, Virginia; Margot Murphy, Hunting Valley, Ohio; Matthew Nemer, Nashville, Tennessee, H. Ross Perot, III, Dallas, Texas; Sumner Powell, Alexandria, Virginia; Brock Snyder, Bowie, Maryland; David Straszheim, Chevy Chase, Maryland; Logan Swogger, Miles City, Montana; Fulton Taylor, Alexandria, Virginia; Claire Wasserman, Washington, DC; Hayley Wilson, Jamestown, North Dakota; and Michael Zerihun, Oxon Hill, Maryland.

#### ENERGY POLICY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Campbell/Domenici Amendment No. 864, to replace "tribal consortia" with "tribal energy resource development organizations".

The PRESIDING OFFICER (Mr. ALEXANDER). The Chair, in his capacity as the Senator from Tennessee, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I note the presence of Senator DORGAN. I understand he will shortly, at his disposal, offer some amendments with reference to hydrogen; is that correct?

Mr. DORGAN. Yes.

Mr. DOMENICI. And the occupant of the Chair will be finished at 2 o'clock and will manage the bill for a while for us during the time he is discussing his, and we will perhaps speak in opposition. In any event, the Senator from New Mexico will also do that. I may be gone for just a while. I have a statement with reference to some of the support that has been forthcoming over the weekend that I want to read into the record so Senators are aware of where the various groups in our country are with reference to the amendment to strike the loan guarantees that are pending under the bill, S. 14. I will do that and then I will yield the floor. It won't take me very long.

I am grateful that so broad a coalition of interest groups has been willing to send letters supporting the nuclear loan guarantee provisions in the Energy bill. I do not intend today to go into detail analyzing the relevance and

significance of these loan guarantees and what I see as the fallacious nature of the arguments against them but merely to state the broad support at this point for the proposal.

No one is surprised that provisions in this bill are strongly supported by the utilities and groups such as the Nuclear Energy Institute, but today on my desk I found letters from unions, academics, and broad groups from industry. To some extent, that was a surprise. I greatly appreciate their support and want to spend a few moments going over their reasons for supporting this measure, which I consider to be so important for our country. One is a letter from John Deutch.

I don't think I have to explain to the Senate who John Deutch is. In terms of physics, energy, and nuclear energy matters, he is a ranking expert. He is perhaps the James Schlesinger of the Democratic Party. His letter is accompanied by a Ph.D. from Massachusetts Institute of Technology, well known in academic circles, named Ernie Munis. For those who are not familiar, he served as the head of the nuclear part of the Department of Energy during the Democratic administrations preceding the Republicans during the last 12 years.

Munis joins Dr. Deutch and they currently chair an MIT-sponsored study on the future of nuclear power.

I note the presence of the junior Senator from New Mexico and minority manager. All I have done so far is talk about some support, and the letter I am alluding to he is aware of.

I met with Drs. Deutch and Munis last week and asked for their views on the nuclear loan guarantee provisions in the bill. Their letter reads:

We believe such assistance is important and justified, and that action taken now will influence future investment decisions on nuclear power generation.

In fact, they propose what some would consider to be an even more direct subsidy for new nuclear powerplants. Their letter explains:

The mechanism [they] propose for this assistance is a production tax credit of 1.7 cents per kilowatt hour up to a total of \$200 million per 1000 megawatt plant.

We did not do that in the bill. We had contemplated it at various times during the evolution of the legislation and thought for different reasons that the loan guarantee might be preferable. We now have a letter that says either of the two would be good, and for the first time two very powerful people say both would be good for our country.

I received letters today from the AFL-CIO, and I am most grateful for their support because I know it is not always easy for groups to support matters that pertain to nuclear power. I believe, as we have been saying for a number of days, nuclear power has arrived. The question is, How will it come on the scene so that America and the world can find out, once again, what it is all about.

I do know without a doubt that if a bill is going to be good for the Amer-

ican economy by creating jobs at home, the AFL-CIO will back it. I am grateful they are doing so today.

One of the letters from the Building and Construction Trades Department of the AFL-CIO says:

The fifteen unions comprising the Building and Construction Department consider nuclear power an integral, emission-free component in a broad array of national energy choices. And, not unlike the current state of Federal transportation and water systems, our domestic energy infrastructure is in need of a serious upgrade and American workers are in dire need of the jobs created.

The construction of these new plants will create significant employment opportunities for our highly skilled members. The construction of just one new nuclear power plant would stimulate the economy by creating between 2,000 and 3,000 family wage construction jobs. And, maintaining and operating that plant would create an additional 1,000-1,500 permanent, full-time, high paying jobs.

The other letter I received was from the Metal Trades Department. It reads in part:

On behalf of the AFL-CIO Metal Trade Department, I urge you to support provisions in the pending energy policy legislation that would enable the construction of new nuclear power plants in the U.S.

America's power demands are growing exponentially. A rational and effective energy policy depends upon a diverse mix of fuels and technologies, including nuclear fuel. The health of the nation's economy will require the construction of new nuclear facilities to ensure adequate power resources.

Loan guarantees for new nuclear power plants are a critical element of the energy legislation. We urge you to support them.

Letters will be forthcoming and will be circulated to Senators. I could not have said it better myself had I been preparing a speech. Rather than the numerous ad lib comments I made heretofore, I could not have said better what has been said by those who write in behalf of the working men and women who need good jobs and who have great skills that can put together these needed facilities. The Chamber of Commerce sent one of its key vote alerts about the Wyden-Sununu amendment. The Chamber is straightforward:

Our Nation's economic vitality and energy security rely upon the ability to utilize a diverse array of fuels and technology to generate electricity. Nuclear energy plays a vital role in assuring this diversity, producing some twenty percent of the country's electricity. Resources for research and development of energy sources ranging from clean coal and geothermal to wind and even fusion are provided by S. 14. To eliminate support for any of these sources would be near-sighted and risk energy stability in the years to come, perhaps leading to devastating economic effects.

The U.S. Chamber of Commerce urges you to vote against the Wyden-Sununu amendment to S. 14.

Mr. President, the National Electro-Industry Manufacturing Association issued a press release today that certainly sums up my position and, hopefully, the position of many in the Senate. In the press release they say:

The reliability and security of our nation's energy supply requires us to have a diverse energy portfolio, including nuclear power.

Votes against incentives, particularly loan guarantees, are a vote against reliable, low cost, stable, and environmentally friendly energy supplies. It is also a vote against jobs and a stronger economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that we set the pending amendment aside so that I might be able to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 865

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. REID, Mr. LAUTENBERG, and Mr. KENNEDY, proposes an amendment numbered 865.

Mr. DORGAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that the hydrogen commercialization plan of the Department of Energy include a description of activities to support certain hydrogen technology deployment goals)

On page 296, line 21, before "Not" insert "(a) IN GENERAL.—"

On page 297, between lines 2 and 3, insert the following:

(b) CONTENTS.—The plan shall describe the activities of the Department of Energy, including a research, development, demonstration, and commercial application program for developing technologies, to support—

(1) the production and deployment of—

(A) 100,000 hydrogen-fueled fuel cell vehicles in the United States by 2010; and

(B) 2,500,000 hydrogen-fueled fuel cell vehicles in the United States by 2020 and annually thereafter; and

(2) the integration of hydrogen activities with associated technical targets and timetables for the development of technologies to provide for the sale of hydrogen at a sufficient number of fueling stations in the United States by 2010 and 2020.

(c) PROGRESS REVIEW.—The Secretary shall include in each annual budget submission a review of the progress toward meeting the targets under subsection (b).

Mr. DORGAN. Mr. President, I offered this amendment on behalf of myself and Senators CANTWELL, LIEBERMAN, AKAKA, CLINTON, KERRY, NELSON of Florida, SCHUMER, HARKIN, DODD, REID, LAUTENBERG, and KENNEDY.

I am offering a piece of legislation the Senate has previously passed and endorsed in the consideration of the Energy Bill last year. Let me spend a few moments talking about the amendment specifically.

Very simply, this amendment is one that tries to establish some targets and timetables with respect to moving to-

ward a hydrogen economy, which is something the President talked about doing. Targets and timetables, what I mean by that is we cannot enforce targets and timetables that are absolute, but we can as a Senate think big and decide to see if we can establish some targets and goals for the movement toward a hydrogen economy with fuel cells for our economics.

I will describe why I think we ought to do this and why this is an important amendment. I will harken back to the Apollo program. On May 25, 1961, President John F. Kennedy announced our Nation was establishing a goal of sending a man to the Moon and having a safe return from the Moon. He said we will have a man walk on the Moon by the end of the decade. That was 1961. In 1969, Neil Armstrong and then Buzz Aldrin stepped on the Moon.

The Apollo project was an enormous undertaking. The NASA annual budget increased from \$500 million in 1960 to \$5.2 billion in 1965. It represented 5.3 percent of the Federal budget in 1965. Think about that. In today's terms, that would be \$115 billion. NASA engaged private industry, university research, and academia in a massive way. Contractor employees increased by a factor of 10, to 376,000 people, in 1965. When President Kennedy said in 1961 it was his vision to have a man walk on the Moon by the end of the decade, there was no technological capability to do so at that moment, no guarantee it could be done. The Soviets had an advantage in space flight. They had put up a satellite called Sputnik. We were eager to see if we could not overcome that advantage. During the height of the cold war, that Soviet advantage was of great concern to us. The technological barriers were very significant. The expense was daunting. Yet, on July 20, 1969, Neil Armstrong stepped down off of that lunar lander and stood on the surface of the Moon; Buzz Aldrin followed him. I recall they actually pantomimed a golf game and jumped around on the surface of the Moon. In a decade, the President said let's set a goal and reach that goal.

I will talk about another goal, another big idea, one that we ought to establish now for this country and for its future. That is the goal of deciding, as President Bush has suggested, that we move toward a hydrogen economy and fuel cells for our vehicles. I will describe why I think that is important.

This chart says what the President is telling us:

America's energy security is threatened by our dependence on foreign oil. America imports 55 percent of the oil it consumes. That is expected to grow to 68 percent by 2025.

Again quoting the President:

Nearly all of our cars and trucks run on gasoline, and they are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil Americans use each day is used for transportation; fuel cell vehicles offer the best hope of dramatically reducing our dependence on foreign oil.

That is from President Bush, and I fully agree with that statement.

This graph shows what is happening with respect to consumption and domestic supply of oil. We are importing 55 percent of our oil at the moment, much of it from very troubled parts of the world, and that is expected to grow to 68 percent. The American economy is and will be held hostage by our ability to find oil and import it from outside of our country's borders. Should that be difficult for this country? Should it cause all of us great concern? The clear answer to that is yes. That is a very serious problem.

Here is another chart. This is a list of the countries that are supplying our oil. Our top supplier is Saudi Arabia. Almost one-third of our oil, incidentally, comes from the Middle East. Iraq has been our fifth largest; it is the sixth largest supplier on this chart. Also listed are Mexico, Nigeria, Venezuela, and Angola. And when you look at the amount of energy we are importing from that part of the world, it is a very serious problem.

Some want this energy debate to be a debate about two issues. If it is only those two issues, we lose. They are: Should we drill in ANWR? How about doing something on CAFE standards? Well, if this is only about ANWR and CAFE standards, then we lose. We need to pole-vault over those issues. Yes, we can address them, but it seems to me if we don't pole-vault to new ground and deal with these issues in a much different way, every 25 years we will come back and debate energy and we will be debating exactly the same issues: where next do we drill? How much more efficient can we make a carburetor, through which we run gasoline, much of it imported from overseas?

If our strategy for energy for this country's future is simply digging and drilling, then it is a strategy I call "yesterday forever." It doesn't really change very much. Every 25 years, we can redebate the issue of how dependent we are and how dangerous it is for us to be that dependent on foreign sources of energy. I would like to see a different debate, one that says let's break out of this cycle. When I say digging and drilling is yesterday forever, I don't think we should not dig and drill. We will, we can, and we should. We will always use fossil fuels. Using our coal resources in an environmentally acceptable way with clean coal technology makes great sense to me. Using our domestic sources of energy and natural gas—especially oil and natural gas—makes sense to me. We will dig and drill.

But if that is our energy strategy, we really have not moved the ball forward at all. So the question is, what more can we do? The President suggested in his State of the Union Address that we ought to chart a different course.

I introduced legislation prior to the President's State of the Union Address saying let's move to a different kind of technology, a different kind of energy economy; let's move to a hydrogen economy using fuel cells.

First of all, using fuel cells and hydrogen is twice as efficient in getting power to a wheel as using the internal combustion engine. Second, when we use hydrogen fuel cells in automobiles or vehicles, we are sending water vapor out the tailpipe. What a wonderful thing for our economy. We double the efficiency of the energy source, and then we eliminate the pollution out the tailpipe. We double the efficiency using hydrogen, which is a ubiquitous source of energy—it is everywhere—and then we decrease air pollution by putting water vapor out the tailpipe of a vehicle. That makes great sense to me.

I introduced legislation. It is called the Hydrogen Fuel Cell Act of 2003. I compliment President Bush for proposing in his State of the Union Address that we move in this direction. I have said it is not small or insignificant for a Republican President to say let's do this. It was a rather small thing in terms of his proposal to fund it. It was not a bold approach. It was a rather timid approach. But that should not detract from the fact that this administration put itself on the line to say: Let's move in this direction.

The President proposed \$1.2 billion in 5 years. Only slightly more than half was new money. It appeared to me some of it came at the expense of other important areas of conservation and renewable energy.

Having said all that, in the Energy Committee we came very close to tripling that amount of money. We bring to the floor of the Senate legislation that substantially improves the initiative dealing with hydrogen fuel cells. I think that is a significant step forward, one that I appreciate.

What is missing is, in addition to the legislation I introduced, which actually calls for \$6.5 billion in 10 years—so more money—and also pilot projects, Federal purchase programs, tax credits, and so on—what is missing is targets and timetables. If we are going to do this program, let's set out targets and timetables. I am not suggesting they can be ironclad. They cannot.

If we are going to make this a big proposal, a bold proposal in the spirit of an Apollo project saying let's do this, let's make a difference, let's do this, let's decide that 25 years from now we will not have a debate about how much gasoline we are running through the carburetors of America's vehicles because we found a way to take hydrogen from water, use it as an energy supply, and through fuel cells use it to power America's vehicle fleet, we can do that.

Many of my colleagues, Republicans and Democrats, on the Energy Committee have been supportive of this proposal. There is nothing partisan about this at all. As I said, it was in President Bush's State of the Union Address. It comes in legislation I have introduced. It comes in initiatives my colleagues have talked about and introduced as well. The question is, How do we make progress by establishing some big and bold goals?

This legislation I have introduced, taking one piece of the Hydrogen Fuel Cell Act of 2003, tries to establish some way points. When I learned to fly airplanes many years ago, they taught me, with modern instrumentation, that I can create way points for my airplane. When you get up in the air, you program into the computers on the plane the way points to which you want to fly. It is a fictitious point 300 or 400 miles away, but once you establish that way point with your instruments, you fly to the way point. When you reach that way point, then you take a new course to the next way point.

My point is, we need way points—targets, and timetables—to transfer to some new hydrogen fuel cell economy. If we do not, we will not get there. If we do not, as President Kennedy said, put a man on the Moon by the end of the decade, if we do not today make the equivalent of that commitment in deciding how and where we are going to head with this hydrogen fuel cell economy, we are not going to get there. We just will not.

Let me show some examples of what is happening in hydrogen fuel cells. General Motors Hy-wire fuel cell concept car unveiled in August 2002. Some say there are no such things as fuel cells. Of course there are. I have driven a fuel cell car that drove from California to the east coast, across this country.

Are they commercially available now? No, they are not. Are they horribly expensive? Yes. But we are in the design stage and the research and development stage to make hydrogen fuel cell vehicles affordable.

This is the Nissan Xterra fueled by compressed hydrogen tested on California public roads in 2001.

This is the Ford Focus fuel cell vehicle. Production is ready for prototype, autumn 2002.

This is a hydrogen fueling station by Powertech Labs.

This is a picture of a DaimlerChrysler fuel cell bus introduced in Germany in 1997. I have actually ridden in a fuel cell bus running on the streets of this country.

The point is, we can do this. Is this easy to do? No, it is not, not at all. What do you have to do to convert to a hydrogen fuel cell economy for our vehicle fleet? Notice, I am not talking about stationary power centers. That also exists as the capability with respect to hydrogen and fuel cells, stationary engines, and so on.

I am talking about the vehicle fleet because a substantial increase in the demand for oil comes from our vehicles. I do not have a chart to show that. It is quite clear that unless we do something, especially about our vehicle fleet, we will, 25, 50, and 100 years from now, still be debating on the floor of the Senate how much additional gasoline we run through America's carburetors.

What do you have to do to switch? A bold plan means we are going to change

our entire infrastructure. We have production. How are we going to produce hydrogen? There are a lot of ways to produce hydrogen. We can use electrolysis to separate oxygen and hydrogen in water and store the hydrogen and use it in fuel cells.

Let me give another example. We can put up a wind charger, the new highly efficient wind turbine, a 1-megawatt wind turbine, and take the energy from the air. We can use that energy for electrolysis to separate the oxygen and hydrogen in water and store the hydrogen for use in fuel cells.

There are so many ways and different approaches to use hydrogen. We have production issues: How do we produce hydrogen? From what source? But it is ubiquitous; it is all over. That is not an insurmountable problem. How do you produce hydrogen? How do you transport it? How do you store it? How do you make it available at the infrastructure, at service stations across the country for a vehicle fleet?

Those are issues we ought to be dealing with and will deal with and the administration will deal with at the Department of Energy.

What I say very simply in this amendment—and it has taken me a long time to get to the point, but I wanted to make a presentation on why I think this is very important for our country—I say let's establish, as President Kennedy did, a goal. Let's have 100,000 hydrogen fuel cell vehicles on our roads by 2010, 7 years from now. Let's have 2.5 million hydrogen fuel cell vehicles on our roads by 2020. Let's set some goals. Let's set some way points and say: Here is what we strive to do; here is what we aspire to do as a country.

If we do not set goals, I guarantee we will never reach the potential that exists for us to convert our vehicle fleet to hydrogen fuel cell fleets and to relieve ourselves of the danger that exists having so much of our energy coming from outside our borders.

If we wake up tomorrow morning, God forbid, and terrorists have interrupted the supply of oil to this country—and, yes, that could happen—this country's economy will be flat on its back. It will be flat on its back because we rely, to the tune of 55 percent, on oil from sources outside this country and much of it from very troubled parts of the world. That is going to go to 68 percent, and we ought not let it.

If in this Chamber we spend weeks and wrestle and debate energy policy and come out with an energy policy that says what we need to do is just produce more and somehow we will end up just fine, we have done nothing for America's future.

We have done nothing for America's future. An Energy bill that makes sense to me has four parts. One is, yes, let's produce more. Let's increase more production of fossil fuels, absolutely. I do not support, for example, drilling of the ANWR region, one of our most pristine and delicate areas. I do not think

we need to do that. But let's produce more. There are thoughtful ways to produce more. I happen to believe we ought to be able to produce much more in the Gulf of Mexico in an environmentally sensitive way. Let's conserve more. We waste a huge amount of energy. Production and conservation, that is two parts.

The third is efficiency. Everything we use almost every day, in every way, with all of our appliances could, should, and will be more efficient if we pay attention to and provide incentives for efficiencies.

Finally, and importantly, is the area of a renewable and limitless source of energy, and that includes ethanol, biodiesel, and many others, but most importantly it includes this proposal: Hydrogen and fuel cells can be our future. It can make this country more secure. It can remove from this country's neck the yoke of having over half of its oil coming from troubled parts of the world. In a very substantial way it can do what President Kennedy did in establishing new goals in space travel for our country. It can inspire our country to be able to control our own destiny with respect to energy.

I close as I began by saying that President Bush was absolutely correct in the State of the Union Address, and it is not a small thing for this President to say let's move in this direction. I am putting my administration in support of this direction, this movement. That is not a small thing. It is a big deal.

I have said his proposal is more timid than I thought it should be. I do not mean substantial criticism by that. What I mean by that is I think to do this it has to be big and bold. Especially it has to set timetables and targets.

The Senate committee has nearly tripled the amount of money the President has proposed. That is a significant start, in my judgment. We could even do more in the authorization bill with the type that I have suggested. This amendment I have offered today is not that authorization bill. It is simple. It says while we have made significant strides in the Energy Committee on this subject, and now that we have a Republican President, many Democrats and Republicans in Congress believe we ought to move in this direction, so let us be bold enough to set some timetables and targets.

As I indicated, the Senate has already passed this legislation last year, and I hope the Senate would embrace it once again and pass these targets and timetables.

One final point: These targets and timetables simply say the Department of Energy shall report to us on how they establish the strategies to reach these targets. We cannot impose our will in the sense that we cannot tell an Energy Department they must reach these targets. We do not have the capability of doing that. The technology does not exist to get from here to

there. But we can ask the Department of Energy to provide for us the strategies by which they could meet these targets, and that is what our amendment asks. My hope is this will be unanimously supported by the Senate. I yield the floor.

The PRESIDING OFFICER (Mr. Gregg). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I begin by complimenting the Senator from South Dakota on the work he has done on fuel cell hydrogen over the years, and also compliment others on the other side of the aisle—I see the ranking member of the committee, Senator BINGAMAN from New Mexico. For at least a dozen years, this Congress, and particularly this Senate, has been interested in the hydrogen fuel cell technology. The Senator from North Dakota and the Senator from New Mexico are the ones who have pushed that the hardest.

What we have now is some consensus, at least in our committee, and I hope in the Senate at large, on the importance of this bold proposal. I will take a moment to put in perspective what the committee has done.

Mr. DORGAN. Will the Senator yield for just a moment?

Mr. ALEXANDER. I would be happy to.

Mr. DORGAN. I intended to complete my comments by complimenting Senator ALEXANDER and others on the committee who have taken a position I think provides some leadership in this area. I did not mention those in the committee who, when we marked up these issues, played a significant role in the hydrogen title. I intended to do that at the end of my remarks. So I thank the Senator for allowing me to do that.

Mr. ALEXANDER. I thank the Senator for his comments, but the bottom line is the process by which this committee worked on the hydrogen fuel cell proposal, which is title 8 of the Energy bill, which was a good process for those who would like to see how two parties in an evenly divided Senate can take an issue and come to some consensus and narrow the differences. It was a pretty good process. What is remaining are the two issues of which the Senator from North Dakota spoke.

One is more money and two is more mandates, which he now has suggested are targets, if I understand correctly, rather than mandates. Am I correct in that?

Mr. DORGAN. Mr. President, if the Senator would yield further?

Mr. ALEXANDER. Yes.

Mr. DORGAN. There is nothing in here that would be a mandate. These are establishment of targets by asking the Department of Energy to provide Congress with their strategies on how to reach them. I have specifically not imposed mandates. I am simply asking them to develop strategies and to report those strategies to the Congress.

Mr. ALEXANDER. I thank the Senator. So that narrows the differences considerably.

Having acknowledged the good work done on the other side, I will also acknowledge the good work the President did. Only a President of whatever party can put something on the agenda the way a President can, and so it was exciting to all of us who cared about this issue and about the goals, which are to reduce our dependence on foreign oil and to clean the air, which is what this does, to see President Bush, in his State of the Union Address, make a bold proposal to direct the Secretary of Energy to explore the possibility of a hydrogen economy and to develop the next generation of technology that would include hydrogen.

What we are really talking about, as the Senator from North Dakota explained, is a completely new way of thinking and living our lives. I noticed the other day in our local newspaper in Tennessee there was a picture of a filling station in Iceland that opened. Iceland has a hydrogen filling station. The buses that operate in Iceland back up to that hydrogen filling station and instead of putting gasoline in their tanks, they put in hydrogen. They drive around on the hydrogen, and instead of emitting some carbon-based pollutant into the air, they emit only water, which is the product of that process.

It takes a little while for someone who has not thought about this much, as I was at one time, to get one's mind around this, but we are basically taking the internal combustion engine and putting it to the side and putting in a new process that reduces electricity, runs the car and, as the Senator said, the only emission is water. So there is an enormous advantage on two matters that concern us greatly: One is reduce our dependence on Middle Eastern oil, and we are in the middle of a process right now where we have been reminded about what a challenge that is to our national security. Some estimates are that by the year 2035 or 2040 we would have 11 million barrels per day less of reliance on our need for oil if we had a hydrogen economy. No one can know for certain what those numbers are, but all of us know it is a big change and a big number.

Of course, the second aspect is clean air. This week, and for the next few weeks, we will be talking about ways to clean the air. The most interesting, and difficult sometimes, arguments we have that come before our committee and the country are those that intersect with energy and the environment. Here is a nice intersection between energy and the environment because if we are emitting only water, then the parts of our economy, and especially the transportation parts that use hydrogen-based cars instead of the internal combustion engine, will make a remarkable difference in not just our clean air but our standard of living because our lack of clean air and our difficulty with finding ways to clean the air is a limit on our ability to grow our economy. So this is a very important topic and all of us recognize it as such.



Now let me start with the President's proposal, to put this in perspective, including the Senator's amendment. The President's proposal authorizes the Department of Energy, including our National Laboratories, to spend about \$1.3 billion over the next 5 years in research and development in the following areas: research on hydrogen-powered engines, and research on the production of hydrogen.

We have to make the stuff. It can come from many places. It can come from fossil fuels. It can come from renewable resources, a major part of the discussion in the Energy bill last week. It can come from nuclear energy, which is a major part of the discussion in the Energy bill this week. At a nuclear power plant one might be able to produce some of the hydrogen that would clean the air. And it can come from natural gas, which is the easiest way, arguably, to get it today. But with the recent spikes in the price of natural gas, we can see the difficulty relying on one form of energy too greatly.

The President's proposal would fund additional research on transportation and delivery of hydrogen via pipelines and fueling stations. Iceland has a hydrogen fueling station. We do not have any in the United States. We have a few hundred miles of hydrogen pipeline. Imagine a different America where, instead of backing your car or truck up every block—sometimes more often than one block—to a station where you get gasoline, you back it up or drive into a place where you fill up with hydrogen. That is a big change in our infrastructure. This research would help figure out how better to do that.

Also, we need additional fuel cell research. The Senator mentioned some of the obstacles that exist to this wonderful vision. One of the difficulties is we need to find new ways to produce hydrogen, which I mentioned. Another is we need to find a little cheaper way of building a hydrogen car. The Senator and I drove the same one, I believe a Ford, around the block. I believe that car costs a couple million per unit to make right now. In other words, the early models are extremely expensive.

We need to find safe ways to store hydrogen. We need to meet the challenge of this infrastructure.

We have great obstacles to overcome. But in this United States of America, if anything defines our national ethic, it is that anything is possible. We are ready to leap ahead and go after this. The President recommended we put \$1.3 billion behind it, and that was step 1 in this session. Then the committee sat down and began to recognize the suggestions made by those who had gone before. Instead of the \$1.3 billion recommendation the President made, we took those recommendations, reduced some of them to what we thought were a manageable number, and still more than doubled the amount of money we recommend to the full Senate that we authorize—nearly

\$3 billion total. As the Senator from North Dakota said, nearly triple the amount of money. So in addition to the President's \$1.3 billion proposal, we have about \$1.6 billion more for other ideas brought into the bill by people other than the President, from the Senate and the other side.

We have a hydrogen vehicle demonstration program for the Government and nonprofit agencies; a stationery fuel cell demonstration program for use in residential and commercial buildings; a hydrogen car and fuel cell demonstration program in three national parks. That is a terrific idea. I would like to see one in the Great Smoky Mountains, our most polluted national park today. Many people think of Yellowstone as receiving the most visitors; but only 3 million people visit Yellowstone while 10 million go to the Great Smoky Mountains. The Great Smokies is polluted, particularly because of the cars and coal plants.

An idea for which I commend the Senator is providing for the establishment of a university education degree curriculum designed to help our workforce move into a hydrogen economy, with centers of excellence in our great research universities to help realize this shared vision. In the United States, we have the world's only great research universities. They are our secret weapon. We need to fund them and the research and technology better. That is a sure way to move toward this goal.

This bill before the Senate today is a combination of ideas from both parties, from the President and from the Legislature. The amounts we included, taking ideas from the other side to the bill, actually cost more than the proposal from the President—nearly \$3 billion.

That brings us to the point of the amendment. Is it enough money? Do we need targets? I will respond to that in this way. The President mentioned the Apollo. That is vivid in our minds. I remember as Education Secretary I tried to think, using that Apollo objective, which sticks in our minds to say, can we have in 10 or 20 years the best schools in the world? Nothing is quite like that Apollo mission. It is always hard to make an analogy, but the President has the same dream that we have here. The dream is that we have an America less dependent on foreign oil, an America that has cleaner air, something that increases our national security and our health and well-being.

However, there are other parts to that dream than just the hydrogen car. There is, if we are talking about energy, the need to revive our nuclear energy. Japan was decimated by an atomic bomb, and they are relying primarily on nuclear energy. And France is relying primarily on nuclear energy. It has been since the 1970s that we started a new nuclear power reactor in this country. So this bill, in addition to hydrogen, is to help stimulate our nuclear energy.

We need not just stimulate nuclear and hydrogen; we need to find a way to burn coal in a cleaner way. We make half our electricity from coal, but it pollutes the air more than we can tolerate. So we need coal gasification, as an example. This bill encourages that. The Senator from North Dakota mentioned wind turbines in North Dakota. They are part of the dream as well. Natural gas is part of the dream. Its price went up, so we need to explore more and we need pipelines to get that gas to the places it needs to go. This bill encourages that. We need more new oil that is not dependent on some other country. We have tried—although we do not always agree in this body on where to drill—to do that.

So the dream of clean air and less dependence on foreign oil has many parts, including the hydrogen vision the President outlined in his address, so that a child born today can have a choice in this generation of driving a car fueled by a fuel cell hydrogen engine.

The Apollo dream is not exactly the same. We have a dream, but this is only a part of the dream.

As far as the amount of money is concerned, I suppose one could always argue about the amount of money. We considered that very carefully in the committee. We nearly tripled the amount of money the President requested. We took into account virtually all of the suggestions by the Senator and others on the other side, which is why this bill came to the floor from the committee, because we had such a consensus. For a new technology which, while bold, is still unproven, we believe this is a generous amount of support in a bill that is balanced across a broad number of sources of new and improved energy.

That brings me to the targets and the timetables. I appreciate the Senator moving from mandates to targets and timetables. That is a step forward. However, I prefer we not make, if I may say with respect, wild guesses about how this unproven technology might work, but that we join as we have in this bill to find a variety of ways to stimulate and not fool ourselves into thinking we are going to get to this point or that point in any particular year.

President Kennedy said let's go to the Moon, and he said by when he hoped to go, but he didn't say fly this kind of airplane, or use this kind of rocket, or get a third of the way there by 1963. He said, Let us go there.

So let us go toward a day when we have cleaner air and when we have less dependence on foreign oil because of a variety of steps, one of the most impressive of which is the vision of a hydrogen fuel cell car. But let us not try to make a wild guess just about when that will come, in what year. I believe one of the greatest underutilized powers of this body is the oversight power. Really, the Senate, the Congress, has two great functions: One is to spend

money, and one is to oversee how that money is spent. There is nothing to keep us from that. In fact, as chairman of the Energy Subcommittee, I would want to make it part of my responsibility to regularly ask the Secretary of Energy to come forward with his plan, about what progress he is making, and suggest to him faster progress, and to ask him what timetables seem reasonable.

There is another aspect to this, too. The Government is not going to invent the hydrogen car. No one has suggested the Government will. We are just providing some free commercial researching. But we should leave it to the market to make the greatest progress in determining what timetables will work, what targets make sense, what research will finally work, and what the customers will buy.

I had an opportunity within the last couple of weeks to talk with the chief executive of Nissan, Mr. Ghosn, who has had a remarkable record. In 1999, Nissan had a \$19 billion debt and was headed down. Today, it has no debt. It is headed up. I asked him about the hydrogen car because some of my scientist friends had been throwing a little cold water on the idea, saying some of us in the Senate were coming up with a pipedream that might never work. Here is what the head of Nissan said, and he said this publicly: Nissan is spending \$800 million in the next 7 years on research just on fuel cell hydrogen cars. He wants to be, and has publicly stated that Nissan intends to be, not just a leader but the leader in that area. In other words, they are putting money there, real dollars. They are making that kind of investment of prestige and dollars.

Toyota and Honda, industry sources tell me, are spending at least that much of their own money. And the General Motors president has said to me he takes this seriously as well.

So the President's focus on the hydrogen car has done one good thing. It has taken the work that has been done in this body in the last 10 or 12 years on hydrogen and put it in this bill in the form of \$1.6 billion. It has taken the President's own proposals of research—that is another \$1.3 billion. But the real value is the President's proposal, and our agreement on this, if we do agree, will put this up front, create a national commitment, the kind of commitment we had when we went to the Moon. That is right. It is that kind of national commitment. But let us realize that when we went to the Moon, we went in reasonable steps and this plan for cleaner air and for less dependence on foreign oil has many parts, including other forms of energies, and the timetables and the targets are best left to the marketplace.

So I rise to say this represents great progress by the committee. I commend, again, the Senator for his leadership. I urge that we not support an amendment creating wild guesses and artificial targets and timetables, but move

forward and let the marketplace help us make sensible judgments about that, using our oversight role as Senators to make sure the program stays on course.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak briefly in favor of the amendment by the Senator from North Dakota and give the reasons I believe this is a meritorious amendment that would strengthen the bill.

First, I think everyone needs to understand the amendment is an amendment that just sets targets. It really says that the plan—this is the plan the administration is going to come up with to spend this \$1.3 billion, I believe it is—

shall describe the activities of the Department of Energy, including a research, development, demonstration, and commercial application program for developing technologies to support—

and then it goes on to set these targets to support:

the production and deployment of . . . 100,000 hydrogen-fueled fuel cell vehicles by 2010; and . . . 2.5 million hydrogen-fueled fuel cell vehicles by 2020 . . .

As I say, this is an amendment that sets some targets. They are not mandates; they are targets. I think they add greatly to the bill. Unfortunately, the Senator from Tennessee, as chair of the Energy Subcommittee in the Energy and Natural Resources Committee, does have the primary responsibility for the oversight of a lot of this activity. I would see this amendment, frankly, by the Senator from North Dakota as a way to give him more ability to perform that oversight.

Frankly, the only oversight target in the bill right now is you could call in the various officials from the Department of Energy and ask them whether in fact they are spending the money we have authorized to be spent. That is not a very effective kind of oversight. I am sure they would tell us they are spending the money.

The real question is, Are they achieving something with the expenditure of those funds? I believe this amendment tries to put in place some targets for what we would like to see them achieve. Clearly those are not hard-and-fast targets and they will change over time, but they do give us some benchmarks against which we can measure progress. I think that is very useful.

The Senator from Tennessee made the point that, in his view, his preference would be to leave it to the market as to how quickly these technologies develop. Clearly the private sector is going to determine to a very great extent how quickly these technologies become commercialized and how well they develop. But this legislation is authorizing the expenditure of Federal funds. It is entirely appropriate that we specify what we want to see as results coming out of the ex-

penditure of those funds. To me it is not incumbent upon us to leave that kind of decision to the market. The market will have a major role, major voice, major determination as to what actually comes to market and what actually is commercialized and how quickly. But in the expenditure of taxpayer dollars it is our job to set out there what we would like to see achieved. If we determine after a few years that those targets are not realistic, we can always change them. Congress is in session every year. But this gives us something to shoot at. I think it is a major step in the right direction.

The Department, under the legislation we are considering, would invest \$171 million in the current fiscal year, \$272 million next fiscal year, \$1.7 billion over the next 5 years—I said earlier \$1.3 billion. I gather it is \$1.7 billion. In my view, it is entirely appropriate that we look at trying to achieve some particular targets so we can then go back to our constituents and say this is what this money is going for and this is how we are making progress.

I do want to say, just before I yield the floor here, that this has been a very good, bipartisan effort. The Senator from North Dakota has been a long-time leader in trying to get more attention to the use of hydrogen in meeting our future energy needs. The Senator from Tennessee is certainly a strong proponent of this and has demonstrated that in our debates this year.

I know there are others on our committee who have taken a very major role: Senator AKAKA, as well, of course, and others before him. So I think this is a very good part of the bill. I think this amendment by Senator DORGAN will strengthen it even more.

I hope very much we can see it adopted.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, because the Senate in the last Congress passed an Energy bill which included targets and timetables, I think it would be considered a retreat if for some reason or another we this year objected to targets and timetables that were included in this Energy bill. In the past Congress, with the President supporting fuel cells and a hydrogen economy, I don't think we ought to be retreating on these kinds of issues.

The Senator from Tennessee said there are two parts. There are many parts of the bill. He is right about that. There is the part of the legislation that deals with that which we have always done. We have always been concerned about production of fossil fuels. So we have, of course, portions of the bill to deal with that. We have conservation issues and renewable energy issues. Those have always been in the bill.

But this piece is a different part—a part that is different and unusual. This part deals with something that is new, big and bold. It is why the President

put it in his State of the Union Address. That is why he had a special roll-out of his proposal down at the Building Museum with hundreds of people present. Virtually every industry leader with respect to hydrogen and fuel cells in the country came to town. Why did the President emphasize that? Because this is a different part. This is not some unusual part of the energy debate. It is the big, new, and bold part of that debate.

I have used the term "Apollo project." That perhaps could have used or I could have used "the Manhattan project," or something that would denote a project by which a country aspires to achieve something. A country aspires to establish goals, and it reaches those goals. A strategy that says, let us spend this money and, by the way, let us know if anything comes off it, is, in my judgment, not much of a strategy.

I am a big believer in understanding that things happen that you make happen—not that you let happen. If you have a problem and resources, you have two choices: Let us move this money out and see what we let happen with it, as opposed to deciding what we are going to make happen. There is a very big difference.

My colleague from Tennessee used the term "wild guesses" several times. Let me just tell you that Nissan, Toyota, Honda, DaimlerChrysler, Ford, and General Motors are not engaged in wild guesses. None of them is engaged in wild guesses. They are making substantial investments in fuel cell vehicles believing that we are moving toward a hydrogen fuel cell economy—not wild guesses at all.

Incidentally, I think my colleagues would, if they checked with most of these organizations I have mentioned and others in the industry, find that they very much support us being bold and establishing these targets and timetables. Why? Because they know that a country that establishes targets and timetables in pursuit of a policy is a country that is going to be fostering new development through research, and opportunities through research in the private sector as well. I just think it is really important for us to do this.

All of us come from different kinds of hometowns. I come from a small one with about 300 people. I am guessing, probably like every hometown, we had two or three people who every day went down to the bar and played Pinochle all day long. That was their social life. They just stayed there all day long and played Pinochle. They most likely in their conversations opposed almost everything new that was going on in the community: "It won't work, can't work; shouldn't do it." They just played Pinochle and criticized anyone who was making things happen in the community.

The President has said we ought to do this. There are going to be doubters outside of this Chamber and doubters in the country who don't want us to

move in this direction who say it can't work, it won't happen, or this is not our future. But they are wrong. President Bush is right. They are wrong.

This country will best serve its future, in my judgment, if we decide that we are going to do this with the President and with the Congress; we are going to do this and make it happen. Should we just say, well, except that there are other alternatives and no such picking and choosing?

If President Kennedy had said, let us not pick a goal to go to the Moon, maybe it ought to be Mars, but if we decided the Moon, let us not decide it had to be in this decade because the technology doesn't exist, let us say we are going to one planet and the Moon maybe someday, we probably would have never gotten past Cape Canaveral. We probably would have never gotten off the launch pad.

He established for this country a very bold vision. The Manhattan project was a very different project. It was the same thing: We are going to do this. We are going to marshal all of the resources and try to make this happen.

My amendment is much more timid than that. I do not suggest we can strap a mandate on this country and a burden on the Department of Energy, or the private sector for that matter, that says we have to meet these goals, timetables, and targets. That is not what I am saying. I am saying, in the pursuit of this money, that we are going to spend several billions of dollars, let us ask the Energy Department in their plan to describe their activities in pursuit of this goal which says we aspire to have 100,000 hydrogen fuel cell vehicles in the United States by 2001 and 2.5 million by 2010. Maybe it can't be reached; I don't know. It is certainly not a wild guess; it is just deciding that we ought to as a country establish some goals.

Once again, I think there is a big difference between letting things happen and making things happen. We have the capability, it seems to me, with this President and this Congress—and with the private sector very engaged with an aggressive aim, which my colleague from Tennessee described a while ago—to do some really remarkable things in this area. I think they will be enhanced by establishing these targets and timetables.

I really see no downside at all. I sometimes can see in legislation or amendments that are introduced that there is an upside and a downside. What if it succeeds or fails? For the life of me, I cannot see the downside of Congress establishing in this legislation some targets and timetables that put us on a path to a new, bold, and aggressive energy policy that will do all of the things my colleague from Tennessee described and all the things I described which are good for this country—substantially limiting our dependence on foreign oil, which provides much greater economic and energy security for this country, and dramati-

cally improving air quality in America. Instead of putting pollutants out of the tailpipe, you are putting water vapor out of the tailpipe.

There are so many things that make sense with respect to this proposal. Much of the proposal that is in the Energy bill makes great sense. I support it. I wish it were a bit bolder than it is. Nonetheless, it is substantially better than what was sent to us in the President's budget. I compliment my colleague from Tennessee and my colleague from New Mexico and others on that score. But I still believe we will do this country a favor and improve this legislation as it leaves the Senate by including timetables and targets which were in the legislation in the last Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from North Dakota and I agree on so much about this subject that I am not going to extend this discussion very much further for fear of dredging up something that we might disagree on because we don't have many differences here.

If I may briefly comment, I was listening to the Senator's discussion of that bar in North Dakota. When I was growing up in the mountains of Tennessee, Blount County was a dry county, we didn't have bars, but we had Byrne Drugstore, which is where all that same kind of discussion must have occurred.

I was just thinking. Talking about the suggested timetables, the Senator suggested that, for example, we have in here a timetable of 100,000 hydrogen fuel cell vehicles in the United States by 2010. I was wondering what they would say in Byrne Drugstore if I went back to it and said I just became a Senator, and I drove a new hydrogen fuel cell car around the block which emits water out the tailpipe and doesn't burn any gasoline. The car costs \$2 million a car to make. I got so excited about it I went over to the Senate and I voted to say we ought to have 100,000 of those in the United States by 2010 and 2½ million of them by 2020.

I think they would say to me: Well, LAMAR, I think you got carried away a little bit. At 2 million times 100,000, how do you know what the cost of that car is going to be in 2010? I might say: Well, I may not have really meant that. We meet every year, and we can change that next year if we want to.

They might say to me: Why did you put it in there in the first place if you didn't know that much about what you were talking about? The idea sounds exciting, but why would you guess how you would take a \$2 million car and make sure it made any sense at all to target that we have 100,000 of them in the United States by 2010? What ability does the U.S. Government have to wave a magic wand and make sure that happens?

I was then thinking, too, about all the automobile companies both the

Senator and I talked about. Now, they are hot on this. I mentioned Mr. Ghosn at Nissan. He wanted to make sure I knew he intended not just to be a player in the fuel cell hydrogen car, he intends to be "the" player, and he is going to spend \$800 million of his company's dollars on research in this far out idea that probably will not be commercially viable—none of us believe—for 15, 20, or 25 years.

That is a big step. But I really doubt Mr. Ghosn went to his board or the chairman of General Motors went to his board or the chairman of Ford went to his board and said: I want you to authorize that we require that our company make a certain number of these cars by a certain year. I think they would say: You are not being entirely realistic. You have gotten a little carried away.

So I want to show great respect for the Senator's goals, his hard work, and his energy. We agree on 95 percent of this. But I think to adopt those kinds of targets and timetables—to use a gentler word—might be misleading at the very least because I don't think that is the way to go about it.

Let's encourage it in any way we can—and we tried to do that here—and then let's have oversight on a regular basis. Then, if the technology is proven enough that it makes sense for us to be a little more specific, well, maybe we can take it up then. But if I went into the Byrne Drugstore in Blount County, and said, "I have just driven a \$2 million car around the block and then went over and voted we ought to have 100,000 of them by a particular year," I think they would think I had gotten a little carried away with my good idea.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I shall not carry this much further either because there is much we agree on. But let me just say to the folks at the Byrne Drugstore, a drugstore I have not had the pleasure of visiting, my guess is, at Byrne Drugstore, if you told the folks sitting around the cracker barrel there—if they have a cracker barrel—in talking about life that we are going to give \$2 billion plus to the Department of Energy, and we would just like them to use it as best they can, we really have not told them what we aspire to have happen in terms of goals or timetables and, what do you think of that, my guess is they would say: They are going to send their great-grandchildren back to you to say, "We have not reached any conclusions yet."

My guess is, the folks at Byrne Drug, just as the folks playing pinocle in my hometown's little bar, would probably say: If you are going to give the folks over there in that big bureaucracy some money, you might ought to give them a plan in terms of what you might want to accomplish with that money because they will find a way to spend it if you don't give them some sort of plan. They will tell you the money is all gone, but they really don't have a product yet.

There are plenty of examples, of course, of that. But my own view is, if we are going to give the Department of Energy money—and we must because, as the Senator from Tennessee knows, we cannot convert to a hydrogen-based fuel cell economy without public policy support. You have to, after all, have a complete infrastructure change in this country, so that in the future, if we are driving mostly hydrogen fuel cell cars, you are not pulling up to a pump that pumps regular gasoline, you are pulling up to a pump that pumps hydrogen fuel.

The question is, as I indicated before, where do we produce the hydrogen? How do we transport the hydrogen? How do we store the hydrogen? What is the infrastructure for dispensing the hydrogen at fuel stations across the country? All of that is important. And all of that is a function of public policy. The private sector cannot by itself do that. That is why the public sector lays the groundwork for it. It is like building the roads. We don't have General Motors building roads in this country. We build roads, and they build cars which you drive on the roads.

We create the public policy by which we will move toward a hydrogen fuel cell policy. It is what the President believes we ought to do. It is what I believe we ought to do. The Senator from Tennessee and the Senator from New Mexico believe we ought to do that. So as we do that, the question is: In pursuit of public policy, when we provide the Department of Energy with \$3 billion plus, should we say to them: "Here is \$3 billion plus. You folks—you good men and women at the Department of Energy—use it as best you can, and try to give us some idea of what you might accomplish with it" or should we say to these people in the large, vast bureaucracy here: "Here is \$3 billion plus, and what we want you to do is the following. Our goal, our aspiration, what we strive to achieve for the country is the following"? I think that is a much better approach because, I guarantee you, we will provide that \$3.3 billion, and at the end that money will be spent.

I have not ever, I guess, seen a Federal agency that has failed to spend the money. They do pretty well at that. But when they spend the money, and it is gone, the question is, Will this country have moved beyond where we are today in energy policy? Will we have achieved the result we wanted? Will the President have advanced the issues he portrayed so well in his State of the Union Address? I guess my answer to that is, I do not think so.

I come back finally to this point—and I will have to leave the floor but make this my last word—I fail to see any downside at all to putting in these targets. Again, this is not some wild guess.

I go back to the Nissan example. The chairman of Nissan does not go to the board of directors aspiring to spend \$800 million, and say, "By the way, I

have a wild guess, and I want you to authorize my spending \$800 million on it."

This is not a wild guess. The private sector does not believe it is. I do not believe it is. President Bush does not. I think most of us understand this is a new, big, bold direction. We can do this the old way, giving the bureaucracy some money and hoping it turns out or we can do this a different way, saying: Here is what we aspire to achieve as a country. Here are the targets. Here are the timetables. Let's get about the business of doing this.

If we, in fact, want our children and their children to be able to drive hydrogen fuel cell cars, then that is not going to happen because we let it happen; it is going to happen because in the private sector and in the public sector we are taking the steps that can make this happen.

Having said that, I have enjoyed our discussion. Again, I have great respect for the Senator from Tennessee. I think the work he has done in the bill is excellent. I hope in the intervening hours or days before we vote on this proposal that I will be able to garner his support for this very minor, very small adjustment to a piece of legislation that is not a mandate but that, in fact, is a commonsense approach in terms of how we ought to spend this money and what we ought to expect the taxpayers to get for this money.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator. I thank him for his amendment. I know he is leaving, and I will not take advantage of that by continuing the debate. I have had a chance to say almost all I want to say.

The president of Nissan is a good example, actually. He has gone before his board and said he wants to spend \$800 million. I do not think he went before the board and said he wanted to have 100,000 Nissan cars and trucks on the road in 2010 whether they worked and no matter how much they cost. That is the difference here.

I respectfully suggest there is a blueprint in this legislation, much of it provided by the Senator from North Dakota himself. The President's blueprint includes research on hydrogen-powered engines. That is what the \$1.3 billion in research is for—research on the production of hydrogen fuel cells, et cetera, research on the transportation and delivery of hydrogen via pipelines and fueling stations, research on how to store hydrogen better and safer, on additional research on the fuel cell engine.

Because of the Senator from North Dakota and others, there is a blueprint for various demonstration programs, which I mentioned earlier—the vehicle demonstration program for Government and nonprofit agencies, the stationary fuel cell demonstration program, hydrogen car and fuel cell demonstration programs in national parks,

the Centers of Excellence at the university. Those are very specific proposals.

So I respectfully suggest we have a good bill. We have a broad bipartisan consensus that we have a bold vision, and yet with unproven technology it is not wise for us in the Government to try to guess just how many of those cars there might be but to encourage it and let those who make the cars do it as rapidly as possible and use their talents to persuade consumers to buy the cars.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I join with my colleague, the Senator from Tennessee, in the concerns he has expressed regarding this amendment. I am intrigued and as interested as any Member of the Senate, including the Senator from North Dakota, in this new technology, the potential to use hydrogen-based fuel cells for power storage, energy storage, and the impact that can have on our automotive industry.

There are, and ought to be, concerns with an amendment that attempts to set a specific target for using such a future technology by a specific date. I remember some 10 years ago being told that everyone in America would be watching a high-definition TV by 1995; 1996 at the absolute latest. That was a technology prediction regarding television, something with which I think every American is quite familiar. We couldn't even get that future scenario right. To suggest that we know the future of fuel cell technology or even the automotive industry 10—and I think as this amendment goes almost 20—years from today is an enormous mistake. It is a mistake for a couple of reasons.

First, as the Senator from Tennessee pointed out, the current cost of these vehicles is \$2 million or so, wildly out of the reach of anyone in the country who would be using these vehicles on a day-to-day basis. The private sector is putting a lot of money into this area. That is another reason to try to strike some balance in the bill. But even more basically, despite the fact that the Senator from North Dakota points out that this is just a target, what it does is suggest that a target for this technology is somehow better or more important than a target for any other technology.

What about solar power? What about photovoltaics? What about hybrid combustion technology? The highest fuel efficiency cars out there today often use a combination of electricity and traditional gasoline combustion engines to try to get their fuel efficiency up to 60, 70, 80 miles per gallon. There is certainly tremendous potential there if it can be made cost effective for the average consumer to immediately begin saving energy for our country and for the world sooner rather than later.

We should not prejudice which technologies will win out in a competition

of ideas, a competition of cost or a competition for consumer interest in the marketplace. This amendment does just that. It tries to predict where the future will take us rather than trying to create a level playing field where different ideas can compete. Certainly money will be put into a lot of leading edge technologies, fundamental technologies regarding energy, and the Senator from Tennessee listed a lot of those. I don't think we should try to predict which ones will make the greatest impact in the automotive industry or in any other industry.

While I am as interested as the Senator from North Dakota in this new technology—I believe it may well prove to be a very important source of energy storage in our future—I think it would be a mistake to try to prescribe exactly how it needs to be implemented on behalf of the automotive industry and the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I have one short reaction to the comment of the Senator from New Hampshire. I will have nothing further to say on the amendment.

The Senator from New Hampshire reminds me of an experience I had in 1980, discussing the idea of predicting a new technology. I hope my friend Fred Smith, chairman and chief executive of Federal Express, will not mind my using him as an example. All this is public information. In the early 1980s, although it is hard to recognize this today, no one knew what to do with the fax. They didn't know what would be the future of the fax machine. There were those who were saying it would revolutionize communications as much as the fuel cell might revolutionize the automobile.

Mr. Smith, since he was in the business of delivering overnight packages, had to think about what the fax machine might do to Federal Express. He thought about it, and he came to this conclusion: His conclusion was that probably by the end of the 1980s, all Americans would go down to the street corner and find a Fed Ex fax machine and they would use the Fed Ex fax machine on their street corner to send a fax to their friends wherever in the world they might want to do that. That was his vision of what might happen with that new technology.

Well, we have seen what has happened since then. People didn't go down to the street corner and send a fax to their friend. Everybody has a fax in his or her office. Many people have them in their homes. They became personal faxes. Mr. Smith was wrong about that. Fed Ex lost a few hundred millions dollars. Fortunately for Tennessee, he had other great ideas, and Fed Ex is our leading employer in Tennessee today because of his entrepreneurial spirit.

But what if the Congress had gotten excited and said: Fred Smith has a

great idea. The fax is a great invention and has an unlimited future. Let's pass a law saying that the Senate, having heard about the fax, hereby decrees that by the year 1990, there shall be a fax on 100,000 street corners in America and by 1992, there will be 300,000 faxes on street corners. All those faxes would be in the wrong places because the Senate, with respect, would not have known enough about the future to know what it was talking about. It was right about its vision of the fax. It was wrong about how far that might work; Fed Ex was at that time.

The analogy is pretty good here as well. We have a broad consensus on our excitement about the hydrogen car fuel cell and what it might do, not just for the automobile but throughout our economy. It is part of a balanced approach to toward energy. It could make the air cleaner and reduce our dependence on foreign oil. We are recommending \$3 billion to stimulate precommercial research on that. But let's not put ourselves, in the Congress, in the position of making the same kind of mistake we might have made 20 years ago if we had passed a law suggesting we have 100,000 fax machines on the street corners of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, we are beginning this week again debating a national energy policy for our country, an issue whose time clearly has come, an issue that should have been resolved well over a year ago, but because of the difficulties and differences of approach, that was an impossible resolution.

I will never forget the day I met in our majority leader's office with the then-elect President George Bush. He had not yet taken the oath of office. He was not yet our President. While he talked about a lot of his campaign promises and the priorities he would bring with his leadership in the Presidency, he said at that time—and honored it immediately when he became President—first and foremost for this country was the desperate need for a national energy policy.

He, of course, upon becoming President, assigned Vice President DICK CHENEY to build a task force and make recommendations to Congress, proposals that should be contained within a national energy policy for our country.

Let's remember, it was not a decade ago. It was not 30 years ago. It was just a few years ago that our President was reacting to what had gone on in California with brownouts, blackouts, and a frustrated population, and a very

concerned economy that no longer were we the masters of our own energy fate; that somehow we had become increasingly dependent on foreign countries for hydrocarbons, or oil, and even within our own structures of systems of delivery and interconnection of electricity and pipelines for gas we were no longer as independent, strong, and self-reliant as we had been; that some while over the course of the nineties, as our economy grew, we were not replacing or building new infrastructure to serve that economy, we were simply relying on the surplus and the old infrastructure that it delivered for that energy. And all of that was true.

The President made his proposals. We crafted a policy, and when the majority in the Senate changed, the Energy Committee was shut down and a new bill was crafted in the office of the then majority leader, TOM DASCHLE. The bill came to the floor. We had the debate. It ultimately got into conference, but we could not produce a final product for our President. The differences between our parties and our interests were too great.

This year the Energy Committee, under the leadership of PETE DOMENICI, in a bipartisan way, held the hearings, held the markups, and what we have before us today is that legislation, a bill that is bipartisan, that has a broad range of interests in it, and really serves what I call the market-basket approach to energy, not that we have decided one source of energy is going to be the future of our country. We have learned differently about all of that in the last decade or two.

There are multiple sources and there are different markets and different economies that demand different kinds of energy. Clearly, to advance electrical production in this country from a coal-fired base, we have clean coal technology built within this bill so that we can build future coal plants for electrical production that are less emitting and cleaner.

Within the bill, there is a hydro relicensing provision that will allow us to relicense the hundreds of hydro facilities that now serve impoundments on our river systems, and do so in a much more environmentally sound way that will become more fish friendly but will still allow us to maintain that very clean base of electrical energy known as hydro.

It is very important, where I come from and where the Presiding Officer comes from, that these facilities remain productive and, at the same time, as we relicense them, that they can be retrofitted to meet the demands of a new attitude, a new understanding of the management of our river systems.

In this bill also are the underpinnings of the hydrogen economy that could in the future fuel the transportation needs of our country. The Dorgan amendment that is before us today deals with those goals about which we talk. We have been investing as a country for some time in hydrogen fuel cell technology.

About 2½ or 3 years ago, I was at Dearborn, MI, at the Ford engineering facilities and test track. While I was there, I drove a new hydrogen fuel cell car. It was a car about the size of a Ford Taurus. It had a hydrogen fuel cell within it that powered electric motors on all four tires. It was a marvelous, quietly running car. I got in, sat down, turned on the key, and nothing happened except the dashboard lit up, and pretty soon the dashboard said: Go. I stepped down on the accelerator, and away I went. There was a small whirring sound as the hydrogen fuel cell generated fuel that produced electricity that sent it out to the electrical motors on each one of these four tires.

When I was out on the test track with the engineer, he said: Pick it up; speed it up a little bit. It had been raining, and as I went around one corner of the test track, I slipped a little bit, and he suggested rather sheepishly that we probably ought to slow down. I was willing to do that in his car, his baby. He pioneered and helped develop this car. He said there is another reason besides safety to slow this car down. This car is worth about \$6.5 million, and they did not want to lose that very expensive automobile. I did not realize at that time I was driving probably one of the most expensive automobiles ever built. It was a prototype. It was obviously not an assembly-line vehicle.

What I drove that day convinced me that in the future, if we choose to pursue it, we clearly can have, in part, not in toto, a hydrogen-based transportation fuel system in our country.

Is, therefore, the Dorgan approach the right approach at this time? Should we start making it mandatory to set targets that are absolute or need to be met? I question that, and I do so most sincerely because I want to move us and our knowledge base and invest in a hydrogen base.

Where do we get the hydrogen and how does it get delivered? Do we forget that gas station on each corner of every community did not just happen, that it took years and billions of dollars' worth of investment to develop the delivery system we have today by a myriad of companies investing their stockholder money and their profits in a delivery system? That is exactly what it took. That did not happen by accident.

To automatically suggest we are now going to have a hydrogen-based transportation system and that all of these new hydrogen refueling stations will occur overnight is a phenomenal stretch. That is the delivery system, and that delivery system alone would cost billions of dollars and, clearly, as we transition, if we do, into a hydrogen-based transportation system, it will take time and cost a lot of money.

Where do we get the hydrogen? Today we tend to get hydrogen from a hydrogen-rich supply—natural gas. But natural gas today is increasingly in less supply and more demand because

of the Clean Air Act and because we decided years ago that if we were going to put additional electrical production in line, it could be a gas-fired electric turbine. It met our clean air standards.

All of a sudden, we began to consume a fuel that was once in surplus and is now becoming scarce. Some 3 months ago, its price spiked to over 260 percent of the average price. Should we be directing ourselves toward that, and should we be setting targets without an alternative supply of hydrogen? In other words, that is why, if you are going to set targets and limitations and goals—and maybe there is a day when we do—it is my argument and my belief that the Dorgan amendment is substantially premature with regard to that point. Let me tell my colleagues why.

In the overall parent bill we are debating, the national energy policy itself, there is a title that in time will begin to produce for this country an ample hydrogen fuel base and not use natural gas as its source. It is to develop, along with the new, safe, what we call passive generation for a nuclear reactor, an electrolysis system where water can be effectively converted into hydrogen. It is a technology that we know is doable. What is most important is that it is doable at much less cost and no demand on our natural gas base.

Why would it be at less cost, especially if it is allowed to be facilitated and built within a nuclear reactor?

Nuclear reactors operate best if they are operated at a constant load, but electricity is not used in a constant pattern, whether it is morning and one is cooking breakfast or it is a hot day and one is using air-conditioning or a cold day and using heat. All of that is variable within a range and within a market. So there are up and down supplies. There is peak load and there is soft load, or less load. The beauty of tying to a nuclear reactor a hydrogen electrolysis system as we believe to be engineeringly and technically very possible today—it is why within this bill we authorized the development of a prototype—is the reactor can then be run at a constant load where it performs for the least amount of money, and when it is peaking for electrical demand purposes, the power is shifted over there. When those demand loads come down, the power is shifted over to hydrogen gas production, and it is alternated back and forth from electrolysis to online transmission, from electrolysis to online transmission, based on the demand load at the time, while the reactor is operating constantly.

What I would therefore say about goals and targets within an area of fuel cell technology today, and supply, is let's get the supply at least started in place and the technologies to develop that supply proven effectively before we begin to put targets on governmental fleets or other fleets as we begin to cause the transportation of our economy to shift toward hydrogen.

Having said all of that, the oil industry, oil per se, for the foreseeable future will continue to fuel a very large part of our transportation needs in this country. That is a reality. It is something that we probably ought not force to cause to be different, but we ought to create and put in place the technologies that allow the transfer, that allow the movement, and that ultimately allow the capitalization of a new form of energy that we believe is hydrogen, and we believe this works.

The chairman of the full authorizing committee, who is the author of this legislation, is in the Chamber, so I yield to the Senator from New Mexico, Mr. DOMENICI.

Mr. DOMENICI. I thank the Senator for yielding.

First, please excuse my voice. I have somewhat of a cold. I say to the occupant of the chair, it will be in good form tomorrow. Do not worry. Having said that, I compliment the Senator from Idaho on the wonderful explanation he has given today on the future of hydrogen in the American economy. I also thank Senator DORGAN. Not only this year but before, he has been a strong proponent of moving ahead as rapidly as we can with the hydrogen alternative, the fuel cell, and ultimately an automobile in our future.

Today, Senator DORGAN offered an amendment which will now line itself up with a couple of others and perhaps be the third amendment voted on tomorrow. For that, I thank him because he brought an amendment to the floor which means we are moving.

I ask the Senator a question: The hydrogen car which I rode around in, as did the Senator, does the Senator remember how much they told us it cost?

Mr. CRAIG. Six point five million dollars.

Mr. DOMENICI. I do not say that in any way belittle anybody, but the point of it is, they wanted to show us what it would look like, what the storage capacity or needs on the rear of this vehicle might be, which meant somebody would have some idea how to refuel it later on, and to put all of that together they spent 6 million-plus dollars.

The point of it is, S. 14, which I am very proud of, is an effort to produce a myriad of energies for America so that there will be a choice. It also says when it comes to hydrogen, let's pursue it with vigor. Let's get on with the research. Let's get the fuel cells moving ahead as rapidly as possible. And, yes, for the first time we had a President say go ahead and authorize a lot of money, \$1.6 billion, to enter into partnership arrangements with the automobile manufacturers to see if our science and their technology could get married up with their money and taxpayers' money to pursue this with some degree of vigor.

I do not think I am trying to make a mountain out of a molehill in terms of the issue, but to now say, in the midst of all of this, to prove we are serious

about this let's go ahead and mandate a purchase of these automobiles by a date certain it seems to me to be a bit premature. I do not think we need it to prove our worth, to prove our valor, to prove that we really want to move ahead with vigor. Quite to the contrary, I think it might indicate that we really are a little bit ahead of ourselves.

So when the time comes tomorrow, after discussing it with Senators such as Senator CRAIG, the Senator from New Mexico will decide whether we will have just a straight yes or no vote or whether we should ask the Senate to table what we consider to be a rather inappropriate amendment because it is too early.

As far as I know, there is no other business today. We are waiting around for the Dorgan amendment to get itself lined up with two amendments that are scheduled for tomorrow. There is still some significant debate on the motion to strike that concerns itself with nuclear power and on the so-called authority to the Indian tribes for the development of their energy. There are two amendments. One is Senator CAMPBELL's amendment, and one is Senator BINGAMAN's amendment. One is a first degree, and a second degree. Those will be debated, and then sometime tomorrow, hopefully, we can prove to the Senate that we are moving ahead with three votes.

Mr. CRAIG. Good.

Mr. DOMENICI. I am going to say now to other Senators who may have amendments, whatever they may be, the majority leader has been pretty fair with us. I am not so sure we have been quite that fair with him in that we have not produced enough amendments, although we are getting there now. We are starting to get a few of the hot button items, and maybe after tomorrow we might be at a point where others will come forth. I am asking now that Senators and their staffs, who consider themselves to have amendment potential on this bill, they should start to get ready. I am aware there are Senators who have amendments. We know the title of their amendments, but the amendments are not ready yet. That is 2 weeks now, not solid but more or less we have had 2 weeks.

So we ask now that Senators reconsider getting on with this so they can be helpful as we move ahead, and then with the minority soon we will begin to ask for some times. Maybe by tomorrow we can start asking for a time certain for the production of relevant amendments. That would be my hope, I say to my friend Senator CRAIG and the occupant of the chair, the distinguished Senator, Mr. SUNUNU.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the senior Senator from New Mexico for what really has become a very thoughtful and methodical approach toward resolving a

national energy debate, and bringing us legislation that not all parties agree on but clearly is that abundant market basket full of ideas and concepts and realities, we believe, that bring this country once again toward energy self-sufficiency, and our ability to stand on our feet and be proud that we are what we are as a country.

Our great strength has always been in our abundance of relatively inexpensive energy. It has driven our economy. It powers us up as a great country. Without doubt, it is what lights up the computer screens of our country and has made us the leading high-tech manufacturer in the world.

I was in San Jose, CA, this weekend speaking to a group. There were about 50 CEOs from high-tech companies from the valley, the heart of the Silicon Valley. We call it Silicon Valley West because right here at the beltway in northern Virginia is what I call Silicon Valley East, the heart and home of the Internet systems and internet companies. While I was talking about technology, they wanted to know about energy. In that valley they demand a high quality of electrical generation, constant power loads to feed their manufacturing facilities. They are very frustrated because of the problems California has had, which has been in part a policy issue and in part a transmission problem.

All of those problems are embodied in our legislation. That is why it is important we resolve and get to our President's desk a bill so we can help the energy segment of our economy get on its feet and get moving again for the sake of all.

I have said several times, and I think most agree, this legislation, S. 14, has more new jobs to be created in the next 4 to 5 years than the stimulus package. While the stimulus package was critically important, and I voted for it and it already appears to be turning on the economy across this country, the long-term infrastructure investment for the energy industries of our country that will fuel our homes and light up our computer screens in the future is embodied in this bill. That is why it becomes so important for everyone.

Let me step back to hydrogen for a moment. I have no difficulty with the Senator from North Dakota proposing legislation that said agencies ought to submit annual plans and reports that look at transition and talk about and build a system or a mechanism for transition to a hydrogen economy as these technologies develop, as these new production capabilities come on line. That would be a right and appropriate thing to do in light of where the technology of this industry is.

I have visited with hydrogen fuel cell engineers, scientists who study this area. They are telling me it would be very hard to measure. They are suggesting we need to prove the worth of this technology to the American consumer—"worth" meaning a sense of safety. A lot of folks are wondering, Is

a hydrogen car going to be safe? They fail to recognize that a gas-powered car that they assume is safe sometimes is not as safe as we think it is. There have been fires and explosions. Is a hydrogen car safe? We believe they can be manufactured to be every bit as safe as a gas-powered car, if not safer.

But how do you prove it? One of the ways is to get hydrogen used in the economy before it is transitioned to transportation. How does that happen? The development of hydrogen fuel cells that actually fuel homes, manufacturing plants, other facilities that are perhaps less adjacent to or isolated from transmission capability. To have a hydrogen fuel cell that can actually produce enough power for a factory is not unreasonable to assume, or a single home in a rural setting.

Once that consumerism begins to develop in this country and there is a general understanding that hydrogen is a part of our energy economy, the reality of transition to a transportation base is probably even greater. Maybe they go equally together. But I know the scientists and the engineers are thinking one or the other or both; one before the other. Part of it all comes together at some point. I believe it can.

I, along with Senator DOMENICI and others who study energy sources for our country as members of the Energy and Natural Resources Committee, have spent a long time looking at this as a concept to be explored. As the Senator from New Mexico mentioned, we are committing a lot of public resources to this. We ought to. It is clean. What happens to the exhaust system of a hydrogen-powered fuel cell? No emission, except a drop of water. So there is no emission of greenhouse gases into the atmosphere.

Interestingly enough, when you use natural gas to create hydrogen, the process creates an emissions problem. When you use electrolysis of water to create hydrogen, you do not. So there is another reason to examine and build on the technology of electrolysis. We think the natural blend, the hand in glove, if you will, the synergy that can be created by new passive nuclear reactors that are safe, cool in operation, automatic shutdowns, but can do the constant load, that can create the economies of optimum operation and therefore at great cost saving to the consumer, is a technology that ought to be developed and is embodied within S. 14.

I will now, therefore, have to oppose the Dorgan amendment for all of those reasons. It is not time to require the acquisition in the market. It is time to push the technology. It is time to ask for the reports. It is time for this Senate to be able to understand progress and growth and development in this area and the likelihood of a time down the road when more and more of our economy will actually be using hydrogen as an energy base.

It is with that I come to the floor to debate this amendment. I hope as we

get to it tomorrow and a vote in the Senate, as the chairman has spoken to, that Senators will consider the reality that this is not the time for targets. This is not the time for hard goals. This is a time for pushing the technology, building on it, encouraging the private sector to marry up with the public sector, to advance the technology, and it may well be time for the Department of Energy to be required to report and analyze on an annual basis for our sake, for those who make public policy, the reality of these technologies.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 867

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 867.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure continued availability of natural gas)

On page 278, after line 8, insert the following:

“(h) TRIENNIAL REPORT ON EFFECT ON NATURAL GAS DEMAND.—Not later than 3 years after the date of enactment of this Act, and every three years thereafter, the Secretary shall submit to Congress an assessment of the effect of increased use of hydrogen, as a result of the programs in subsections (a) and (b), on demand for natural gas.”

On page 291, strike line 22 and all that follows through page 292, line 8 and insert the following:

“(b) CONTENTS.—At a minimum, each plan shall contain—

“(1) a description of programs under the agency’s control in which the use of hydrogen or fuel cells could benefit the operation of the agency, assist in the implementation of the agency’s regulatory functions, or enhance the agency’s mission;

“(2) a description of any agency management practices, procurement policies, regulations, policies, or guidelines that may inhibit the agency’s transitions to the use of fuel cells and hydrogen as an energy source; and

“(3) an assessment of the effect of increased use of hydrogen by the agency, including increased use through programs under section 303(b) of the Energy Policy Act of 1992, as amended by this Act, or section 824 of this Act, on demand for natural gas.”

Mr. BINGAMAN. Mr. President, this amendment addresses the fact that most hydrogen today is manufactured from natural gas. As far as we can tell, this is likely to remain the case as we make any transition to a hydrogen-based economy. This dependence on natural gas may prove to be a real Achilles’ heel for the future development of these promising technologies we have been discussing on the Senate floor today related to hydrogen.

The lead story in today’s Financial Times has a headline entitled “U.S. Faces Natural Gas Shortage.” I believe Chairman Greenspan has also been testifying about this very important issue today in the House of Representatives. This is not a new story. There are a number of us who have been sounding the alarm for a long time on this issue and the need for effective action to address it. It is a serious situation. It has been in the making for several years, and it will not be easy for us to reverse this situation.

As an example of this concern, on May 27 there were 29 other Senators who joined me in a letter to Secretary Abraham. In that letter we expressed concern about the current and continued high natural gas prices and their effects on consumers and industries that rely on natural gas. We strongly urged the Secretary of Energy to look to conservation, energy efficiency, and fuel switching as important near-term steps that can be taken to alleviate what is shaping up as a critical problem, perhaps this coming winter.

This past Friday, Secretary Abraham wrote back, agreeing with the analysis of the problem and agreeing that—this is a quote from his letter—“the natural gas industry has been strongly supportive of this conservation message.

...”

Mr. President, I ask unanimous consent that the letter sent by 30 Senators to the Secretary of Energy and the Secretary of Energy’s response be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, it would be ironic if, in the name of increasing the diffusion of hydrogen-based energy technologies into the U.S. economy, we wound up exacerbating the long-term problem we have with the natural gas supply. To make sure we maintain the awareness of this linkage, and the potential downside that could arise because of it, this amendment I have sent to the desk would make two changes in the underlying hydrogen title of the bill.

First, the amendment would require a triennial report from the Secretary of Energy with an assessment of how the various programs in the bill to increase the number of hydrogen vehicles and the use of hydrogen as a fuel were affecting our long-term demands for natural gas. If other sources for the manufacture of hydrogen were coming



to the fore, such as renewable sources of electricity, and the increased dependence on natural gas was not looming as a big problem, then fine. But we would be looking at this natural gas issue on a periodic basis at least each 3 years as hydrogen technologies move forward.

The second change the amendment would make would be to add a similar analysis to a report from Federal agencies that is already required in the bill on their own future use of hydrogen. It would require Federal agencies to assess how their own increased use of hydrogen would affect natural gas demand.

Obviously, all of us want hydrogen to be better developed as a technological option. We all, I believe, also want to make sure we do not have unwanted consequences or unwanted impacts on our strained natural gas picture going forward. This amendment will help ensure that we keep our eyes open and we keep focused on this important potential problem as we move toward a hydrogen-based economy.

Mr. President, I think this amendment would strengthen the bill, and I hope it is acceptable and can be agreed to.

I yield the floor.

EXHIBIT 1

UNITED STATES SENATE,  
Washington, DC, May 27, 2003.

Hon. SPENCER ABRAHAM,  
Secretary, Department of Energy, Washington, DC.

DEAR SECRETARY ABRAHAM: We are writing to express our concern about continued high natural gas prices, the impact on industries that rely on natural gas for manufacturing, and the possibility of severe price spikes recurring later this year. In your recent address to the National Petroleum Council, you correctly pointed out that the amount of natural gas in storage is unusually low and that injection rates must increase dramatically in order to fill storage to levels sufficient to meet anticipated demand this year. With natural gas prices twice as high as they were last year and the increased demand for electricity expected this summer, market fundamentals are not encouraging for robust storage refill rates.

We commend you for focusing on the near term challenges we face with respect to natural gas and for calling an emergency meeting of the National Petroleum Council next month to identify actions that can be taken immediately to ease short-term supply constraints. The expertise of the NPC's members in the production, transmission and distribution of natural gas should be very helpful. Increased natural gas supplies are needed of course and, in fact, drilling is up thirty percent this year. But significant new gas supplies are not likely to come on line in the near term.

Energy efficiency and conservation, as well as fuel switching, are more likely to make a difference in natural gas markets this summer and next winter. Analysis of the successful efforts of California to reduce electricity consumption in 2001 demonstrated that efficiency and conservation were the fastest and least costly solutions available. We urge you to cast a wider net for recommendations on natural gas including meeting with Governors, state and federal regulators, industrial and commercial gas consumers, electric utilities and independent generators, and experts in efficiency and conservation.

We look forward to working with you to address this critical issue.

Sincerely,

Tom Daschle, Tim Johnson, Jay Rockefeller, Russell D. Feingold, Harry Reid, Joseph Lieberman, Jeff Bingaman, Tom Carper, Frank R. Lautenberg, Ron Wyden, Debbie Stabenow, Maria Cantwell, Mary L. Landrieu, Jon S. Corzine, Jack Reed, Charles Schumer, Evan Bayh, Daniel K. Inouye, Dianne Feinstein, Barbara Boxer, Dick Durbin, Hillary Rodham Clinton, Patrick Leahy, John F. Kerry, Paul Sarbanes, Barbara A. Mikulski, Ted Kennedy, Carl Levin, Daniel K. Akaka, Patty Murray.

THE SECRETARY OF ENERGY,  
Washington, DC, June 6, 2003.

Hon. JEFF BINGAMAN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for your May 27, 2003, letter expressing concern about continued high natural gas prices and their impact on consumers and industries that rely on natural gas.

The Administration shares your concern—and it is for this reason that I called for a Natural Gas Summit on June 26, 2003, which your letter referenced. In addition to including members of our National Petroleum Council, the Summit will also bring together State and Federal regulators; industrial, residential, and commercial gas consumers; electric utilities and independent generators; along with experts in energy efficiency and conservation to discuss and develop recommendations relating to the future of the natural gas markets.

Based on the Department's analysis, we concur with the conclusion advanced in your letter that over the next 12 to 18 months there are only limited opportunities to increase supply; and that, therefore, the emphasis must be on conservation, energy efficiency, and fuel switching. That is why the speakers and attendees at the Summit will be substantially consumer focused. I would note, however, that the feedback we have been getting from the natural gas industry has been strongly supportive of this conservation message as they are concerned about the long-term effect on the market of these high short-term prices.

In addition to sharing the same opinion regarding the role of conservation, I am pleased that we also are in agreement concerning the need to increase natural gas supplies. Last year, I commissioned a National Petroleum Council study focused on long-term issues that will more directly address supply. This study, to be released in the fall, will include a comprehensive evaluation of future natural gas supply and demand issues. We will, of course, share the results of that study upon its completion.

I appreciate your interest in the Natural Gas Summit and look forward to working with you to address these important issues.

If you have any questions please feel free to contact me or Ms. Kelly S. Lugar, Deputy Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

SPENCER ABRAHAM.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have reviewed the amendment. We have no objection to the studies provided for in the amendment. We think they will be worthwhile and helpful, so we have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 867) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask Senator BINGAMAN, have you finished with that issue?

Mr. BINGAMAN. Yes, I have.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to be permitted to proceed as in morning business for no longer than 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business starting in 5 minutes and not to exceed 10 minutes.

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

Mr. DOMENICI. I yield the floor.

Now, Mr. President, I ask unanimous consent that the 5 minutes I asked to transpire before the time started be waived and that I be able to proceed with my 7 minutes.

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

The Senator is recognized as in morning business.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1211 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

(The remarks of Mr. MCCAIN are printed in today's RECORD under "Morning Business.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I understand, from my parliamentary inquiry, that at 5:15 the Senate resumes executive calendar debate.

The PRESIDING OFFICER (Mr. ENSIGN). In executive session, that is correct.

MORNING BUSINESS

Mr. DOMENICI. I ask unanimous consent that we be in morning business until we go into executive session.

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

Mr. DOMENICI. 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. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL CHERTOFF, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 5:15 having arrived, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Michael Chertoff to the U.S. Court of Appeals for the Third Circuit. I happen to be admitted to the bar of the Third Circuit. I can't imagine a better person we can put on that circuit than Michael Chertoff.

This is not the first time this body has had the opportunity to consider Mr. Chertoff's qualifications. In May 2001, my colleagues and I voted to confirm his nomination to the post of Assistant Attorney General for the Criminal Division of the United States Department of Justice. He has worked tirelessly in that position on behalf of our country prosecuting those whose specific goal is to harm America, and we are grateful for his service.

The same credentials and experience that paved the way for Mr. Chertoff's confirmation as Assistant Attorney General demonstrate that he will make an exceptional Federal appellate judge. He graduated magna cum laude from Harvard College in 1975 and magna cum laude from Harvard Law School in 1978. After his graduation, he served as a law clerk to United States Supreme Court Justice William J. Brennan, Jr.

Following his clerkship, he embarked on a long and distinguished professional career dedicated to fighting crime and corruption that began in the United States Attorney's Office for the Southern District of New York in 1983, where he served as a line prosecutor. In 1987, he was promoted to First Assistant U.S. Attorney for the District of New Jersey. In 1990, former President Bush appointed him to be the United States Attorney for the District of New Jersey.

During his time as a Federal prosecutor, Mr. Chertoff gained extensive experience in all phases of criminal investigations and prosecutions. He handled major organized crime, fraud, and corruption prosecutions. Here are a few examples:

Mr. Chertoff successfully prosecuted a RICO murder case involving the third ranking member of the Genovese La Cosa Nostra family and others. The principal defendants were convicted of conspiring to murder John Gotti and murdering a mob associate. They each received 75-to-80 year prison terms.

Mr. Chertoff successfully prosecuted the Mafia commission case, which charged the bosses of all five New York La Cosa Nostra families with operating a national commission through a pattern of racketeering acts such as extortion, loan sharking, and the murders of a mafia boss and two associates.

Mr. Chertoff successfully prosecuted the mail fraud, bank fraud, and tax evasion trial of the mayor of Jersey City, NJ. The case arose out of an investment fraud perpetrated by the mayor while he was in office. The defendant was convicted of 14 felonies, sentenced to jail, and removed from office.

Mr. Chertoff also successfully prosecuted Arthur and Irene Seale for the 1992 kidnapping and murder of Exxon executive Sidney Reso, a tragic case which garnered substantial media attention.

This record alone demonstrates that Michael Chertoff has the experience and qualifications to serve as a judge on the Third Circuit. However, his public service is not limited to holding high level government positions. For example:

Mr. Chertoff served as special counsel to the New Jersey Senate Judiciary Committee in its investigation of racial profiling. Under his counsel, the Committee held nine hearings examining racial profiling allegations, concluding that the former attorney general had misled the Committee and had attempted to cover up the extent of racial profiling in New Jersey from the U.S. Department of Justice.

After a convicted rapist was mistakenly released from prison, Mr. Chertoff again served as Special Counsel for the New Jersey Senate Judiciary Committee during its hearings into the application of Megan's Law, which requires State correction officials to notify prosecutors 90 days prior to the release of a sex offender, and the reasons why it was not being systematically employed by the State.

Mr. Chertoff also represented three indigent defendants on death row in Arkansas through a program operated by the NAACP legal defense fund. The death sentences of all three defendants were overturned on the appeal that he handled.

Mr. Chertoff has received numerous awards and honors, including an honorary law degree from Seton Hall University in 2002; the Anti-Defamation

League Distinguished Public Service Award in 1992; and in 1987 the U.S. Department of Justice John Marshall Award for Outstanding Achievement in Trial.

These are but a few examples of public service that reinforce the true nature of Michael Chertoff's character. Recognizing this level of excellence, the American Bar Association has given Mr. Chertoff a unanimous well-qualified rating, the highest possible designation.

Plenty of others share the ABA's view of Mr. Chertoff. In a joint press release, New Jersey's two Democratic Senators, JON CORZINE and FRANK LAUTENBERG, expressed their strong support for Mr. Chertoff, stating, "We are pleased that the President has selected a distinguished New Jerseyan for this important seat on the U.S. Court of Appeals for the Third Circuit. Michael Chertoff is a highly intelligent and competent lawyer with a long and impressive record of public service."

In a March 11, 2003 editorial, the Bergen Record endorsed Mr. Chertoff's nomination, calling it "a refreshing change." The newspaper continued, "Mr. Chertoff is exactly the type of nominee the nation needs for federal judgeships," and concluded, "Mr. Chertoff is the type of smart, non-ideological high achiever whom Presidents of both parties should consider for the bench."

Mr. President, I have touched on only some of the attributes and accomplishments that demonstrate Michael Chertoff's overwhelming qualifications for the Third Circuit. He will be an outstanding Federal appellate judge, and I urge my colleagues to vote in favor of his nomination.

Mr. President, I notice the distinguished Senator from Pennsylvania is here. Both he and I are admitted to the bar of the Third Circuit Court of Appeals. I am also admitted to the bar of the Tenth Circuit Court of Appeals.

I yield the floor so the distinguished Senator from Pennsylvania can make his statement.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is especially appropriate for members of the Court of Appeals for the Third Circuit to have a little special understanding of the needs of that court, and the Court of Appeals for the Third Circuit is very badly overworked at the present time and very much in need of judicial replacements. The court has served under the superb leadership of Chief Justice Edward R. Becker, and I know personally from my discussions with him and the new Chief Judge, Anthony Scirica, the tremendous backlog and tremendous pressures the court of appeals has for the very busy States of Pennsylvania, New Jersey, and Delaware. I am pleased to see that Michael Chertoff is now coming up for a vote before the Senate. He has an extraordinary record—Harvard undergraduate, Bachelor's degree, magna cum laude,

1975; Harvard Law School, again magna cum laude, in 1978. He has been engaged in the private practice of law. He has served as assistant U.S. attorney for the Southern District of New York, which is one of the toughest, most complicated jurisdictions. They handle very difficult cases. Then he became an assistant U.S. attorney for the District of New Jersey, moved up the ranks to be first assistant, and then later U.S. attorney for the District of New Jersey. Again, that is a jurisdiction which has very complicated cases.

He has served as minority counsel for the Banking Committee. He has been the Assistant Attorney General in charge of the Criminal Division. He has had very wide experience in both civil and criminal law, and I think he comes to the position for the Court of Appeals for the Third Circuit with extraordinary qualifications.

It is my hope the vote which we are having today on Michael Chertoff might be an indication the so-called logjam on filibusters will be broken. The Rules Committee last week held a hearing on a variety of ways to deal with the filibuster. It had been my hope during the 107th Congress, before the filibuster was tried, that we might find a protocol, which would work regardless of who controlled the White House, and regardless of who controlled the Senate.

When President Clinton was in the White House and Republicans controlled the Senate, it was my view, stated on the floor at the time, that we should have handled President Clinton's nominations differently. We should have processed them in a more expeditious manner. Finally, we did handle quite a number of the judges who moved through after some judicial delays—Judge Berzon, and others.

When the Democrats controlled the Senate in 107th Congress and President Bush was in the White House, the situation was reversed. It was my hope at that time we might find some protocol which I had proposed, one specifically which would establish a timetable: Sixty days after the nomination was submitted to the Senate there would be a hearing by the Judiciary Committee; Sixty days later there would be action by the Judiciary Committee voting up or down; Sixty days later there would be floor action in the Senate.

Those timetables were not written in stone. They could have varied. They would be subject to a modification if cause was shown by the chairman of the committee upon notice to the ranking member or by the majority leader listing it for the full Senate action upon notice to the leader of the minority party.

It was my view at that time that we had so many votes which were party line that if it was a party-line vote the matter would then go to the full Senate for resolution. That was before advent of the filibuster. The filibuster cut new ground. It was unprecedented in the Senate for a filibuster to be lodged

against a Court of Appeals judge. Once before in the history of the Senate was there a filibuster, and that was when Associate Justice Abe Fortas was considered for Chief Justice of the United States. That was a bipartisan filibuster. There were integrity issues there which were very different from the filibusters which have been mounted during the 108th Congress where, as I say, this unprecedented action has been taken. That caused a good deal of consternation on this side of the aisle, and I think a good deal of consternation in the country.

A number of options were considered where the rule might be changed. One proposal has been to have the first vote require 60 votes and on subsequent votes down to 51. My frank view is that is unlikely to be accepted because it isn't very difficult to have a series of cloture motions filed.

For those who may be wondering and for anyone watching C-SPAN II, a cloture motion is a motion filed to cut off debate. The current rule requires 60 votes to cut off debate.

When the logjam continues, there has been the suggestion of what we refer to colloquially as the "nuclear option" where there might be a ruling of the Chair that requires 60 votes, and that ruling could be challenged. On a 51-vote majority, that ruling could be overturned as a matter of Senate precedent. That has been done on occasion in the past. But it is an alternative which I think would be unwise and undesirable if any other alternative can be found. But if we were faced with the unprecedented cloture proceeding, the Senate may be driven to that alternative.

What is really under consideration in many minds is whether the filibuster on the two circuit nominees pending is really a preliminary for a Supreme Court nominee. I think if that were to be the case it would be really most unfortunate for the judicial selection process and very unfortunate for the Senate, which really turns on collegiality for us to do our job—traditional collegiality which has been sorely tempted in the recent several years.

If there had been an occasion for a filibuster on a Supreme Court nominee, I think that would have occurred with the nomination of Justice Clarence Thomas. And it was not attempted. I think it should not have been attempted. But that was the most hotly contested Supreme Court nomination during my tenure here, and I think perhaps the most hotly contested nomination short of the Fortas nomination in the history of the Court with the arguments which were raised during the hearings, with the arguments which were raised on the Senate floor, the delay, the second round of hearings, and the entire difficulties which surrounded that nomination. Had there been an occasion for a filibuster, I think that would have been the ultimate test. I repeat that I don't think a filibuster should have been attempted.

None was. Justice Thomas was confirmed 52-48, which I think was a very firm imprimatur of regular procedure for the Senate not to filibuster but to vote on a majority vote.

It is my hope that what we are doing here with Michael Chertoff will be a bellwether of a change of landscape and a sea change in the Senate, so that this confirmation is, I think, pretty much assured. I hope it will set the stage for affirmative votes in the Senate.

I see other colleagues who have come to the floor with only 15 minutes before the scheduled vote. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thought we were going to be discussing the candidate for office. I am sorry we kind of got off into another discussion. We are not filibustering this appointment. We are happy about this appointment. I want the chance to say that, and take what has happened as an indication of what can happen.

I rise today to support the confirmation of Michael Chertoff, whom I know well, to the Third Circuit Court of Appeals.

I am pleased that President Bush has selected this distinguished New Jerseyan for this important seat on the court of appeals. I hope that tells us where, in fact, we might be going with future appointments.

Mr. Chertoff is a highly intelligent and competent lawyer who has compiled a long and impressive record of accomplishment in both the public and private sectors.

Mr. President, I ask the Chair, if I could, to remind me if I run past, let's say, 8 minutes so that my colleague, JON CORZINE, has a chance to speak.

The PRESIDING OFFICER. The Chair will do so.

Mr. LAUTENBERG. Mr. President, Mr. Chertoff was born in Elizabeth, NJ, and distinguished himself academically as an undergraduate and law student at Harvard University. After law school, he served as a law clerk to Judge Murray Gurfein on the U.S. Court of Appeals for the Second Circuit.

After he clerked on the Second Circuit, Michael Chertoff served as a clerk to a legendary jurist from the great State of New Jersey—U.S. Supreme Court Justice William J. Brennan.

Justice Brennan was appointed to the Supreme Court in 1956 by President Dwight D. Eisenhower, and he spent 34 years on the Court. He is universally regarded as one of the most influential Justices of the second half of the 20th century.

If Mr. Chertoff follows the legacy of his mentor, the Third Circuit is going to be in great hands.

In 1990, Mr. Chertoff became the U.S. attorney for the District of New Jersey. He remained there until 1994. During his able tenure, he aggressively tackled organized crime, public corruption, health care, and bank fraud.

He also played a critical role in helping the New Jersey State Legislature

to investigate racial profiling. "Driving while Black," as they say, should not be a crime in any State in the Nation, and I know Mr. Chertoff agrees. That is why I introduced the first bill in the Senate to ban racial profiling. And I am grateful to Mr. Chertoff for the interest he took in this matter at the State level.

As a result of Michael Chertoff's contribution, I am proud to report that just a couple of months ago New Jersey enacted the strongest antiracial profiling law in the Nation. The Third Circuit Court of Appeals is one of the most impressive courts in the country. Based on his past performance, I am confident Mr. Chertoff will fit right in.

As you know, I have strongly opposed some of the President's judicial nominees. I believe some of them are not appropriate for the Federal bench, not simply because they may not have compiled the kind of record that speaks to fairness and balance on the bench but because of a refusal, let's say, to even discuss the views they hold and what their background might be. I think it is inappropriate.

Again, I did not want to discuss the process. I want to discuss the individual. And that is where I think we ought to go. But in this case, we have a candidate, and I stand here as an American, as a Democrat as well, to fully support the appointment of Michael Chertoff because he has the talent and ability to render justice fairly.

I believe some of the nominees who came up were on a mission to curtail fundamental civil rights laws and protections. Others, as I said, have simply refused to answer important questions that would permit Senators to execute their constitutional duty for advice and consent.

The fact is, there are many highly qualified candidates that the President could nominate to the circuit courts, the appeals courts, who would enjoy broad support in the Senate from both Democrats and Republicans. Mr. Chertoff is one such candidate.

So I enthusiastically support his nomination to the Third Circuit. I urge my fellow Senators to support this consensus nominee who will serve the people of New Jersey and the Third Circuit ably and competently.

I thank you, Mr. President, and yield my remaining time to my colleague from New Jersey.

The PRESIDING OFFICER. The junior Senator from New Jersey.

Mr. CORZINE. Mr. President, it is my pleasure to also speak today in support of Michael Chertoff, a nominee for the U.S. Circuit Court of Appeals for the Third Circuit. The Third Circuit Court of Appeals is one that includes my home State of New Jersey. It is a very distinguished court and handles a diverse range of issues reflecting, frankly, the diversity of the people, the economy, the society of that circuit. It deserves a highly qualified candidate.

I believe the White House, in cooperation and dialog with the Senators

from those areas that are attendant to the Third Circuit, has been fortunate, in working in that cooperative manner, to have a nominee as superb as Michael Chertoff.

He has ably served the citizens of New Jersey in a number of capacities, as my colleague from New Jersey, Senator LAUTENBERG, mentioned. Indeed, he has served the Nation and the Department of Justice, where he is No. 3 today in the criminal justice system. We will all be privileged to have his sound judgment and legal skills serving in this critical judicial position.

Mr. Chertoff has impeccable credentials. That is why we support him. And they are fully disclosed, fully responsive to the kinds of questions one would raise. You have heard he attended Harvard College, then Harvard Law School where he was editor of the Law Review. He then served as a Supreme Court law clerk to Justice Brennan.

He has had a remarkable private practice. In private practice and public service he has served, in every case, with excellence. He has developed a reputation of being brilliant. He has an equal reputation for being tough and fair. And he is a world class litigator and has earned the respect of his peers and adversaries in court, regardless of their political background.

While I will acknowledge that I might not always agree with Mr. Chertoff on every issue—I may have philosophical differences—I find that no excuse for a loss of support when he is prepared to speak to the issues about how he will deal with the judgments he will make and how he will go about forming those judgments in the context of legal study and the context of constitutional and legal precedent.

While there have been even serious concerns that a number of us have expressed regarding the prosecution of the war on terrorism, as at least implemented by the Justice Department—and I share some of those concerns—I do not believe that impacts a judge when they are willing to address how they will deal with constitutional precedent. And Michael Chertoff clearly has done so. I think he is truly a qualified candidate.

Once again, I mention he was a U.S. attorney, a tough one. He combated organized crime, public corruption, health care fraud, and bank fraud. Unlike many of his predecessors—and people who now fill the position of U.S. attorney—as a U.S. attorney he continued to try cases himself. He went to court; he took on the highest profile cases himself. He is actually one of those people who did the work to go into the courtroom and carry the case.

So I think we have a terrific candidate whom we all can support. I think there is a precedent here to which all of us can look. Frankly, this nomination process worked the way it is supposed to work. There was dialog and consultation with the White House. And when there were differences

of view, there was discussion with those who were involved. I compliment the White House for how they have worked with the Senators involved in the process. We have gotten to a positive conclusion because there has been the kind of dialog and mutual seeking of support that we look for.

I urge my colleagues to support this nomination. I urge all of us to look for a more cooperative manner in how we approach the selection of judges, particularly in the circuit courts, as we go forward.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time do I have remaining?

The PRESIDING OFFICER. Four minutes 45 seconds.

Mr. LEAHY. Mr. President, today, we vote to confirm Michael Chertoff to serve on the United States Court of Appeals for the Third Circuit. With this confirmation, the Senate will have confirmed 128 judges, including 25 circuit court judges, nominated by President Bush.

One hundred judicial nominees were confirmed when Democrats acted as the Senate majority for 17 months from the summer of 2001 to adjournment last year. After today, 28 will have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President Bush. This total of 128 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997 the first 3 full years of his last term. In those three years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 15 percent and the circuit court total by almost 40 percent with 6 months remaining to us this year.

Today's confirmation makes the eighth Court of Appeals nominee confirmed by the Senate just this year. That means that in the first half of this year, we have exceeded the average for an entire year achieved by Republican leadership from 1995 through the early part of 2001. The Senate has now achieved more in fewer than 6 full months for President Bush than Republicans used to allow the Senate to achieve in a full year with President Clinton. We are moving two to three times faster for this President's nominees, despite the fact that the current appellate court nominees are more controversial, divisive and less widely-supported than President Clinton's appellate court nominees were.

If the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in 1995-97. In addition, the vacancies on the Federal

courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997. Indeed, we have reduced vacancies to their lowest level in the last 13 years. Of course, the Senate is not adjourning for the year and the Judiciary Committee continues to hold hearings for Bush judicial nominees at between two and four times as many as we did for President Clinton's.

I hope that the Republican leadership will see fit to schedule Richard Wesley's nomination to the Second Circuit for a vote this week. When he is confirmed, he will be the 26th circuit court nominee of this President to be confirmed by the Senate. I expect that we will also proceed this week on the nominations of J. Ronnie Greer to be a Federal trial judge in Tennessee, Mark Kravitz to be a Federal trial judge in Connecticut and John Woodcock to be a federal trial judge in Maine. When they are all confirmed, as I expect they will be, the Senate will have confirmed more than 130 judges in less than 2 years.

As a followup to what the distinguished Senators from New Jersey have said, this is a case where on paper this could be a controversial judge, surely for Democrats, as someone who was actively involved in the Clinton impeachment matters and others. But I have worked with Mr. Chertoff. I have found him to be fair. I found him to be honest with me. I also am aware of the fact that the White House took the time—something they normally don't do, or do not often do, I should say—to actually consult with the Senators from his home State. That makes a big difference because we have had problems, of course, where that hasn't been done or where there has not been consultation or where a nominee has been sent up to divide us, not unite us.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. I will vote without any reservation for Mr. Chertoff.

Of course, I yield.

Mr. REID. Would the distinguished Senator from Vermont confirm that this is the 128th judge approved during this Bush administration? Is that a fair statement?

Mr. LEAHY. That is true. That includes 25 circuit judges.

Mr. REID. And the vacancy rate, as I understand it, is extremely low now on the Federal court system generally; is that a fair statement?

Mr. LEAHY. It is extremely low. Actually the vacancy rate is lower than the unemployment rate in the country. It probably wouldn't be any, had it not been for the fact that 60 of President Clinton's nominees were blocked because 1 or more Republican Senators opposed them—1 or more. So they never got a vote. And had they gotten a vote, there would be no vacancy at all.

Mr. REID. It is also true that all this furor created with changing the rules and all this involves two judges whom

the Democrats have prevented from coming to a vote; namely, Miguel Estrada and Priscilla Owen. So the count is 128 to 2. Is that a fair statement?

Mr. LEAHY. That is right. We have stopped 2 so far; we have confirmed 128. I would note that friends on the other side of the aisle, when President Clinton was here, stopped 60, not by votes but by just simply having 1 or 2 Republicans object so they were never even allowed to have a vote. In fact, when the Republicans were in charge in 1995 and 1996 and 1997, when President Clinton was here, Republicans allowed 111 judicial nominees to be confirmed and only 18 circuit court judges. In 2½ years, we have done 128 judges for President Bush and 25 circuit court judges. So crocodile tears have been shed. Unfortunately, it is embarrassing when you tell the other side the numbers.

Is there any time remaining on both sides?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 15 seconds. The Senator from Utah has 30 seconds.

Mr. LEAHY. I withhold my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, all I will say, in yielding back the remainder of my seconds, is that I have been around here 17 years. I don't know that I have ever seen a better nominee for any circuit court in the country. This is one very great lawyer, great human being, good family man, person with a record that all of us should emulate if we could. I hope all of our colleagues will vote for Michael Chertoff. He deserves our vote.

No raw number of confirmations means anything, in and of itself, while there are not one but two filibusters of exemplary nominees going on now, potentially more to come, and emergency vacancies continue to exist. Are we supposed to be grateful that only a few of President Bush's nominees are being filibustered? Is there an acceptable filibuster percentage that the Democratic leadership has in mind? The mere fact that we have to ask these questions makes it crystal clear that we have a broken process. Even one filibuster of a judicial nominee is one too many.

As for the allegation that two nominees have been defeated, well, I for one would not be as quick as some of my Democratic colleagues to declare that the nominations of Miguel Estrada and Priscilla Owen have been defeated. We will continue to fight for the confirmation of these nominees and continue to file for cloture on their nominations. They are exemplary nominees who deserve to be confirmed.

And as for the implication that it is somehow acceptable to filibuster two judicial nominees in light of the others that have been confirmed, I must ask my Democratic colleagues who are leading these filibusters: Would you ever argue that it is permissible to

break two criminal laws just as long as all the rest are being followed? Of course not. Nobody would make that argument any more than they would argue that it is permissible to disregard two of the constitutional amendments that comprise our Bill of Rights simply because there are eight others. The confirmation of other Bush judicial nominees in no way excuses or justifies the shabby treatment inflicted on Miguel Estrada and Priscilla Owen.

Mr. KENNEDY. Mr. President, I will vote for the nomination of Michael Chertoff to be a judge on the United States Court of Appeals for the Third Circuit. Mr. Chertoff has a fine reputation as a prosecutor, special counsel, and defense attorney. Fellow members of the bar in New Jersey and the district of Columbia have described him as intelligent, fair-minded, and hard-working. Furthermore, in his role as the head of the Justice Department's Criminal Division, certain aspects of his performance have impressed me. For example, his testimony before our committee in November 2001, expressing confidence in the ability of our Federal courts to deal with terrorist suspects, has been important to the debate over the need for military tribunals.

However, other policies and decisions involving criminal justice matters during Mr. Chertoff's tenure as assistant Attorney General have raised serious concerns. At his hearing, I asked Mr. Chertoff extensive questions about the Justice Department's advocacy on behalf of the Freeney amendment to the AMBER Alert bill. This Amendment has nothing to do with protecting children, and everything to do with handcuffing judges and eliminating fairness in our federal sentencing system. Its provisions effectively strip Federal judges of discretion to impose individualized sentences, and transform the longstanding sentencing guidelines system into a mandatory minimum sentencing system. As Chief Justice Rehnquist has said, they "do serious harm to the basic structure of the sentencing guideline system and . . . seriously impair the ability of courts to impose just and responsible sentences."

On April 4, 2003, the Justice Department sent a five-page letter to Senator HATCH expressing its "strong support for Congressman FEENEY's amendment to the House version of S. 151." This letter was sent only a few days before the House-Senate conference on the bill and was influential in persuading the conferees to accept the Feeney amendment. At his hearing, Mr. Chertoff declined to say how involved he was in developing the Department's position on the Feeney amendment or whether he supported it. In his subsequent answers to my written questions, Mr. Chertoff stated that he "personally had no part in drafting" the Department's April 4 letter and did not "review it before it was sent."

While I appreciate the more forthcoming nature of Mr. Chertoff's written answers, I find it remarkable that the head of the Justice Department's Criminal Division Division did not participate in the drafting or review of the Department's letter. The Feeney amendment was very important legislation which substantially altered sentencing policy for the Federal criminal justice system. It was vigorously opposed by the Judicial Conference of the United States, the American Bar Association, the U.S. Sentencing Commission, and many prosecutors, defense attorneys, law professors, civil rights organizations, and business groups. As a Federal appellate judge, Mr. Chertoff will soon be responsible for applying its provisions. He will need to explain to his new colleagues why he did not do more at the Justice Department to stop this ill-advised legislation—or at least support Chief Justice Rehnquist's call for a "thorough and dispassionate inquiry into the consequences" of the Feeney amendment before its enactment.

I was similarly surprised to learn, as Mr. Chertoff acknowledged in his most recent set of written answers, that neither he nor anyone else in the criminal division was involved in the decision to deny the Federal Bureau of Investigation the authority to investigate the recent gun purchases of suspected terrorists after September 11. This decision was made in spite of the legal opinion issued by the Office of Legal Counsel on October 11, 2001, stating that there is "nothing in the F.B.I. regulations that prohibits the F.B.I. from deriving additional benefits from checking audit log records." The F.B.I. had previously conducted such investigations for years. Furthermore, the Justice Department was at the time aggressively expanding its investigative and prosecutory powers in response to the 9/11 attacks. Mr. Chertoff could have, and should have, done more to help the F.B.I. agents investigating those vicious attacks. As with the Feeney amendment, this was an example of ideology trumping smart and effective law enforcement at the Department of Justice.

Finally, I am concerned about inconsistencies in the responses Mr. Chertoff provided with respect to the debate over the legality of the interrogation of John Walker Lindh. According to reports in Newsweek and the New Yorker, John DePue, an attorney in the Terrorism and Violent Crime Section of the Criminal Division, which Mr. Chertoff heads now and headed then, called the Professional Responsibility Advisory Office in December 2001 and requested its opinion on the propriety of having the F.B.I. interview Lindh. At his hearing, Mr. Chertoff testified:

[I have to say, Senator, I think the Professional Responsibility [Advisory] Office was not asked for advice in this matter. I am familiar with the matter. I was involved in it.]

In response to my first set of written questions, Mr. Chertoff stated:

[T]hose at the Department responsible for the Lindh matter before and during the time of Lindh's interrogation did not to my knowledge seek PRAO's advice.]

Then, in response to my second set of written questions, Mr. Chertoff acknowledged that the e-mails published in Newsweek "indicate that Mr. DePue initiated contact with PRAO about whether the FBI should question Walker Lindh and that Ms. Radack responded to that inquiry"—and that he first learned about these e-mails in early 2002. I understand that Mr. Chertoff does not believe that Mr. DePue played a major role in the Lindh investigation and prosecution, and does not understand why DePue asked PRAO for its opinion on this matter. Nevertheless, Mr. Chertoff should have fully shared his knowledge regarding this situation from the outset, rather than deny that PRAO was asked for its opinion.

According to the New Yorker article published on March 10, 2003, 2 weeks after the Justice Department filed charges against Lindh, Ms. Radack, a highly qualified employee who received a merit bonus the previous year, received a "blistering" performance evaluation which severely questioned her legal judgment, and she was advised to get a new job. Mr. Chertoff has told me that has no knowledge of the facts surrounding Ms. Radack's employment, performance, or departure from the Department, and I take him at his word. Nevertheless, I remain very concerned about Ms. Radack's situation. According to press reports—and the Department has never issued any statement disputing them—Ms. Radack was in effect fired for providing legal advice on a matter involving ethical duties and civil liberties that high-level officials at the Department disagreed with. Furthermore, after Ms. Radack notified Justice Department officials that they had failed to turn over several e-mails requested by the Federal court, Department officials notified the managing partners at Ms. Radack's new law firm that she was the target of a criminal investigation. I submitted questions to Attorney General Ashcroft regarding this matter in March, and I await his response.

Notwithstanding my concerns about Mr. Chertoff's performance as head of the criminal division—as well as initial failure, later corrected, to provide serious, consistent, and responsive answers to the questions asked by members of the Judiciary Committee—I am supporting his nomination to the Third Circuit. I am doing so based on his fine reputation as a lawyer, his achievements as a prosecutor and special counsel to the New Jersey legislature, and his assurances that as a judge he will apply the law with independence, integrity, and a commitment to due process and the core constitutional values embedded in the fabric of our democracy. My support for Mr. Chertoff's nomination today, however, should not be interpreted as an endorsement or approval for any other position.

Mr. LEAHY. Mr. President, I know Mr. Chertoff is waiting, biting his nails, wondering if he will get through this. I would mention for those of my colleagues who might actually be watching this, I will vote for him. I will support him. I urge them to do the same.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is, Will the Senate advise and consent to the nomination of Michael Chertoff, of New Jersey, to be a United States Circuit Judge for the Third Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

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

The result was announced—yeas 88, nays 1, as follows:

[Rollcall Vote No. 211 Ex.]

YEAS—88

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carper	Harkin	Sarbanes
Chafee	Hatch	Schumer
Chambliss	Hollings	Sessions
Cochran	Hutchinson	Shelby
Coleman	Inhofe	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stabenow
Cornyn	Kennedy	Sununu
Corzine	Kohl	Thomas
Craig	Kyl	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden
Dayton	Levin	
DeWine	Lincoln	

NAYS—1

Clinton

## NOT VOTING—11

Biden	Kerry	Smith
Campbell	Landrieu	Stevens
Edwards	Lieberman	Talent
Inouye	Murkowski	

The nomination was confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that there be a period of morning business with Senators speaking for up to 10 minutes each.

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

Mr. MCCAIN. Madam President, where is Aung San Suu Kyi? Burma's political crisis grows, and much of the world is outraged. Burma's democratically elected leader, winner of the Nobel Peace Prize and world-renowned icon of freedom, remains imprisoned. Burma's ruling generals so far have prevented both the U.N. special envoy, who has been in Rangoon for 3 days, and the International Committee for the Red Cross, to visit her. The generals seem unmoved by the world's condemnation, and their peoples' suffering. It is time for all respectable members of the international community to put weight behind their words and take active measures to secure the freedom of Aung San Suu Kyi and the Burmese people.

Most of the world sees the Burma crisis in staggeringly different terms than do its military rulers. Despite the regime's denials, the May 30 assault on Aung San Suu Kyi and her supporters was a well-organized, premeditated attack by members of the Union Solidarity Development Association, a militia of the ruling, and misnamed, State Peace and Development Council. Given Aung San Suu Kyi's stature within Burma and around the globe, we know Burma's top generals, led by General Than Shwe, would have had to personally approve a physical attack on her and her delegation. We know that Than Shwe would never let his conscience interfere with any calculation of what is in the best interests of the junta's continued ability to repress the democratic aspirations of its people.

Aung San Suu Kyi's associates, including several who witnessed the May 30 attacks, say that at least 70 and perhaps 100 members of her National for

Democracy were slaughtered by the regime's militia in the most violent crackdown since the junta crushed the August 1988 popular uprising against the regime—and we know the junta's claim that only four people died on May 30 in what they call a spontaneous clash with the opposition is false. We know that Suu Kyi is not in "protective custody," as the junta insists, but that she is being held because her national popularity and clear democratic mandate ultimately make rule by generals impossible to sustain. We know the generals are holding her incommunicado because, if she were free to speak, she would speak the truth about their brutality, and about the ruin they have brought to their country. What's so dangerous about these obvious sentiments is that the generals themselves know they are true, and that it is they who are to blame for this devastation, exposed as they are before their people and the world.

The irony is that by crushing the democratic opposition, the generals have once again demonstrated to their people and the world the fragility of their rule, which no amount of repression will legitimize. That one woman, unarmed and leading only an army of citizens who believe in her, can so rattle a group of uniformed officers who control every instrument of national power is testimony to what Vaclav Havel called the power of the powerlessness. As Havel and many other brave dissidents behind the Iron Curtain knew, no amount of repression can provide a regime the democratic legitimacy that is the only basis for regime survival. No leader or leaders can systematically repress their people and loot their country and get away with it forever. The Burmese military has been doing it for 40 years, and their time is running out.

Another sad truth the current crisis has exposed is how little the leaders of Burma's neighbors, including the democracies, seem to care for the most basic rights of the Burmese people. The Prime Minister of Thailand arrives in Washington today: I hope he is prepared for a barrage of questioning—and criticism—of Thailand's warm embrace of the dictatorship next door since he assumed office in 2001. Under Prime Minister Thaksin, Thailand has moved aggressively to deepen Thai business ties with Burma, provide substantial economic assistance to the junta, collaborate with the Burmese military against Burmese ethnic groups who oppose rule by the generals, arrest and repatriate exiled Burmese democrats across the Thai-Burma border, and pursue a policy of cooperation and conciliation with a regime that is opposed by the vast majority of its people and known to much of the world as an outlaw.

Bangkok's coddling of Rangoon has gone well beyond passive acceptance of the regime next door to something approaching active sponsorship of the junta. Thailand has made no effort to

reach out to the Burmese opposition, which is especially unfortunate since some of its most fearless leaders reside in the Thai-Burma border region. Under Prime Minister Thaksin, Thailand has supported and sustained its historic enemy, at the very time when it could use its influence to help bring about the negotiated transition to democracy in Burma.

India's government also appears to have made a strategic decision to "constructively engage" Rangoon out of fear of growing Chinese influence in Burma. India has legitimate concerns about China's interest in using Burma as an outlet for Chinese commerce and military forces in the Andaman Sea. But given China's pervasive influence in Burma, India cannot hope to compete with Beijing for the junta's affection. A more effective strategy would be to support the Burmese opposition's campaign for a free Burma. I don't know what policies a Burma led by Aung San Suu Kyi would pursue towards China, but I'm quite confident she wouldn't choose to pursue a strategic partnership with an Asian dictatorship. Democratic India would be a natural ally of a free Burma, and I believe Delhi would be wise to help move Burma in that direction, rather than curry favor with the generals.

China's unreconstructed policy towards Burma following the attack of May 30 was best expressed by China's ambassador to Rangoon, who told U.N. envoy Razali Ismail that China considers the crisis to be Burma's "internal political affair." Interestingly, China has been helpful in dealing with the North Korean nuclear crisis, I hope because Beijing understands the costs of tying itself too closely to a regime that is actively alienating the rest of the world. Perhaps it is wishful thinking to hope that China's rulers will reach a similar conclusion about their support for the Burmese junta: that in their increasing repression and devastation of their country, the generals are fighting a battle they can't win, and that undermines the stability and prosperity China seeks in Southeast Asia. Perhaps Beijing would take a more resolution line with the generals if Southeast Asia were united in condemnation of their assault on the Burmese people.

The Association of Southeast Asian Nations will hold its annual ministerial summit and security meetings next week in Phnom Penh. Secretary of State Powell is scheduled to attend the meetings of the ASEAN Regional Forum and the ASEAN Post-Ministerial Conferences from June 18-20. I urge Secretary Powell to reconsider his plans to travel to Southeast Asia unless the ASEAN nations, excluding Burma, agree to address the crisis in Burma as their central agenda item; agree to forcefully condemn the crackdown on democracy in Burma; agree to require the release of Burma's detained democracy leaders in order for Burma

to participate in the ASEAN ministerial meetings; and agree to issue a concrete action plan to move Burma towards a negotiated settlement with Aung San Suu Kyi that grants her a leading and irreversible political role culminating in free and fair national elections.

I understand the importance of Secretary Powell's visit to Southeast Asia. I agree that the region is too important for the United States to neglect. But as long as Burma's neighbors neglect the political crisis in their backyard, it is hard to imagine what coherent role ASEAN can play in the region and the world. All Southeast Asian leaders have a vested interest in building ASEAN into a strong regional bloc that can help expand prosperity and improve security in Southeast Asia. As long as Burma, an ASEAN member since 1997, is held captive by the generals, destabilizing the region and attracting precisely the kind of international sanction Southeast Asian leaders would like to avoid—and as long as those leaders do little or nothing about it—Southeast Asia will remain little more than the sum of its parts, and ASEAN will have little enduring relevance. Secretary Powell should condition his visit to Phnom Penh on an ASEAN agenda that addresses the rot at the heart of the organization—the decaying dictatorship in Rangoon—and that helps move ASEAN towards a more constructive role in Southeast Asia than that of “constructively engaging”, and abetting, tyranny in Burma.

The United States has moved to restrict visas for officials of Burma's Union Solidarity Development Association and freeze Burmese leaders' assets. Tomorrow, the Senate will take up a measure banning imports from Burma. Europe is moving to tighten existing sanctions against the junta. These efforts to bring to bear pressure for democratization will have additional force if Burma's neighbors end business as usual and take concrete steps to help liberate the Burmese people.

It is hard to believe that Americans and Europeans care more about the rights of the Burmese people than do people in Bangkok, Beijing, Delhi, Manila, Jakarta, and other Asian capitals. These nations will always have Burma as a neighbor. Burma will not always be ruled by the generals. When they are gone, free Burma's leaders will speak the truth about ASEAN and its support for Asian autocrats, unless that organization and its member states make a strategic decision to stand with the Burmese people in their struggle for freedom today.

FORMER SENATOR DANIEL  
PATRICK MOYNIHAN

Mr. DASCHLE, Madam President, on March 31, 2003, a Mass of Christian Burial for Senator Daniel Patrick Moynihan was held at St. Patrick's Church here in Washington. At that service, a

beautiful homily honoring our friend and revered former colleague Senator Moynihan was given by his pastor, Rev. Msgr. Peter Vaghi. For the benefit of all Senators and for history, I ask unanimous consent that Msgr. Vaghi's remarks be printed in the RECORD.

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

MASS OF CHRISTIAN BURIAL, DANIEL PATRICK  
MOYNIHAN, MARCH 31, 2003

My dear Liz, Maura, John, Tim and Tracey, Michael Zora, distinguished guests and friends,

We gather on this Lenten Monday in this historic church of St. Patrick in sorrow but also in confident hope. For we come to pray for the soul of Daniel Patrick Moynihan in this his parish church, a church which he loved so much with so many of us who loved him as well. We commend him this morning into the loving hands of God our Father as we celebrate this holy Mass, this perfect prayer of redeeming love, given to the church by Christ as He Himself prepared to return to His Father in heaven. In this time of war, we pray at this Mass for Pat's eternal and heavenly peace.

This parish church is a long way from Hells Kitchen in New York where he was raised, but a short walk from his apartment overlooking Pennsylvania Avenue, an avenue which was so close to his heart, an avenue he helped transform. And this short walk is one he made each Sunday for holy Mass often with Irish walking stick in hand and that unforgettable tweed hat.

In the preface for Christian Death in this morning's Mass, we hear those consoling words that for your faithful people, Lord, “life is changed not ended.” These are words of hope in a world desperately looking for signs of hope. They are words of our faith, a faith Pat embraced and lived. They are words of faith in Jesus Christ who “is the way, the truth and the life.” In that first reading from the Book of Wisdom, how can we not be consoled, referring to “the souls of the just,” thought “in the view of the foolish to be dead,” but affirmed so cogently by that revealed text to be “at peace.”

There are many titles which describe the life and work of Pat Moynihan, words which portray the mosaic of his 76 years of long and productive, life: a senator for two and a half decades, ambassador, professor and scholar, voracious reader, an independent-minded intellectual, administration official under four successive presidents, veteran, author of 18 books, public servant, statesman, awardee of innumerable honors, friend and confidante, a father and grandfather, spouse of 48 years to his wonderful wife Liz, and I might add, a faithful parishioner at this historic church of St. Patrick, this church of his patron saint. Each part of this rich mosaic of his life touches us in different ways depending on how we knew him but assuredly the totality of the gift of his life brings comfort and consolation to each of us in these days of deep loss no matter how we knew him.

He loved this parish. He had a particular love for our choir. He would often stand in the side aisle toward the end of Mass and watch the choir looking up from that vantage point. How he enjoyed them! On occasion, he would also take up the collection. He did it ever so slowly thanking everyone individually, in his unique style, for the contribution each person made. As I would watch him with basket in hand, hoping we could continue the Mass, I always found it hard to believe that this was really the chair of the Senate Finance Committee!

Pat Moynihan was a man of quiet faith. As with every person of faith, however, he

struggled to make the living Word of God shape his decisions in life. For him, this found expression in his long commitment to the body politic, the pursuit of the common good and his special care for the poor, the family structure, and the most needy in our midst. In the words of Revelation, speaking of those who have died in the Lord: “. . . let them find rest from their labors, for their works accompany them.” Like Pat, they and each one of us—in our turn—will meet our good and gracious God who judges us all with a loving and merciful heart.

For him, there is now no longer any human pain, anxiety, loneliness, the rush of daily life, the frailty of our human condition. No longer must the Lord, like the Hound of Heaven, pursue him—as He constantly pursues each one of us in life. He now possesses him fully—we pray—for Pat was baptized into Christ Jesus. Our faith teaches us that for those baptized into Christ Jesus, “those who have died with Christ, we believe that [they] shall also live with him.” Yes, “the souls of the just are in the hand of God and no torment shall touch them.”

In this Mass of Christian Burial, we gather as a family to pray for him. We gather as well to console his wife Liz, his sons, daughter, daughter-in-law, his grandchildren and family. We gather in prayer to console each other.

And as we ponder the mystery of Pat's death—for death is a mystery—it is also an appropriate time for each of us to ponder the mystery of life, the mystery of his life, the mystery of life in general. For each one of us without exception, life has its ups and downs, its surprises, its victories and defeats, its happiness and loneliness. Life is a mystery which only death will ultimately reveal. As we contemplate Pat's rich life, we pray that now at last, in the company of a gracious God, he will have the answer to the challenge of his life.

In this morning's Gospel passage, Jesus told Martha that “I am the resurrection and the life; whoever believes in me, even if he dies, will live, and everyone who lives and believes in me will never die.” As Martha came to believe that Jesus is the Messiah, the Son of God, we ask the Lord Jesus this day, a day when we remember Pat Moynihan, to empower us to believe and live more deeply in Him, our Savior Jesus Christ, who is the resurrection and the life. In His own time, then, He will also raise us up as, in faith, we believe He raises up Pat “for everyone who lives and believes in me will never die.”

We shall miss Pat Moynihan. How can we ever forget him? We all loved him in life, may we never forget him in death. As his extended family, let us pledge this day to pray for him, his wife and family.

May he rest in peace!

HONORING OUR ARMED FORCES

Mr. GRASSLEY, Mr. President, I rise today to pay tribute to a young man from Iowa who lost his life in service to his country. On Monday, May 26, 2003, Private Kenneth Nalley was killed in a tragic accident on a road in Iraq. Kenny was only 19 years old. As the town of Hamburg, Iowa mourns the loss of one of its sons, I know I join many of my fellow Iowans in extending my prayers and sympathy to Kenny's family. Private Nalley is the third soldier from Iowa to be killed since the start of Operation Iraqi Freedom. His death reminds us that a great many American men and women are still putting



themselves in harm's way every day in answer to their country's call. Kenny joined the Army right out of high school in order to gain experience and further his prospects for a career in law enforcement. Like all who serve in our armed forces, he knew that meant he might be asked to risk his life to defend American interests. I salute Kenny Nalley's sense of public service, and I honor his sacrifice today. The announcement I received from the Army regarding his death said it best. It reads "Pvt. Nalley epitomizes the best of our country—a brave soldier—who exhibited courage, selfless service, and honor in abundance. His ultimate sacrifice has contributed immeasurably to the freedom and security of both Iraq and the world." I ask that all my colleagues in the Senate remember Kenny Nalley today, and all those who have given their lives in the service of our great Nation.

#### A TEAM OF CHAMPIONS

Mr. DASCHLE. Madam President, in recent weeks, thousands of students have received their diplomas and commenced a new phase of life. For the Class of 2003 at my alma mater, one of the enduring memories will be the national championship won by our women's basketball team, and I would like to take this opportunity to recognize that outstanding accomplishment.

South Dakota is a sparsely populated State known for its vast open spaces and cold winter nights. Yet on most Fridays and Saturdays, thousands of people make the trip to Frost Arena—named not after the winter temperatures in Brookings, but after longtime coach and professor Reuben "Jack" Frost. Inside Frost Arena, they have come to expect some of the best basketball played in Division II of the National Collegiate Athletic Association.

This championship team came to South Dakota State University from communities—large and small, urban and rural—that dot the Upper Midwest. They arrived on campus, like so many of us, holding the highest aspirations for themselves.

In 2002, the SDSU Jackrabbits reached the Division II national semifinals. On March 29, 2003, Coach Aaron Johnston and his players won the Division II national championship with a 65-50 win over Northern Kentucky University, capping an incredible 32-3 season.

For years to come, SDSU players, fans, and students will recall the excitement of that night. Whether you recall the moment as a player on the court, a follower in the stands—or a fan who watched the game on ESPN2—the excitement of that night will long be remembered as a highlight in SDSU's history of athletic successes. Our memories of that night will forever remind us why we are proud to call ourselves Jackrabbits.

South Dakota State University, buoyed by its alumni's successes over

its 122-year history, proudly boasts: "You can go anywhere from here." On a basketball court in St. Joseph, MO, in front of a nationally televised audience, these individuals offered further proof that there are no limits and no boundaries to what a person can accomplish at South Dakota State.

Madam President, I ask my colleagues to join me in saluting these young women and their coaches on this remarkable achievement. I am proud to request that the 2002-2003 South Dakota State University women's basketball team's roster be recorded in the CONGRESSIONAL RECORD.

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

10: Stacie Cizek, G/F, 5-10, Jr., Omaha, Nebraska; 12: Stephanie Bolden, G, 5-6, So., Marshall, Minnesota; 14: Brenda Davis, G/F, 5-11, Jr., Colton, South Dakota; 20: Heather Sieler, G, 5-6, Fr., Huron, South Dakota; 24: Megan Otte, G, 5-7, So., Grand Island, Nebraska; 30: Brooke Dickmeyer, G/F, 5-9, So., Sioux Falls, South Dakota.

34: Melissa Pater, F, 5-11, Sr., Holland, Minnesota; 40: Dianna Pavcek, G/F, 5-8, So., Ivanhoe, Minnesota; 42: Shannon Schlagel, F/C, 6-0, So., Raymond, South Dakota; 50: Karly Hegge, C, 6-1, Sr., Baltic, South Dakota; 52: Sarita DeBoer, C, 6-2, So., Huron, South Dakota; 54: Christina Gilbert, C, 6-2, Fr., Stillwater, Minnesota.

Head Coach: Aaron Johnston, Assistant Coach: Laurie Melum, Graduate Assistant: Sheila Roux, Senior Women's Administrator: Nancy Neiber, Student Assistant: Jamie Nelson, Student Assistant: Chris Marquardt.

#### DR. DONALD FREDERICKSON

Mr. KENNEDY. Madam President, I welcome this opportunity to pay tribute to the memory of one of the best medical leaders and researchers of our time. One year ago, Dr. Donald Frederickson passed away at his home in Bethesda. Of his many achievements, he is best known to the Nation as Director of the National Institutes of Health but his contributions to medicine, especially in the field of cardiology, began much earlier.

Dr. Frederickson first joined the NIH in 1953, and he held several important research and administrative positions in the National Heart Institute, now known as the National Heart, Lung and Blood Institute, before becoming Director of NIH. At the National Heart Institute, he led the research team that discovered the connection between cholesterol and heart disease. He founded the National Heart Institute's Section on Molecular Disease, and discovered two new diseases. As Director, one of Dr. Frederickson's most notable achievements was in the field of DNA research. He skillfully mediated the early days of the dispute that still concerns us today—the dispute between those concerned with the social and ethical implications of DNA research and those who could see the potentially great benefits of these discoveries. As a result of mediation, NIH was able to develop guidelines for DNA research that met the needs of both groups.

After leaving the NIH in 1981, Dr. Frederickson served on numerous boards and panels, in addition to serving as President of the Institute of Medicine of the National Academy of Sciences and Scholar-in-Residence at the National Library of Medicine.

Throughout his career, Dr. Frederickson was highly respected in both medicine and government. The current NIH Director, Dr. Elias Zerhouni, called him "a true statesman of science" and "a towering influence in the scientific community."

Donald Frederickson's brilliant contributions to modern medicine will live forever. He was a giant of medical research with an extraordinary ability to see a better and brighter future, and lay the groundwork to make it happen, and we will never forget him.

#### IN HONOR OF DR. JUDITH A. RYAN

Mr. DASCHLE. Madam President, on July 2, 2003, after many years of service, Dr. Judith A. Ryan of Sioux Falls, SD, will retire from her position as President and Chief Executive Officer of the Evangelical Lutheran Good Samaritan Society. Today I want to congratulate Dr. Ryan on her upcoming retirement and thank her for her many years of service.

The Evangelical Lutheran Good Samaritan Society began partnering with church leaders in small, rural communities in the early 1920s, responding to the call to care for vulnerable populations—those who had no other options for care and no one to care for them. Today, the Good Samaritan Society, headquartered in Sioux Falls, owns or manages facilities in 25 States, employs 24,000 staff members, and serves more than 28,000 residents.

I thank Dr. Ryan for her sterling management of this wonderful organization. Her long career as a health executive is distinguished by her commitment to excellence and her untiring efforts on behalf of America's senior population. South Dakota has been fortunate to have such an advocate and leader.

Dr. Ryan's career is impressive. Prior to assuming her position as CEO of the Nation's largest not-for-profit long-term care and retirement system, she served as Chief Executive Officer of the American Nurses Association; Senior Vice President of Lutheran General Health System in Park Ridge, IL; Associate Director of the University of Iowa Hospitals and Clinics; and Associate Dean for the University of Iowa College of Nursing.

Recognized for her work in the field of long-term health care, Dr. Ryan earned international recognition and was invited by the Danish Nurses Association to learn about emerging models of care in rural communities. Upon her return, she shared her insights at the National Rural Health Association's Annual Conference. Her presentation at that conference was entitled, "A Call for Renaissance: The Small Town

as Continuous Care Retirement Community.”

Dr. Ryan has served on numerous public policy and professional boards and recently participated as a member of the Health and Human Services Advisory Committee on Regulatory Reform. The committee made recommendations to the Secretary regarding potential regulatory changes that would reduce costs associated with departmental regulations and at the same time, maintain or enhance effectiveness, efficiency, impact, and accessibility.

Dr. Ryan's past achievements and continuing interests provide evidence of her commitment to excellence and her advocacy on issues facing the elderly and their caregivers. I join her many friends and professional colleagues in extending thanks for her previous work and best wishes for her next endeavor.

#### A FREE ZIMBABWE

Mr. FEINGOLD. Madam President, today I draw my colleagues' attention to the situation in Zimbabwe, where courageous citizens continue to protest the political repression and economic collapse that have plunged their country into crisis.

Since 2000, President Mugabe has made a series of decisions intended to tighten his grip on power regardless of the cost to the country, trampling on the independence of the judiciary, harassing the independent media, manipulating the political process, intimidating opposition supporters, destroying the economy, and exacerbating a food crisis. A very real and legitimate issue—the need for meaningful land reform—was for a time employed as a fig leaf for the regime. But it has long been clear that this government is not interested in justice, only in power.

Last week's general strike has been the latest manifestation of public dissatisfaction. Reports from the region indicate that security forces are violently suppressing efforts to demonstrate in the streets, using rubber clubs, rifle butts, water cannons, tear gas, and live ammunition to disperse crowds, according to the Associated Press. Some 300 people have been arrested, including opposition parliamentarians. At this difficult time, it is important that the people of Zimbabwe know that the world is watching, and that like the Zimbabweans demanding change, the international community has not lost hope for the country.

I was proud to work with the distinguished majority leader, Senator FRIST, on the Zimbabwe Democracy and Economic Recovery Act, a bill which was passed into law in the last Congress. This legislation makes it clear that when the rule of law is restored in Zimbabwe, and when the civil and political rights of citizens are respected, the United States will come forward to help the country recover, rebuild. We will continue to fight the

AIDS pandemic that is taking such a terrible toll on Zimbabwean society. I look forward to the day when we can follow through on that commitment, Mr. President, and help Zimbabwe to realize its tremendous potential as an engine of growth and model of participatory democracy in the region. Time after time, news reports confirm that Zimbabwe is full of patriots—citizens who refuse to allow their country to be hijacked by a self-serving cabal, independent journalists who risk torture when they seek to report the truth rather than the ruling party line, parents who want their children to grow up in a Zimbabwe free from repression and corruption. These people deserve our support and our admiration.

#### NATIONAL SMALL CITIES DAY

Mr. DASCHLE. Madam President, the National League of Cities, led by Mayor Brenda Barger of Watertown, SD, has designated, June 20, 2003, as the third annual National Small Cities Day to call attention to the role of small cities and towns in American life.

The vast majority of cities throughout our Nation have populations of fewer than 50,000 people. These communities play an essential role in nurturing families, cultivating values, building a strong sense of commitment and connection, and ensuring safety and security.

Millions of Americans live better lives because small cities and towns provide services and programs that meet the needs of their citizens. Particularly during these difficult times in our Nation's history, these Americans have looked to the leaders of their small communities to ensure their safety and security. Partnering with other levels of government, small cities work hard to provide helpful and reliable information about national issues affecting hometown America, and to maintain confidence in our American way of life. Often, they carry out their vital responsibilities with limited staff and tight budgets but with enormous good will and close connections to the citizens they serve every day. The leaders of the Nation's small cities and towns are indeed on the front lines in addressing many of our Nation's most pressing problems.

Businesses, civic organizations, and citizens across the Nation are partners in strengthening hometown America, and must be encouraged to continue to support efforts that make these cities and towns such great places to live. The Federal Government, too, must continue to be a good partner by funding important Federal programs that support small cities and towns such as the Community Development Block Grant Program, the Community Oriented Policing Services Program, and local and regional homeland security planning and preparedness.

We must continue to work together and look for ways to further strength-

en our small cities and towns through creativity, innovation, and, above all, collaboration. I join the National League of Cities and the Small Cities Council in encouraging President Bush, my congressional colleagues, State governments, community organizations, businesses, and citizens to honor the efforts of “small town America” and renew our commitment to work together on this day and in the future to strengthen our small cities and towns, and to recognize their essential role in our intergovernmental partnership.

#### CONFLICT IN THE CONGO

Mr. FEINGOLD. Madam President, I rise today to call my colleagues' attention to the situation in the Democratic Republic of the Congo's Ituri Province. Recently, international attention has been focused on the alarming ethnic violence in the region, where thousands have been killed in the past year. Credible reports suggest that over 50,000 people have died in Ituri since 1999, and a half a million more have been displaced. For years, this horror was lost in the larger tragedy of Congo's conflict, in which over 4 million people are estimated to have lost their lives.

Clashes between Hema and Lendu militia forces in Ituri escalated recently as external actors fuel the fire with increasingly sophisticated arms and support, essentially waging proxy wars at the expense of Congolese civilians. The reports from the region are truly appalling, featuring horrific murders, mutilation, cannibalism, rape, and the use of child soldiers. The U.N. peacekeeping mission in Congo, which has no mandate or capacity to enforce peace, has been reduced to struggling to protect the civilians who have fled in desperation to U.N. sites in Bunia, but their capabilities are severely limited, and most civilians frantically searching for help and security are left with no help at all.

Congo's suffering is more than a humanitarian crisis. It is a massively destabilizing force in Africa. The war has drawn in other states and provided lucrative opportunities for international criminals. We cannot forget that our security is at risk when these shadowy forces are making gains.

The pattern of massive human rights abuses and constant destabilization has to stop. I recently offered an amendment to the foreign assistance authorization bill in the Foreign Relations Committee designed to bolster U.S. support for activities in central Africa aimed at pursuing justice and accountability, deterring abuses, and holding those responsible for such abuses accountable for their actions. That is one small step toward a constructive policy in the region over the long-term. But with regard to Ituri, the U.S. must take action urgently today.

On May 30, the U.N. Security Council passed a resolution authorizing the Secretary-General to reinforce the U.N. peacekeeping mission in the northeastern town of Bunia. France has

agreed to lead the multinational force, and while our relationship with France has certainly not been an easy one lately, their leadership on this issue is admirable. The United States should provide all appropriate assistance to this mission, and I am grateful to be joined by Senator ALEXANDER, Senator BIDEN, and Senator LUGAR in making that point clear in communications to the administration.

We have spent a great deal on MONUC to date, but if we do not take action to defuse this explosive situation, if we stand by and let militia forces rip apart the province in a struggle for power and mineral wealth, then I am at a loss as to how to explain this investment. The U.S. must also work closely with other international actors to move forward on a process of disarmament and a meaningful political solution to the conflict, so that the respite that may be offered by this new force is not short-lived. Perhaps most importantly, the U.S. must take concrete steps to insist that the government in Kinshasa and the governments of Rwanda and Uganda stop use their influence with the parties to stop the violence. We cannot simply stand by, reading reports of grotesque violence and massive suffering, and claim that there is nothing we can do. There is actually a great deal of work to be done. We should start today.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO RUTH EVANS

• Mr. BUNNING. Madam President, I wish to pay tribute to Ruth Evans of Henderson, KY, for her selfless devotion to Kentucky's youth. Ruth received the Excellence in Service award from the Kentucky Cabinet for Families and Children for her relentless service as a foster parent.

Representing the Green River Region, Ruth Evans along with her late husband, George, began providing a safe home to children in need 22 years ago and have done so without any prejudice towards the foster child's background, personality or disability. To date she is credited with raising 250 foster children in addition to the eight children of her own. Her love of children and her dedication to ensuring that every child receives the best opportunity to succeed has been the backbone of her service as a foster parent.

While receiving the Excellence in Service award is a wonderful honor for Ruth, she says her greatest reward for her efforts are the occasional visits she receives from former foster children who return as adults with children of their own to share their lives with her. Some foster children come to Ruth neglected and abused but all have had the opportunity to learn and grow in a safe environment.

Ruth's faith in God has been a guiding force during her years spent as a

foster parent. As the father of nine children and the grandfather of many more, including some adopted children, I am inspired by Ruth's example. Her efforts have made all the difference in the lives of so many and she has helped make Kentucky a better place to live. Parents and foster parents alike throughout Kentucky and across America should emulate her example. I thank the Senate for allowing me to recognize Ruth and voice her praises. She is Kentucky at its finest.●

##### CONGRATULATING FOSTERS DAILY DEMOCRAT ON 130 YEARS OF SERVICE TO NEW HAMPSHIRE'S SEACOAST

• Mr. GREGG. Madam President, I rise today to pay tribute to a proud New Hampshire institution celebrating an important milestone this year. For 130 years, Fosters Daily Democrat, a now daily newspaper serving the people of the city of Dover and New Hampshire's seacoast region, has provided exceptional coverage of local and State news. Since its founding by Joshua L. Foster, the paper has remained under the ownership and direction of the Foster family and is the only daily newspaper in our Nation displaying a family name in its banner.

In order to understand the significance of the milestone Fosters is celebrating this month, it is important to recognize just how much news the publishers, editors and reporters have witnessed and brought to the Dover area since June of 1863. The 1860 census lists a little over 8,500 Dover residents. Today the city is proud to have nearly 27,000 residents. During its first decade, Fosters witnessed a time of tremendous production and growth in the Cocheco Print Works and Pacific Mills, two the most important employers in town. The Mills, which harnessed the power of the Cocheco River, produced some of the finest cotton products in the nation and employed 1,200 workers. The Print Works was churning out in excess of 65 million yards of printed cottons a year to an increasingly global market.

In addition to reporting on the area's growth and prosperity, Fosters also brought one of the worst disasters in the history of the city to its readers—the great flood of March 1896. As any New Hampshire resident knows, tremendous amounts of rain in the early spring aided by melting snow from the previous winter, causes flooding. This was certainly true on March 1 and 2 that year when the city lost three bridges, numerous businesses, and incurred tens of thousands of dollars in economic hardship to a deluge that caused raging currents and swept large chunks of ice into the middle of town. Fosters was on hand to cover it all.

When President Theodore Roosevelt visited Dover in 1902, Fosters was there. When 545 residents of Dover served in World War I, Fosters brought their stories to New Hampshire, and

again in World War II when 2230 Dover residents fought to defend our Nation. And in 1973, when Dover, the oldest continuous settlement in New Hampshire, and seventh oldest city in the United States, marked its 350th birthday, Fosters Daily Democrat marked 100 years of publishing. Since the middle of the 20th century it has followed countless Presidential candidates trudging through our State in the cold and snow. Fosters Daily Democrat has been there every step of the way to make sure its readers stay informed and in touch with issues that concern them.

In addition to its coverage of events in and around the Dover area, the paper also brings its readers coverage of national and world events, including the war on terror. In a recent editorial, March 29, Fosters cautioned its readers to be wary of folks "who seek mightily to undermine the American way of life and their intent to perpetrate atrocities against innocent people either directly or by aiding and abetting those who would carry out such deeds." Today, the paper holds true to the words of its original editor, Joshua Foster, who in the first editorial published in June 1873 pledged that, "Whatever may tend to benefit this people and enhance their prosperity, will receive our warm and enthusiastic support."

For 130 years, five generations of the Foster family, currently led by Bob and Terri Foster, have brought news from Dover City Hall, the New Hampshire Statehouse and locations around the globe to the front porches of New Hampshire's seacoast. On this special anniversary I sincerely congratulate them on the tremendous job they continue to do, thank them for the important public service they perform, and wish them the best of luck in the future.●

##### LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Mesquite, TX. On October 4, 2001, Vasudev Patel, a 49-year-old Indian gas station owner, was shot to death during an armed robbery. His killer told police that he was motivated by vengeance for the terrorist attacks as he allegedly had lost a relative in the World Trade Center. A security camera recorded the armed man walking into the station, ordering the owner to give him all of the money before shooting him. Unable to open the cash register, however, the man fled without taking any of the money.

I believe that government's first duty is to defend its citizens, to defend them

against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

#### TRIBUTE TO OPERATION BLESSING

● Mr. BUNNING. Madam President, I rise today to honor and pay tribute to all involved in organizing Operation Blessing. Operation Blessing was an event hosted by seven churches for the families of the 159th Aviation Brigade at Fort Campbell, KY which took place on May 3, 2003. It was a work of charity and compassion for which all those involved are certainly deserving of thanks and respect.

David Mudd of God's Outreach, Inc. in Owensboro, KY, led the organization of the event working closely with other community and church leaders, including Mrs. Allison Bird of Fort Campbell; Pastor Troy Oakley of World Destiny Church in Hopkinsville; Pastor Roy Ellis of Christian Assembly Church in Madisonville; Pastor Cleddie Keith of Heritage Assembly of God in Florence; Pastor Louis Embry of Christ Community Church in Hopkinsville; Pastor Tim and Linda Rigdon of New Covenant Church in Providence; Pastor Garswa Matally of Wing Avenue Baptist Church in Owensboro; Pastor Sammy Wilson of Word and Spirit Church in Owensboro; Don Boyd of Bethel Church in McDaniels; Steve Kukul of the Lipton Corporation in Owensboro; and Pastor David Pry of River Outreach Ministries in Evansville, IN.

These men and women raised a lot of needed items and services for the families of the 159th Aviation Brigade, ranging from washing machines and furniture to live music and good company and fellowship. There was a raffle to distribute bicycles and helmets for children of the 159th and 17,000 pounds of food was distributed to the military families. Many of the members of the pastors' congregations came from all around the Commonwealth for fellowship with the families of deployed soldiers and to volunteer their time and services. The most important gift Operation Blessing gave was the reassurance that the sacrifices soldiers and their families make do not go unnoticed or unappreciated.

Operation Blessing was a shining example of love of country and of compassion for our fellow soldiers. These women and men demonstrated that America treats her soldiers and their families with much deserved respect and due honor. They are to be highly commended for their acts of charity and their example should be noted and followed by all.

I thank the Senate for allowing me to recognize Operation Blessing and the sacrifices of the 159th Aviation Brigade and their families. Those who

made this charitable event successful and those military families who stand by and support our soldiers in harm's way fighting for our freedom are truly humble and patriotic Americans.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1215. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2596. A communication from the Assistant General Counsel, Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Tenant Participation in State-Financed, HUD-Assisted Housing Developments (RIN 2502-AH55) (FR-4611-F-02)" received on May 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2597. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Opioid Drugs in Maintenance and Detoxification Treatment of Oxicate Addictions; Addition of Buprenoxypine and Buprenorphine Combination to list of Approved Opioid Treatment Medications (0910-AA52)" received on May 21, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2598. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans, Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2599. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the future supply of long-term care workers, received on May 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2600. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report relative to constitutional concerns about the "Museum and Library Services Act of 2003" received on June 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2601. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Fiscal Year 2003-2008 Strategic Plan of the Department of Housing and Urban Development, received on May 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2602. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Budget, Technology and Finance, received on May 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2603. A communication from the Office of the White House Liaison, Department of Education transmitting, pursuant to law, the report of a Vacancy for the position Assistant Secretary for the Office of Elementary and Secondary Education, received on May 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-2604. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, received on June 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2605. A communication from the President of the United States, transmitting, pursuant to law, the report relative to terminating the national emergencies declared in Executive Order 12808 of May 30, 1992 and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia and revokes those and all related orders, received on June 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2606. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to South Africa, received on May 20, 2003; to the Committee on Foreign Relations.

EC-2608. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of 50,000,000 or more to United Arab Emirates; to the Committee on Foreign Relations.

EC-2609. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Japan, received on June 1, 2003; to the Committee on Foreign Relations.

EC-2610. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a

certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Norway, received on May 20, 2003; to the Committee on Foreign Relations.

EC-2611. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment and defense articles in the amount of \$14,000,000 or more to the Republic of Korea, received on May 27, 2003; to the Committee on Foreign Relations.

EC-2612. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment and defense articles in the amount of \$50,000,000 or more to Mexico, received on May 27, 2003; to the Committee on Foreign Relations.

EC-2613. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment and defense articles in the amount of \$50,000,000 or more to United Arab Emirates and Canada, received on May 27, 2003; to the Committee on Foreign Relations.

EC-2614. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement for the manufacturing of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more to Italy, received on May 20, 2003; to the Committee on Foreign Relations.

EC-2615. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Relations Authorization Act, the report concerning efforts made by the United Nations and UN Specialized Agencies to employ an adequate number of Americans during 2002, received on May 27, 2003; to the Committee on Foreign Relations.

EC-2616. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, the report concerning an amendment to Title 22 of the Code of Federal Regulations, received on June 1, 2003; to the Committee on Foreign Relations.

EC-2617. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act with Ethiopia, Russia and Japan, received on June 1, 2003; to the Committee on Foreign Relations.

EC-2618. A communication from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 575—Authorization of Non-Commercial Funds Transfers and Related Transactions, Activities by the U.S. Government and its Contractors or Grantees, Privately Financed Humanitarian Transactions, and Certain Exports and Reexports to Iraq" received on May 21, 2003; to the Committee on Foreign Relations.

EC-2619. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report entitled "Development Assistance and Child Survival and Health Programs Fund Program Allocations—FY 2003"

received on May 20, 2003; to the Committee on Foreign Relations.

EC-2620. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report relative to the temporary suspensions of operations of the Peace Corps in Morocco and China, received on May 27, 2003; to the Committee on Foreign Relations.

EC-2621. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of Defense articles or defense services in the amount of \$100,000,000 or more to Poland, received on May 27, 2003; to the Committee on Foreign Relations.

EC-2622. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the 2003 Annual Report of the National Oceanographic Partnership Program (NOPP), received on May 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2623. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Metal-Cored Candlewicks Containing Lead and Candles With Such Wicks (FR Doc. 03-9255, 68 FR 19142)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2624. A communication from the General Counsel, Department of Commerce, transmitting, pursuant to law, the report of a draft bill to amend the Communications Act of 1934 to provide the Federal Communications Commission with permanent authority to auction spectrum licenses and new authority to charge fees for unauctioned spectrum licenses and construction permits, received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2625. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Notification of Arrival in U.S. Ports (USCG-2002-11865)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2626. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; (Including 3 Regulations) [CGD01-03-042] [CGD08-03-022] [CGD08-03-023] (RIN 1625-AA09) (2003-0014)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2627. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fort Vancouver Fireworks Display; Columbia River, Vancouver, Washington (CGD13-03-001) (1625-AA00) (2003-0020)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2628. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulations; SLR; Patuxent River, Solomons, Maryland (CGD05-03-048) (1625-AA08) (2003-0004)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2629. A communication from the Chief, Regulations and Administrative Law, United

States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Colorado River, Between Davis Dam and Laughlin Bridge (This section of the Colorado River Divides Arizona and Nevada) [COTP San Diego 03-019]" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2630. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Des Plaines River, Joliet, Illinois (CGD09-03-214) (1625-AA11) (2003-0006)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2631. A communication from the Assistant Chief Counsel, Regulations, Office of the Chief Counsel, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Suspension of the September 11th Security Fee and the Aviation Security Infrastructure Fee (RIN 1652-AA29)" received on May 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2632. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2003 Management Measures (0648-AQ17) (I.D. 042503A)" received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2633. A communication from the President of the United States, transmitting, pursuant to law, a document relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam, received on June 1, 2003; to the Committee on Finance.

EC-2634. A communication from the President of the United States, transmitting, pursuant to law, a document relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus, received on June 1, 2003; to the Committee on Finance.

EC-2635. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Determinants of Increases in Medicare Expenditure for Physicians' Services"; to the Committee on Finance.

EC-2636. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the evaluation of the Community Nursing Organization (CNO) demonstration; to the Committee on Finance.

EC-2637. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Determinations of Increases in Medicare Expenditure for Physicians Services"; to the Committee on Finance.

EC-2638. A communication from the Director, Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary for Nuclear Security, Department of Energy; to the Committee on Armed Services.

EC-2639. A communication from the Acting Secretary of Navy, transmitting, pursuant to law, the report to notify of plans to donate the submarine ex-CAVALLA (AGSS 244) and the Destroyer escort ex-STEWART (DE 238) to the Park Board of the City of Galveston, TX, and the Cavalla Historical Foundation, received on May 27, 2003; to the Committee on Armed Services.

EC-2640. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report entitled "Capabilities of the Test and Evaluation Workforce of the Department of Defense" received on May 21, 2003; to the Committee on Armed Services.

EC-2641. A communication from the Under Secretary of Defense, Personal and Readiness, transmitting, pursuant to law, the report relative to the implementation plan for the "National Call to Service" program, received on May 20, 2003; to the Committee on Armed Services.

EC-2642. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, the final report on the development and implementation of regulations to improve privacy protections of medical records held by the Department of Defense; to the Committee on Armed Services.

EC-2643. A communication from the Under Secretary of Defense, Personal and Readiness, transmitting, pursuant to law, the annual report on entitlement transfers to basic educational assistance to eligible dependants under the Montgomery GI Bill (MGIB); to the Committee on Armed Services.

EC-2644. A communication from the Under Secretary of Defense, Personal and Readiness, transmitting, pursuant to law, the report of a retirement, received on May 27, 2003; to the Committee on Armed Services.

EC-2645. A communication from the Under Secretary of Defense, Personal and Readiness, transmitting, pursuant to law, the report of a retirement, received on May 27, 2003; to the Committee on Armed Services.

EC-2646. A communication from the Under Secretary of Defense, Personal and Readiness, transmitting, pursuant to law, the report of a retirement, received on May 27, 2003; to the Committee on Armed Services.

EC-2647. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense (Special Operations/Low Intensity Conflict), Department of Defense, received on June 1, 2003; to the Committee on Armed Services.

EC-2648. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Secretary of the Navy, received on May 20, 2003; to the Committee on Armed Services.

EC-2649. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States and the Government of Slovakia claimed costs, received June 1, 2003; to the Committee on Armed Services.

EC-2650. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the quarterly report entitled "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account" received on June 1, 2003; to the Committee on Armed Services.

EC-2651. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report entitled "Report on Activities and Programs for Countering Proliferation and NBC Terrorism" received on May 27, 2003; to the Committee on Armed Services.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 239. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes (Rept. No. 108-59).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 246. A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico (Rept. No. 108-60).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 500. A bill to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era (Rept. No. 108-61).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 520. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho (Rept. No. 108-62).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 625. A bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes (Rept. No. 108-63).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 635. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes (Rept. No. 108-64).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 519. A bill to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes (Rept. No. 108-65).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 733. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes (Rept. No. 108-66).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 788. A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona (Rept. No. 108-67).

## 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. BOND:

S. 1206. A bill to amend title XVIII of the Social Security Act to provide for special treatment for certain drugs and biologicals

under the prospective payment system for hospital outpatient department services under the medicare program; to the Committee on Finance.

By Mr. TALENT:

S. 1207. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building"; to the Committee on Governmental Affairs.

By Ms. COLLINS (for herself and Mr. REED):

S. 1208. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNETT:

S. 1209. A bill to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. VOINOVICH):

S. 1210. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 1211. A bill to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. SPECTER, and Mr. JOHNSON):

S. 1212. A bill to identify certain sites as key resources for protection by the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, and for other purposes; to the Select Committee on Intelligence.

By Mr. SPECTER (by request):

S. 1213. A bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, Mr. CORZINE, Mr. SARBANES, Mr. JOHNSON, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Ms. LANDRIEU, Mr. DAYTON, and Mr. HARKIN):

S. 1214. A bill to provide a partially refundable tax credit for caregiving related expenses; to the Committee on Finance.

By Mr. McCONNELL:

S. 1215. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; read the first time.

By Mr. SCHUMER (for himself and Mrs. BOXER):

S. 1216. A bill to improve wireless telephone service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Ms. MIKULSKI):

S. 1217. A bill to direct the Secretary of Health and Human Services to expand and

intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. CLINTON (for herself, Ms. COLLINS, Mrs. MURRAY, Mr. KENNEDY, and Ms. CANTWELL):

S. Res. 162. A resolution honoring tradeswomen; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TALENT:

S. Con. Res. 50. A concurrent resolution expressing the sense of Congress that there should be established a National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the Nation's highways safer; to the Committee on the Judiciary.

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

S. Con. Res. 51. A concurrent resolution commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams for their lives and accomplishments, designating a Medgar Evers National Week of Remembrance, and for other purposes; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 202

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 310

At the request of Mr. THOMAS, the name of the Senator from Vermont

(Mr. JEFFORDS) was added as a cosponsor of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 374

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 387

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 387, a bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes.

S. 392

At the request of Mr. REID, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 504

At the request of Mr. ALEXANDER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 504, a bill to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to pro-

vide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 545

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 545, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 564

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 564, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 583

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 583, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 589

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 589, a bill 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.

S. 623

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 636

At the request of Ms. COLLINS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 636, a bill to amend title XVIII of the Social Security Act to provide for a permanent increase in medicare payments for home health services that are furnished in rural areas.

S. 648

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 648, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 695

At the request of Ms. COLLINS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 695, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 729

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 729, a bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof.

S. 852

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 888

At the request of Mr. GREGG, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. MILLER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 890

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 890, a bill to amend the Individuals with Disabilities Education Act to provide grants to State educational agencies to establish high cost funds from which local educational agencies are paid a percentage of the costs of providing a free appropriate public education to high need children and other high costs associated with educating children with disabilities, and for other purposes.

S. 899

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from New Jersey (Mr. CORZINE), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 899, a bill to amend title XVIII of the Social Secu-

rity Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 915

At the request of Mr. ALEXANDER, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 915, a bill to authorize appropriations for fiscal years 2004, 2005, 2006, 2007, and 2008 for the Department of Energy Office of Science, to ensure that the United States is the world leader in key scientific fields by restoring a healthy balance of science funding, to ensure maximum use of the national user facilities, and to secure the Nation's supply of scientists for the 21st century, and for other purposes.

S. 926

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 926, a bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

S. 937

At the request of Mr. VOINOVICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 937, a bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 971

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 971, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 979

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 979, a bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 988

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 988, a bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1060

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1060, a bill to designate the visitors' center at Organ Piper Cactus National Monument, Arizona, as the "Kris Eggle Visitors' Center."

S. 1076

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1108

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1108, a bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1121

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1121, a bill to extend certain trade benefits to countries of the greater Middle East.

S. 1127

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1127, a bill to establish administrative law judges involved in the appeals process provided for under the medicare program under title XVIII of the



Social Security Act within the Department of Health and Human Services, to ensure the independence of, and preserve the role of, such administrative law judges, and for other purposes.

S. 1182

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1182, a bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

S. 1182

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1182, *supra*.

S. 1182

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. BIDEN), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1182, *supra*.

S. 1185

At the request of Mr. THOMAS, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1185, a bill to amend title XVIII of the Social Security Act and the Public Health Service Act to improve outpatient health care for medicare beneficiaries who reside in rural areas, and for other purposes.

S. CON. RES. 48

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution supporting the goals and ideals of "National Epilepsy Awareness Month" and urging funding for epilepsy research and service programs.

S. RES. 159

At the request of Mr. PRYOR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 159, a resolution expressing the sense of the Senate that the June 2, 2003, ruling of the Federal Communications Commission weakening the Nation's media ownership rules is not in the public interest and should be rescinded.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 1206. A bill to amend title XVIII of the Social Security Act to provide for special treatment for certain drugs and biologicals under the prospective payment system for hospital outpatient department services under the medi-

care program; to the Committee on Finance.

Mr. BOND. Mr. President, today I rise to introduce a bill that will ensure that cancer patients continue to have access to the treatment and care they desperately need in their communities.

In Missouri alone, the number of new cancer patients is estimated to reach almost 30,000 this year. For the Nation, we're talking well over 1.3 million. And the numbers continue to climb every year. These numbers are in addition to patients currently living with cancer. Many of them are surviving—and thriving—because of new tests, new treatments, and care they receive in community cancer centers across the country.

Many of these patients will turn to hospitals in their communities for life-saving treatment. Hospital outpatient departments are a critical part of the cancer care delivery system that provide a significant portion of the cancer care across the country.

However, this vital care is in jeopardy because this year, the Centers for Medicare and Medicaid Services, CMS, has implemented drastic reductions in reimbursements for cancer services, including chemotherapy. These cuts are forcing cancer centers across the country to reconsider how they are providing care or accept reimbursement that fails to cover their costs.

I was recently contacted by Wes Thompson, Director of Radiology at Ray County Memorial Hospital in Richmond, MO. For those of you unfamiliar with Missouri, Richmond is a small town with a population of about 6,100 approximately 50 miles east of Kansas City. Ray County Memorial Hospital is the sole referral center for chemotherapy treatment for the rural residents outside of Kansas City.

In 1999, Wes' wife died of cancer at the age of 26. She happened to be a patient of the pharmacist, Robert Courtney, who has been convicted of diluting thousands of chemotherapy treatments for profit over the last several years. Wes will be receiving a monetary settlement from the legal proceeding involving Robert Courtney and he would like to donate it to the Ray County's oncology program in his wife's name. Unfortunately, cuts in reimbursements by Medicare for chemotherapy treatment will force Ray County Memorial Hospital to discontinue outpatient cancer treatment on January 1, 2004. And, that is devastating news to the community.

This is a department that treats over 250 patients a year across three counties. 60-70 percent of their patients are Medicare beneficiaries and about 40 percent of their patients are indigent. Many of these cancer patients would receive no care at all if Ray County Memorial closed the doors of the cancer program. And yet, that's exactly what they are considering. Their cancer program can't stay afloat when every chemotherapy treatment they give is reimbursed by Medicare at less

than their costs. There are a lot of expensive drugs involved in the treatment of cancer. The heavy dependence on drugs has a lot to do with why the cuts are devastating to cancer care in particular.

At Ray County Memorial, the first round of cuts last year meant that hospital overall took a loss of over \$150,000. This year's cuts will result in the loss of approximately \$200,000-\$300,000 for oncology services alone.

As of January 1 of next year 250 patients in rural Missouri will be forced to drive to Kansas City to receive cancer treatment. Oncologists at Ray County Memorial Hospital estimate that 40 percent of the patients they treat will be unable to make the trip to Kansas City area facilities to receive their treatment—either because they lack the transportation or the help to get there and back, or they are too sick or too weak to endure that trip. As a result of this cancer center closing, 80-100 people will die from cancer with no treatment and no hope. Of course Ray Memorial Hospital will continue to give these people loving care and try to make them as comfortable as possible, but they will be unable to treat their cancer anymore.

This is not a problem unique to Ray County Memorial Hospital. Due to cuts in Medicare reimbursement for cancer treatments hospitals across Missouri and across the county that provide outpatient cancer care—large or small, rural or urban—are struggling to continue to provide this care. These cancer centers work every day to ensure that the thousands of Americans diagnosed with cancer are receiving the best care possible.

I also have the privilege of representing Truman Medical Center, distinguished in its own way—for providing free care to so many. While Truman Medical Center sees only about 300-350 newly diagnosed cancer patients each year, about 70-75 percent of them are indigent. For these patients, they provide some 1,500-2,000 treatments of chemotherapy each year . . . and starting in January of this year, Medicare is reimbursing for many of these at levels dramatically below Truman's costs. And there are so many others.

In rural areas, where it is often hard to recruit physicians, it is the community cancer centers that provide all the chemotherapy and other services that help ensure that cancer patients don't have to travel long distances for the care they need. This is particularly important in cancer treatment, where life saving treatments often result in difficult side effects in the short term.

These cancer centers are also often the early adopters of some of the newest and most complicated drug regimens that cancer patients need today. And not only are they a "safety net" for rural patients, they are often the safety net for Medicaid and uninsured patients.

And yet, these are the very institutions that have been suffering under

what is essentially an experiment underway by the Centers for Medicare and Medicaid Services, CMS. I know that this isn't anyone's favorite agency, but I expect more under a Republican Administration.

For a number of years now, CMS has been trying to bring a new payment system to these hospitals. Each year this experiment brings a new set of rules and payments—for the hospitals to sort through and try to implement.

But this isn't just an administrative burden that takes our caregivers away from their payments. In the last two years, this payment system has resulted in significant payment reductions for a setting of care that can now barely meet its costs.

My own Missouri institutions tell me they're considering closing their indigent care programs or worse, closing their doors altogether.

My office is hearing stories from around the country, about hospital administration arming their doctors with lists of the most expensive drugs and what CMS is now reimbursing them. Why do this if you aren't trying to influence a doctor's decision about what to prescribe? Pharmacists are under pressure to review dosing regimens to see where they can cut corners. Some drugs are just not being given in these community centers. Others that used to be given free of charge until their Medicare codes were assigned now aren't given at all.

In some cases, hospitals are sending patients to the nearest physician's office, where inexplicably, Medicare is paying more for the same drugs. But sometimes these offices aren't nearby. Other times, hospitals are getting patients returned to them with complications that have arisen—and now have to be admitted for overnight stays and close monitoring.

How scary for a cancer patient? Sometimes with only months to live, to be told that it could take nine months before the next breakthrough drug can be given because it's just too expensive. To be told that the hospital where you've gotten to know your doctors and nurses after weeks of chemotherapy is now closing its doors. To be told that you now have to drive miles for care, away from friends and family who have helped care for you when you return feeling nauseous and weak from treatments.

These stories are accumulating—all because of a failed CMS experiment. So should we terminate the experiment and start over with a payment system that actually reflects that cost of providing this care? Yes, of course.

But that would take time—and while the time honored tradition here in Washington of debate and compromise for long term reform is a worthy one—these community cancer centers around the country continue to rack up the stories of compromised care and reduced access for patients, and time is one luxury many cancer patients simply do not have.

And this brings me to my legislation, which is measured, timely, and focused on the most immediate of needs. And, written so as to recognize the budgetary constraints facing us.

This legislation would set a payment floor for some of the most costly drugs given in the outpatient community centers today. This bill isn't limited to cancer drugs. But cancer is one of those diseases that relies so heavily on new drugs for treatment that tend to be costly drugs, so the impact of this experiment has been felt here more. The bill provides this relief immediately—so that in January 2004, these hospitals can start receiving increased payments that at least cover more of their costs.

This payment floor, by the way, was set not on the basis of these centers' true costs. Instead, recognizing the little time they have and the immediacy of their need, they have settled for payment rates advocated by various members of Congress over the last year—as it began to be clear how devastating an impact this experiment could have.

This bill, for example, wouldn't help them cover the costs of the pharmacy services they provide, so critical to ensuring safe and effective care in the hospitals. Again, these costs are especially significant for cancer patients, where mixing highly toxic chemotherapeutic agents using special equipment and wearing protective gear, reviewing protocols and checking for patient risks and side effects are all more intensive efforts. It recognizes these services by asking for a study of these costs, so that they may be recognized in longer term solutions that we develop over the next year or so.

The legislation I introduce today will provide hospitals like Ray County Memorial Hospital and Truman Medical Center, and so many around Missouri and across the country the immediate relief they need to be able to treat their patients.

I look forward to working with my Finance Committee colleagues to ensure that the provisions of this legislation and the immediate relief that it provides are incorporated in anything we do on Medicare.

We have learned our lessons the hard way in home health. This crisis in community cancer centers promises to reach similar proportions if we don't act now.

By Mr. TALENT:

S. 1207. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building"; to the Committee on Governmental Affairs.

Mr. TALENT. Mr. President, 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. 1207

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

#### SECTION 1. WALT DISNEY POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, and known as the Marceline Main Office, shall be known and designated as the "Walt Disney Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Walt Disney Post Office Building.

By Ms. COLLINS (for herself and Mr. REED):

S. 1208. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of their forest lands because we understand and appreciate its tremendous value to our economy and to our way of life.

From the vast tracts of undeveloped land in the north, to the small woodlots in the south, forest land has helped to shape the character and the heritage of my State.

While our commitment to stewardship has preserved the forests for generations, there is a new and troubling threat to Maine's forest lands that requires a fresh approach. This threat is suburban sprawl. It has already consumed tens of thousands of acres of forest land in the southern part of my State. Sprawl occurs because the economic value of forests or crop land cannot compete with the value of developed land.

This problem is particularly acute in southern Maine where there has been more than a 100-percent increase in urbanized sprawl over the past two decades. This has resulted in the labeling of the greater Portland area as the "sprawl capital of the Northeast."

I am alarmed by the amount of working forest land and open space in southern and coastal Maine that has given way to strip malls and cul-de-sacs. Our State is working to respond to this challenge because once that land is paved over, it is gone forever. Those forest lands and those small woodlots are lost forever once that land is developed.

The people of Maine in response to this concern have approved a \$50 million bond issue to preserve land through the Land for Maine's Future Board. They have also worked hard supporting local efforts to preserve open space. And they have contributed their time, their energy, and their money to the work done by our State's 88 land trusts.

The people of my State are dedicated to preserving our working forests and protecting our communities from sprawl. It is now time for the Federal

Government to lend a helping hand in support of those efforts.

Today, I am introducing the Suburban Community Forestry and Open Space Act. This legislation, which was drafted with the advice of landowners, conservation groups, and the Maine State Forester, establishes a \$50 million grant program within the U.S. Forest Service to support locally driven projects that will preserve our working forests. Local governments and nonprofit organizations would compete for funds to purchase land outright or to buy conservation easements to keep the forest land threatened by development in their traditional use.

Projects funded under this legislation must be targeted at lands located in parts of the country that are threatened by sprawl. The legislation requires that Federal funds be matched dollar for dollar by State, local, or private resources so that it is a true partnership to preserve this open space and working forests.

This grant program would help to promote sustainable forestry as well as public access to our forest lands. My legislation protects the rights of property owners with the inclusion of a "willing seller" provision, which requires the consent of a landowner if a parcel of land is eligible to participate in the program.

The grant program would also allow nonprofits and municipalities, but not the Federal Government, to hold title to the land or the easements purchased under this program. The \$50 million is a modest amount but it would help to achieve a number of stewardship objectives.

First, my legislation would help prevent forest fragmentation and preserve our working forests, helping to maintain the supply of timber that fuels Maine most significant industry.

Second, the resources made available by my legislation would be a valuable tool for communities that are struggling to manage growth and prevent sprawl. Currently, if a community trying to cope with the effects of sprawl turns to the Federal Government for help, they would find that no assistance is available.

The Forest Legacy Program, which has been critical in preserving undeveloped forest land in my State and many others, is really not suitable for the kinds of projects my bill envisions. My bill would change that by making the Federal Government an active partner in preserving forest lands and managing sprawl, while leaving the decisionmaking at the State and local level where it belongs.

Last year, this legislation was included in the forestry title of the Senate-approved version of the farm bill which passed this Senate by a vote of 58-40. Unfortunately, the forestry title was stripped out of the farm bill conference report, despite bipartisan support for provisions such as my legislation.

There is a great deal that needs to be done to protect our working forests for the next generation. I believe the legislation I am reintroducing today will help advance that goal. I am grateful for the support of many of the people and organizations that are leading the effort to support this legislation. By enacting the Suburban and Community Forestry and Open Space Act, Congress can provide a real boost to local conservation initiatives, help prevent sprawl, and help sustain the vitality of natural resource-based industries.

Mr. President, I would like to submit for the Record several letters of support for my legislation. They are from the National Association of State Foresters, the New England Forestry Foundation, The Trust for Public Land, and the Pacific Forest Trust. I ask unanimous consent that those letters of support be printed in the RECORD.

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

NATIONAL ASSOCIATION  
OF STATE FORESTERS,  
Washington, DC, June 5, 2003.

Hon. SUSAN M. COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association of State Foresters, I would like to thank you for your efforts to reduce the impacts of urban and suburban sprawl on private and tribal forestlands in the U.S. Your bill to protect Suburban and Community Forestry and Open Space demonstrates your commitment to minimizing conversion of suburban forestlands to non-forest uses. Maintaining working forests in suburban environments is consistent with the goals of NASF, and we appreciate your efforts to develop a program that can be implemented by the States.

As the USDA Forest Service's Southern Forest Resource Assessment clearly demonstrates, one of the major threats to forestland is urban sprawl. The provisions in Section 1 of your bill will enable private landowners to keep their land in trees and sustain the public benefits that their forests provide. Your bill provides another tool to address this critical concern.

Thank you for your commitment to sustainable forest management and to reducing suburban sprawl. We look forward to continuing our work with you on the details of the entire bill.

Sincerely,

JAMES L. SLEDGE, Jr.,  
President.

NEW ENGLAND  
FORESTRY FOUNDATION,  
June 3, 2003.

Senator SUSAN M. COLLINS,  
Russell Senate Office Building, Washington,  
DC.

DEAR SENATOR COLLINS: The New England Forestry Foundation applauds Senator Collins' leadership and initiative in sponsoring the Suburban and Community Forestry and Open Space Program, designed to help towns and communities across America's suburban landscape combat sprawl, and preserve open space. This legislative package is exactly what is needed to provide an incentive for local governments and land trusts across the country to unite and partner to address an issue of national importance.

Congratulations!  
Sincerely,

AMOS ENO,  
Executive Director.

THE TRUST FOR PUBLIC LAND,  
Boston, MA, June 4, 2003.

Hon. SUSAN M. COLLINS,  
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Trust for Public Land, I am pleased to express our support for the Suburban and Community Forestry and Open Space Act. This legislation will provide a much-needed focus on working forests that provide important resources in and around Maine's towns and cities that are facing significant development pressures. We applaud your foresight in addressing this issue.

As the Trust for Public Land pursues its mission of protecting land for people in Maine, we are acutely aware of the difficult choices many landowners face as land values rise and development pressures intensify. The forest lands that lie in the path of development are incredibly important to local residents for a variety of resources, including recreation, wildlife habitat, water quality and open space. The Suburban and Community Forestry and Open Space Act will allow these critical lands to remain intact as community assets by focusing federal assistance to landowners in areas affected by suburban sprawl. This is a much-needed addition to the resource conservation efforts that states, localities and non-governmental partners are already undertaking and will provide the extra funding leverage needed to successfully meet the challenges of the future.

Our work with willing sellers across the state leads us to believe that your legislation will provide new resource protection opportunities for many Maine communities that will leave them in good shape for future generations. Maine's forest resources are absolutely critical to ensuring a decent quality of life for residents and visitors alike, and proposals like yours will ensure that we address the conservation of those resources wisely.

Thank you for your leadership on this and many other issues affecting Maine. We look forward to working with you on this legislation and for the long-term protection of Maine's outstanding natural resources.

Sincerely,

WHITNEY HATCH,  
Regional Director.

JUNE 3, 2003.

Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: The Pacific Forest Trust (PFT) strongly supports your proposed legislation, which will encourage and facilitate the preservation of our nation's privately owned forestlands. Your amendment to the Forest Legacy Program will increase the flexibility of states in the administration of the Program, which will, in turn, lead to greater preservation of private forestland.

For over ten years, PFT, a non-profit organization, has worked to preserve, restore and enhance the privately owned productive forestlands in the United States. We currently hold roughly 35,000 acres under easement and have been instrumental in ensuring the preservation of private land valued at over \$115,000,000. We have provided oral and written testimony to Congress regarding proposed policies to protect and enhance our private forestlands and have written extensively on this issue.

The legislation is critical to the preservation of private forestlands throughout the

United States. Between 1982 and 1997, the United States lost over 20 million acres of private forestlands to other uses. States as diverse as California and Georgia have lost over 60,000 acres annually to development alone. Similar statistics are reflected among privately owned forestland in other areas of the United States, especially in the most productive timber areas.

The amendment to the Forest Legacy Program will provide states with the option to permit qualified non-profit organizations, such as land trusts, to hold easements that are purchased, in part or in whole, with Forest Legacy funds. Currently, land trusts may only hold easements through Forest Legacy if such easements are donated. Thus, this amendment will give states the opportunity and flexibility to expand their pool of landowners participating in the Program and as a result, protect more private forestlands.

While many landowners acknowledge the need to preserve their forestlands, they are not comfortable having a governmental agency own a partial interest in their property, which is the current requirement of the Program where the easements are purchased. This amendment enables landowners to work with a private, voluntary qualified land trust organization at the option of the state. At the same time, states retain full decision-making control over the selection of Forest Legacy projects.

Furthermore, this legislation will provide essential flexibility for states to work with partner organizations that can often leverage additional funding into Forest Legacy projects. It will open the door so that many more landowners can participate in the Program nationwide and therefore, will expand the opportunity to reverse the trend of forestland loss.

Thank you for your continued leadership in private forestland conservation. This is necessary and timely legislation.

Sincerely,

LAURIE A. WAYBURN,  
*President, The Pacific Forest Trust.*

By Mr. BENNETT:

S. 1209. A bill to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, today I am introducing a bill which will bring to a close the Federal acquisition of an important piece of privately held land, located within the federally designated desert tortoise reserve in Washington County, UT.

As some of my colleagues are aware, this is not the first time legislation has been introduced in an attempt to resolve this issue. In July of 2000, I introduced S. 2873, which was referred to and reported favorably by the Senate committee on Energy and Natural Resources. In addition, similar legislation was twice approved by the other body, both in the 106th and 107th Congresses. Nevertheless, we have been unable to bring this issue to resolution in the full Senate. For nearly a decade, the private property addressed by this bill has been under Federal control during which time the Federal Government has been enjoying the benefits of the private property without compensating the landowner. It is my hope that the time has come to finally resolve this issue.

In March of 1991, the desert tortoise was listed as an endangered species under the Endangered Species Act. Government and environmental researchers determined that the land immediately north of St. George, UT, was prime desert tortoise habitat. Consequently, in February 1996, nearly five years after the listing, the United States Fish and Wildlife Service, USFWS, issued Washington County a section 10 permit under the Endangered Species Act which paved the way for the adoption of a habitat conservation plan, HCP, and an implementation agreement. Under the plan and agreement, the Bureau of Land Management, BLM, committed to acquire all private lands in the designated habitat area for the formation of the Red Cliffs Reserve for the protection of the desert tortoise.

One of the private land owners within the reserve is Environmental Land Technology, Limited, ELT, which had begun acquiring lands from the State of Utah in 1981 for purposes of residential and recreational development several years prior to the listing of the species. Moreover, in the years preceding the listing of the desert tortoise and the adoption of the habitat conservation plan, ELT completed appraisals, cost estimates, engineering studies, site plans, surveys, utility layouts, and right-of-way negotiations. They staked out golf courses, and obtained water rights for the development of this land. Prior to the adoption of the HCP, it was not clear which lands the Federal and local governments would set aside for the desert tortoise, although it was assumed that there were sufficient surrounding Federal lands to provide adequate habitat. However, when the HCP was adopted in 1996, the decision was made to include ELT's lands within the boundaries of the reserve primarily because of the high concentrations of tortoises. The tortoises on ELT land also appeared to be one of, if not the only population without an upper respiratory disease that afflicted all of the other populations. As a consequence of the inclusion of the ELT lands, the development efforts were halted.

With assurances from the Federal Government that the acquisition of the ELT development lands was a high priority, the owner negotiated with, and entered into, an assembled land exchange agreement with the BLM in anticipation of intrastate land exchanges. The private land owner then began a costly process of identifying comparable federal lands within the state that would be suitable for an exchange for his lands in Washington County. Over the last seven years, BLM and the private land owners, including ELT, have completed several exchanges, and the Federal Government has acquired, through those exchanges or direct purchases, nearly all of the private property located within the reserve, except for approximately 1,516 acres of the ELT development land. However, with

the creation of the Grand Staircase-Escalante National Monument in September 1996, and the subsequent land exchanges between the state of Utah and the Federal Government to consolidate federal lands within that monument, there are no longer sufficient comparable federal lands within Utah to complete the originally contemplated intrastate exchanges for the remainder of the ELT land.

Faced with this problem, and in light of the high priority the Department of the Interior has placed on acquiring these lands, BLM officials recommended that the ELT lands be acquired by direct purchase. During the FY 2000 budget process, BLM proposed that \$30 million be set aside to begin acquiring the remaining lands in Washington County. Unfortunately, because this project involves endangered species habitat and the USFWS is responsible for administering activities under the Endangered Species Act, the Office of Management and Budget shifted the \$30 million from the BLM budget request to the USFWS's Cooperative Endangered Species Conservation Fund budget request. Ultimately, however, none of those funds were made available for BLM acquisitions within the Federal section of the reserve. Instead, the funds in that account were made available on a matching basis for the use of individual states to acquire wildlife habitat. The result of this bureaucratic fumbling has resulted in extreme financial hardship for ELT.

The lands within the Red Cliffs Reserve are ELT's main asset. The establishment of the Washington County HCP has effectively taken this property and prevented ELT from developing or otherwise disposing of the property. ELT has been brought to the brink of financial ruin as it has exhausted its resources in an effort to hold the property while awaiting the compensation to which it is entitled. ELT has had to sell its remaining assets, and the private land owner has also had to sell assets, including his home, to simply hold the property. This has become a financial crisis for the landowner. It is simply wrong for the Federal Government to expect the landowner to continue to bear the cost of the government's efforts to provide habitat for an endangered species. That is the responsibility of the Federal Government. Moreover, while the landowner is bearing these costs, he continues to pay taxes on the property. This situation is made more egregious by the failure of the Department of the Interior to request any acquisition funding for FY 2004, even though this acquisition has been designated a high priority by the agency. Over the past several years, ELT has pursued all possible avenues to complete the acquisition of these lands. The private land owner has spent millions of dollars pursuing both intrastate and interstate land exchanges and has worked cooperatively with the Department of the Interior. Unfortunately, all of these efforts have thus far been fruitless.

The bill that I am introducing today will finally bring this acquisition to a close. In my view, a legislative taking should be an action of last resort. But, if ever a case warranted legislative condemnation, this is it. This bill will transfer all right, title, and interest in the ELT development property within the Red Cliffs Reserve, including an additional 34 acres of landlocked real property owned by ELT adjacent to the land within the reserve, to the federal government. It provides an initial payment to ELT to pay off existing debts accrued in holding the property, and provides 90 days during which ELT and the Department of the Interior can attempt to reach a negotiated settlement on the remaining value of the property. I am aware that one of the difficulties in solving this issue is the high value of the lands to be acquired. Due to the absence of comparable lands within the state for exchange, the legislation also authorizes an interstate land exchange as a means of acquiring the property. In the absence of a negotiated amount, the Secretary of the Interior will be required to bring an action in the Federal District Court for the District of Utah to determine a value for the land. Payment for the land, whether negotiated or determined by the court, will be made from the permanent judgment appropriation or any other appropriate account, or, at the option of the land owner, the Secretary of the Interior will credit a surplus property account, established and maintained by the General Services Administration, which the land owner can then use to bid on surplus government property.

Unfortunately, when this bill has been introduced in the past, there has been occasional misunderstanding regarding the inclusion of the bill's reference to section 309(f) of Public Law 104-333, which requires all Federal appraisals and acquisitions of land within Washington County to be conducted "without regard" to the presence of an endangered species. This references does not create a new appraisal standard but rather restates the existing standard for all Federal land acquisition in Washington County, UT. Since its enactment, and without exception, the Department of the Interior has applied this standard to all its acquisitions in the county. This language was originally adopted to allay concerns that local landowners would not receive fair compensation for their property which was being acquired for government purposes. Some have supposed the inclusion of this language would constitute preferential treatment. To the contrary, the absence of this language would unfairly treat this landowner differently than every other landowner in the reserve whose land has thus far been acquired by the Federal Government. Moreover, its omission at this point would likely lead the Justice Department to argue that Congress did not intend for this statutory standard to apply.

The bill includes language to allow, as part of the legislative taking, for

the landowner to recover reasonable costs, interest, and damages. It is important to understand that while Federal acquisitions should be completed on the basis of fair market value, when the Federal Government makes the commitment to acquire private land, the landowner should not have to be driven into financial ruin while waiting upon the federal government to discharge its obligation. While the Federal Government has never disputed its obligation to acquire the property, it has had the benefit of the private land for all these years without having to pay for it. The private landowner should not have to bear the costs of this Federal foot-dragging.

This legislation is consistent with the high priority the Department of the Interior has repeatedly placed on this land acquisition, and is a necessary final step towards an equitable resolution. The time for pursuing other options has long since expired and it is unfortunate that it requires legislation action. Without commenting on the Endangered Species Act itself, it would seem that if it is the government's objective to provide habitat for the benefit of an endangered species, then the government ought to bear the costs, rather than forcing them upon the landowner. It is also time to address this issue so that the Federal agencies may be single minded in their efforts to recover the desert tortoise which remains the aim of the creation of the reserve. It is time to right this wrong and get on with the efforts to recover the species and I encourage my colleagues to support the timely enactment of this important legislation.

By Mr. JEFFORDS (for himself and Mr. VOINOVICH):

S. 1210. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Madam President, I rise today to introduce the "Marine Turtle Conservation Act of 2003".

Marine turtles were once abundant, but now they are in serious trouble. Six of the seven recognized species are listed as threatened or endangered under the Endangered Species Act, and all seven species have been included in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna, CITES. Because marine turtles are long-lived, late-maturing, and highly migratory, they are particularly vulnerable to the impacts of human exploitation and habitat loss. In addition, for some species, illegal trade seriously threatens wild populations. Because of the immense challenges facing marine turtles, the resources available to date have not been sufficient to cope with the continued loss of nesting habitat due to human activities and the resulting diminution of marine turtle populations.

The Marine Turtle Conservation Act of 2003 is modeled after the successful

Asian Elephant Conservation Act, the African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act. These acts have established programs within the Department of the Interior to assist in the conservation and preservation of these species around the world. More than 300 projects have been funded and generated millions of dollars in private matching funds from sponsors representing a diverse group of conservation organizations. The projects range from purchasing anti-poaching equipment for wildlife rangers to implementing elephant conservation plans to aerial monitoring of the Northern white rhinoceros.

The Marine Turtle Conservation Act of 2003 will assist in the recovery and protection of marine turtles by supporting and providing financial resources for projects to conserve nesting habitats of marine turtles in foreign countries and marine turtles while they are found in such habitats, to prevent illegal trade in marine turtle parts and products, and to address other threats to the survival of marine turtles. The bill authorizes \$5 million annually to implement the program.

This legislation will help to preserve this ancient and distinctive part of the world's biological diversity.

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. 1210

*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 "Marine Turtle Conservation Act of 2003".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp's ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

(8) changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and

(9) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of marine turtles will require the joint commitment and effort of—

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) PURPOSE.—The purpose of this Act is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

### SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) CONSERVATION.—The term “conservation” means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign countries to—

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitat; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles over habitat used by marine turtles for nesting;

(G) community outreach and education; and

(H) strengthening of the ability of local communities to implement nesting population and nesting habitat conservation programs.

(3) FUND.—The term “Fund” means the Marine Turtle Conservation Fund established by section 5.

(4) MARINE TURTLE.—

(A) IN GENERAL.—The term “marine turtle” means any member of the family Cheloniidae or Dermochelyidae.

(B) INCLUSIONS.—The term “marine turtle” includes—

(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

(ii) a carcass of such a turtle.

(5) MULTINATIONAL SPECIES CONSERVATION FUND.—The term “Multinational Species Conservation Fund” means the fund established under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles.

(2) REQUIRED ELEMENTS.—A project proposal shall include—

(A) a statement of the purposes of the project;

(B) the name of the individual with overall responsibility for the project;

(C) a description of the qualifications of the individuals that will conduct the project;

(D) a description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other Federal officials, as appropriate; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and

(C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practicable, in determining

whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary may require) that include all information that the Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

### SEC. 5. MARINE TURTLE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the “Marine Turtle Conservation Fund”, consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

**SEC. 6. ADVISORY GROUP.**

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The Advisory Group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2005 through 2009.

By Mr. DOMENICI:

S. 1211. A bill to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Madam President, in the United States, especially when you live in the eastern United States, you take water and the availability of water for granted. Probably the only thing that is ever thought about is: Do we have a big enough reservoir? Or are those aqueducts getting too old that feed New York and northeastern America?

But I am here to suggest there are parts of these great United States where there is a huge shortage of the kind of water we need day by day for our daily activities: to drink, to use for our families, and for the everyday use of our people.

First, I show you a little chart with blue and white areas on it. All of the blue areas on this chart of the United States, believe it or not, are areas in these United States where saline—that is, salty—aquifers exist; that is, salty water either in large ponds or underground in large pools.

So while we are running out of water, at the same time we have been blessed in that we have plenty of water available if we do something about it. And I propose that we do something about it. I have a bill that I hope will do something about it.

This second chart shows what would be a proposed Tularosa Basin desalination facility. I show it because this is not a new concept. As a matter of fact, this Tularosa Basin is a huge underground water basin in New Mexico. Much of it is very salty, large quantities are not so salty, and then large quantities are of minor salt content.

The legislation I am introducing is to try to make a leap of technology for it directs the Secretary of the Interior to undertake at this program, for lack of a better way to do it, what we call a demonstration program, but it would be one that would be easily adopted anywhere. We ask that it have a capability of 100,000 gallons so that the research would not be carried out at an academic level but really usable.

The Secretary is supposed to work with the greatest laboratories in the Nation that have access in this regard to develop new desalination technology and a plan. The facility should be completed within 3 years. The water from this facility will be disposed of to communities in and around this basin and in and around the county of Otero. We authorize the money necessary for it. I have a detailed statement indicating why we are doing this along with the bill and an extra bill which goes to the desk, one for reference and one for retention.

I am quite confident that a new method of desalination beyond that one that we all hear about is going to be forthcoming. I believe one of the laboratories—probably Sandia National Laboratory in Albuquerque, but not certain, but probably—will make the breakthrough so that we will not be using the old system that we might have been trying for as long now as the occupant of the chair is of age. I even remember that system being used when I first came to the Senate. We were experimenting with it in the city of Roswell under a Government program, and we stopped the program because it was too farfetched.

We have come a long way. Just as we have serious problems cleaning water of other pollutants, and we have old-fashioned ways of doing it, very modern technology is being applied. As an example, we all know there is a big problem in some parts of America where arsenic which is found in the normal topography, normal ground of the surrounding area and has been consumed by whoever lived there for years with no harm—we are going to have to remove it now to some very minuscule content per thousand gallons. In order to do that the old-fashioned way, the costs are enormous. But believe it or not, because of science, we might be able to do that job—albeit some of it should not have to be done at all—for a tenth of the cost.

We are hopeful that same new breed of technology will apply to taking salt out of inland water or ocean water.

Mr. President, as I say, I rise today to introduce a bill that has the potential to supply vast quantities of water

to a thirsty New Mexico and a number of Western States. New Mexico and the West face a critical lack of water, but through the program contained in my bill, the faucets could be ready to flow.

Most Western States already have large quantities of water. However, the water contains such high levels of salt that it is simply unusable. My bill proposes to turn untapped resource into potable water that cities, towns, farmers, industry, and nature can use to meet their needs. This bill provides the opportunity for use to utilize brand new technology that may save the West.

This piece of legislation directs the Secretary of the Interior to undertake a desalination demonstration program in the Tularosa Basin located in southern New Mexico. Additionally, it requires collaboration between the Bureau of Reclamation, an established leader in desalination research and development, and the Department of Energy. Our national laboratories are at the forefront of science in many areas including water technology. The collaboration between these two departments would bring together the best minds and the most experienced technicians. This bill would further task the Bureau of Reclamation and the Department of Energy with evaluating current technology, advising on how to proceed with additional research, developing a research plan and confirming project and operation costs in a real-world application. Finally, the bill authorizes the building of a facility where advances in technology could be tested.

The bill authorizes appropriations of \$1.5 million for development of a desalination technology plan which will utilize the experiences of present facilities and programs to build the facility and guide its research. It further authorizes \$30 million to construct the desalination facility, \$6 million for each of fiscal years 2004 through 2010 for research programs at Sandia National Lab associated with the facility, and \$10 million for each of the fiscal years 2004 through 2010 for research and development of desalination technologies.

Only 3 percent of the world's water is fresh and much of that is stored in the ice that caps the Earth's poles. We must develop the technology to economically utilize the rest of that water. Today, most of the world's desalination plants are applied to sea water. As I stated before, much of the west and, indeed, the Nation, sits on saline aquifers. The facility I propose will develop and test the technologies to best access and utilize this inland water.

Currently, Sandia National Lab and the Department of the Interior are looking for optimum sites to locate the facility and are developing a feasibility study for the program. The sites are all in or around the city of Alamogordo, NM. The designers envision a 13,000 square foot facility that can process up

to 100,000 gallons of water per day. It will draw researchers from around the country and play an essential role in alleviating the pressures on our water resources.

Mr. President, let me also say that I have a broader vision for what can be accomplished with desalination. This is only the first step. This is a serious issue, not only for New Mexico, but the world. More than half the world's population will face severe water shortages in the next 50 years. We must get started on this problem.

I have no doubt that this legislation will help to push forward the state of the art to ensure that we have access to the most precious of resources. Let's take the first step.

Mr. President, I ask unanimous consent that a copy 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. 1211

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

SEC. 1. (a) TULAROSA BASIN FACILITY.—In furtherance of the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4600, 4663; 43 U.S.C. 390h), the Secretary of the Interior ("Secretary") shall construct, manage, and maintain a test and evaluation facility ("facility") at the Tularosa Basin, located in Otero County in the State of New Mexico capable of processing at least 100,000 gallons of water per day.

(b) OBJECTIVES OF FACILITY.—The facility shall be used to carry out research on, and to test, demonstrate, and evaluate new desalination technologies to produce potable water from saline or other unsuitable water, including analysis of effects on energy consumption, byproduct disposal, and operations and maintenance costs to determine the most technologically-efficient and cost-effective means to produce potable water from saline or other unsuitable water using desalination technologies.

(c) TECHNOLOGY PLAN DEVELOPMENT.—The Secretary shall contract with Sandia National Laboratory ("Sandia") to develop a desalination technology plan ("plan") within one year from the date when funds are made available for the purposes of this Act. The plan shall—

(1) be developed in consultation with the Secretary and the Secretary of Energy;

(2) consider the experience of similar facilities and research programs operated by the Federal government and by other research institutions; and

(3) include recommendations for the siting and configuration of the facility and the research and development program to be undertaken at the facility.

(d) REVIEW OF PLAN.—The Secretary shall review the plan and may modify or change any recommendation after consultation with the Secretary of Energy.

(e) CONSTRUCTION OF FACILITY.—Within three years from the date of completion of the plan, the Secretary shall construct the facility in accordance with the recommendations contained in the plan, including any modifications or changes. The Secretary may contract with other Federal agencies, State agencies, educational institutions, and private entities for construction of the facility.

(f) MEMORANDUM OF AGREEMENT FOR OPERATION.—The Secretary and the Secretary of

Energy shall enter into a Memorandum of Agreement for the operation of the facility and the conduct of research under this Act. Research may be conducted at the facility and may also be carried out at any laboratory facility determined to be suitable by Sandia. The Secretary and the Secretary of Energy shall establish a technical advisory panel drawn from Federal or State agencies, academic institutions, and private or public entities to provide program guidance and technical assistance in the operation of the facility and conduct of research.

(g) PROVISION OF WATER.—The Secretary shall dispose of all water produced by the facility under contract with one or more communities located in Otero County, New Mexico where the water would be supplementary to water provided by public water systems or wells in the communities and only after Sandia notifies the Secretary that the water is of a consistent, reliable quality. The water shall be provided at no cost to the local community except for the costs of conveyance and delivery.

SEC. 2. RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary and the Secretary of Energy may undertake research and development of desalination technologies in addition to the program carried out at the facility directly or by contract, interagency agreement, cooperative agreement, or grant. Any agreement or grant may be made only on the basis of a competitive, merit-reviewed process. The Secretary and the Secretary of Energy may carry out the program at a location outside the United States after consultation with and approval by the Secretary of State.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.—Appropriations may be made to the Secretary and to the Secretary of Energy. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed—

(1) \$1,500,000 for development of the plan under section 1(c);

(2) \$30,000,000 (January 2003 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved for the construction of the facility;

(3) \$6,000,000 for each of fiscal years 2004 through 2010 for transfer to Sandia to carry out research programs associated with the facility; and

(4) \$10,000,000 for each of fiscal years 2004 through 2010 for research and development activities under section 2 of which not more than \$1,500,000 in any fiscal year may be for research undertaken directly by the Secretary and not more than \$1,000,000 in any fiscal year may be for grants to institutions of higher education (including United States-Mexico binational research foundations and interuniversity research programs established by the 2 countries).

By Mrs. CLINTON (for herself,  
Mr. SPECTER, and Mr. JOHNSON):

S. 1212. A bill to identify certain sites as key resources for protection by the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, and for other purposes; to the Select Committee on Intelligence.

Mrs. CLINTON. Mr. President, I also Unanimous Consent that the text of the bill, to identify certain sites as key resources for protection by the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, and for

other purposes, be printed in the RECORD.

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

S. 1212

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

**SECTION 1. IDENTIFICATION OF KEY RESOURCES.**

Section 201 of the Homeland Security Act of 2002 (Public Law 107-296) is amended by adding at the end the following:

"(i) DEFINITION.—In this section, the term 'key resources' includes National Park Service sites identified by the Secretary of the Interior as being so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including—

"(1) the Statue of Liberty National Monument in New York Harbor;

"(2) Independence Hall and the Liberty Bell in Philadelphia, Pennsylvania;

"(3) the Gateway Arch in St. Louis, Missouri;

"(4) Mount Rushmore National Memorial in Keystone, South Dakota; and

"(5) memorials and monuments in the District of Columbia."

By Mr. SPECTER (by request):

S. 1213. A bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1213, a proposed bill to improve the benefits for Filipino veterans of World War II and survivors of such veterans and for other purposes. The Secretary of Veterans Affairs has submitted this proposed legislation to the President of the Senate by letter dated May 12, 2003.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and a section-by-section analysis which accomplished it.

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

S. 1213

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

**SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.**

(a) SHORT TITLE.—This Act may be cited as the "Filipino Veterans' Benefits Act of 2003".



(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

**SEC. 2. ELIGIBILITY OF FILIPINO VETERANS FOR HEALTH CARE IN THE UNITED STATES.**

HEALTH CARE.—Section 1734 is amended as follows:

“(a) The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to an individual identified in subsection (b) in the same manner as provided for under section 1710 of this title.

“(b) An individual covered under subsection (a) of this section includes:

- “(1) a Commonwealth Army veteran; and
- “(2) a new Philippine Scout.

“who is residing in the United States and is a citizen of, or an alien lawfully admitted for permanent residence in, the United States.”

**SEC. 3. RATE OF PAYMENT OF BENEFITS FOR CERTAIN FILIPINO VETERANS AND THEIR SURVIVORS RESIDING IN THE UNITED STATES.**

(a) RATE OF PAYMENT.—Section 107 is amended—

(1) in the second sentence of subsection (b), by striking “Payments” and inserting “Except as provided in subsection (c), payments”; and

(2) in subsection (c)—

(A) by inserting “and subchapter II of chapter 13 (except section 1312(a)) of this title” after chapter 11 of this title”;

(B) by striking “in subsection (a) or (b)”; and

(C) by striking “of subsection (a)” and inserting “of the applicable subsection”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning after that date.

**SEC. 4. EXTENSION OF AUTHORITY TO OPERATE REGIONAL OFFICE IN THE PHILIPPINES.**

Subsection (b) of section 315 is amended by striking “2003” and inserting “2008”.

**SEC. 5. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.**

(a) BENEFIT ELIGIBILITY.—Section 107 is amended—

(1) in subsection (b)(2)—

(A) by striking “and” and inserting a comma; and

(B) by inserting “, 23, and 24 (to the extent provided for in section 2402(8))” after “(except section 1312(a))”;

(2) in the second sentence of subsection (b), as amended by section 3 of this Act, by inserting “or (d)” after “subsection (c)”; and

(3) in subsection (d)(1), by inserting “or (b), as otherwise applicable,” after “subsection (a)”; and

(4) in section (d)(2), by inserting “or whose service is described in subsection (b) and who dies after the date of the enactment of the Filipino Veterans Benefits Act of 2003,” after “November 1, 2000.”

(b) NATIONAL CEMETERY INTERMENT.—Section 2402(8) is amended by inserting “or (b)” after “section 107(a)”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to deaths occurring after the date of the enactment of this Act.

THE SECRETARY OF VETERANS AFFAIRS,  
Washington, DC, May 12, 2003.

Hon. RICHARD B. CHENEY,  
President of the Senate,  
Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, “To amend title 38, United

States Code, to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.” We request that it be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would extend health care benefits to certain Filipino veterans residing legally in the United States. It would also eliminate an inequity in statutory payment rates between Filipino veterans and their survivors who legally reside in the United States and other veterans and their survivors living in the United States.

More specifically, section 2 of the draft bill would amend 38 U.S.C. §1734 to require the Secretary, within the limits of Department facilities, to provide hospitals and nursing home care and medical services to Commonwealth Army veterans and to new Philippine Scouts in the same manner as provided under section 1710, if such individuals reside legally in the United States. Currently, both Commonwealth Army veterans and new Philippine Scouts are eligible for treatment of service-connected disabilities within the limit of Department facilities. However, Commonwealth Army veterans are also eligible for treatment of non service-connected disabilities in the same manner as a veteran, if they are in receipt of certain compensation and reside legally in the United States. The proposal would extend to new Philippine Scouts who reside legally in the United States the same eligibility for medical care and services of non service-connected disabilities that currently exists for Commonwealth Army veterans, while eliminating the receipt-of-compensation requirement for these veterans and scouts. It would also apply the facilities-resources limitation to all care furnished under this section. The Department estimates that costs associated with enactment of this proposal would be \$16,228,000 for Fiscal Year 2004. The projected costs would be \$73,678,000 over a five-year period, and \$130,265,000 over a ten-year period. The Department will offset the discretionary costs of this proposal with available de-obligations of prior year Medical Care Collection Fund balances.

Section 3 of the draft bill would, in the case of compensation and dependency and indemnity compensation (“DIC”) paid by reason of service in the new Philippine Scouts, and in the case of DIC paid by reason of service in the organized military forces of the Government of the Commonwealth of the Philippines, including organized guerilla units, remove the current \$0.50 on-the-dollar limitation if the individual to whom the benefits are payable resides in the United States and is either a citizens of the United States or an alien lawfully admitted for permanent residence in the United States. The amendments made by section 3 would take effect on the date of enactment of the Act and apply to benefits paid for months beginning after that date.

Section 107(a) of title 38, United States Code, generally provides that service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, including organized guerilla units, may in some circumstances be a basis for entitlement to disability compensation, DIC, monetary burial benefits, and certain other benefits under title 38, United States Code, but that payment of such benefits will be at the rate of \$0.50 for each collar authorized. Similarly, 38 U.S.C. §107(b) generally provides that service in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, i.e., service in the new Philippine Scouts, may be a basis for entitlement to disability compensation, DIC, and certain other benefits under title 38, United States Code, but that pay-

ment of such benefits will be at the rate of \$0.50 for each dollar authorized.

These limitations on benefit payments to certain Filipino beneficiaries were intended to reflect the differing economic conditions in the Philippines and the United States. These limitations were not made contingent, in any respect, on the place of residence of the beneficiary, although, when the limitations were established, the great majority of affected individuals resided in the Philippines. Through the years, numerous Filipino veterans and their dependents and survivors have immigrated to this country, and many have become permanent residents or citizens. It became evident that the policy considerations underlying the restrictions on payment of compensation and DIC to the affected individuals are no longer relevant in the case of those who reside in the United States. VA realized that Filipino beneficiaries residing in the United States face living expenses comparable to United States veterans and that limiting the payment of these subsistence benefits to these individuals based on policy considerations applicable to Philippine residents is not only inequitable, but may result in undue hardships to these beneficiaries.

Section 501(a) of Public Law 106-377, enacted in October 2000, added subsection (c) to section 107, providing that, in the case of disability compensation paid by reason of service in the organized military forces of the Government of the Commonwealth of the Philippines, including organized guerilla forces, the \$0.50 on-the-dollar limitation would not apply if the individual to whom the benefits are payable resides in the United States and is either a citizen of the United States or an alien lawfully admitted for permanent residence. However, the statute left unchanged the \$0.50 on-the-dollar limitation on the payment of DIC for all Filipino veterans and compensation for new Philippine Scouts regardless of the recipient’s place of residence.

In the case of those Filipino veterans and their dependents and survivors who reside in the United States and therefore face living expenses comparable to United States veterans and their dependents and survivors, limiting the payment of subsistence benefits based on policy considerations applicable to Philippine residents is inequitable and may result in undue hardships to those beneficiaries. A change in law such as that provided in Public Law 106-377 is justified in the case of compensation and DIC payable to United States residents based on service in the new Philippine Scouts and DIC payable to United States residents based on service in the Philippine Commonwealth Army, including organized guerilla units. Thus, we propose that the \$0.50-on-the-dollar limitation contained in section 107 be eliminated in the case of disability compensation and DIC payments to all Filipino veterans and their survivors who legally reside in the United States.

We estimate that section 3, if enacted, would increase benefit costs by \$2.9 million in the first year and \$45.6 million cumulatively for ten years. VA has determined that general-operating-expense costs for this proposal would be insignificant. This provision was included in the FY 2004 Budget.

Section 4 of the draft bill would extend until December 31, 2008, the authority of the Secretary of Veterans Affairs under 38 U.S.C. §315(b) to operate a regional office in the Republic of the Philippines. Under current law, that authority will expire on December 31, 2003. Congress has periodically extended this authority, most recently in Public Law 106-117.

Were VA to close the Manila regional office, veterans’ assistance activities would

still be needed in the Philippines. A Federal Benefits Unit would have to be attached to the Department of State. Under such an arrangement, VA's control of costs and quality of service would be limited. Because a Federal Benefits Unit would assume responsibility only for disseminating information and assistance, but not processing benefits, there could be no assurance that the extensive fraud-preventive activities currently performed by the Manila regional office would continue. This provision was included in the FY 2004 Budget.

Section 5 of the draft bill would extend eligibility for national cemetery burial to new Philippine Scouts who lawfully reside in the United States. This section would also extend eligibility for other in-kind burial benefits and monetary burial benefits to new Philippine Scouts lawfully residing in the United States on the same basis as such benefits are provided under current law to persons who served in the organized military forces of the Government of the Commonwealth of the Philippines, including organized guerrilla units (Commonwealth Army veterans).

Under current 38 U.S.C. §107, Commonwealth Army veterans who lawfully reside in the United States are eligible for national cemetery burial and are eligible for monetary burial benefits at the full-dollar rate if at the time of death they are receiving VA disability compensation or would have been receiving VA pension but for their lack of qualifying service. Section 5 would extend these benefits to new Philippine Scouts who live in the United States. We believe provision of these same benefits to new Philippine Scouts who reside in the United States is equitable because the service of new Philippine Scouts is also worthy of recognition and new Philippine Scouts living in the United States face the same cost of living as other Filipino veterans who live in the United States. Enactment of this provision is consistent with VA's goal of achieving parity in the provision of veterans' benefits among similarly situated Filipino beneficiaries.

We estimate the cost associated with national-cemetery-burial eligibility for new Philippine Scouts would be \$3,600 for one year, \$16,700 for five years, and \$35,300 for ten years. We estimate the costs of providing full-rate monetary burial benefits to new Philippine Scouts lawfully residing in the United States on the same basis as these benefits are provided to Commonwealth Army veterans would be \$4,000 for one year, \$16,000 for five years, and \$32,000 for ten years.

The Office of Management and Budget advises that there is no objection to the transmission of this bill and that its enactment would be in accord with the Administration's program.

Sincerely yours,

ANTHONY J. PRINCIPI,

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1

Section 1(a) of the draft bill would provide that the short title of this Act be the "Filipino Veterans' Benefits Act of 2003".

Section 1(b) would provide that amendments or repeals in this Act be considered references to a section or other provision of title 38, United States Code.

##### SECTION 2

Section 2 would amend 38 U.S.C. §1734 to require the Secretary, within the limits of Department facilities, to provide hospital and nursing home care and medical services to Commonwealth Army veterans and to new Philippine Scouts in the same manner as provided under section 1710, if such individuals reside legally in the United States. Cur-

rently, both Commonwealth Army veterans and new Philippine Scouts are eligible for treatment of service-connected disabilities within the limits of Department facilities. However, Commonwealth Army veterans are also eligible for treatment of non service-connected disabilities in the same manner as a veteran if they are in receipt of certain compensation and reside legally in the United States. The proposal would extend to new Philippine Scouts who reside legally in the United States the same eligibility for medical care and services that currently exists for Commonwealth Army veterans, while eliminating the receipt of compensation requirements for the veterans and scouts. It would also apply the facilities-resources limitation to all care furnished under this section. The Department estimates that costs associated with enactment of this proposal would be \$16,228,000 for Fiscal Year 2004. The projected costs would be \$73,678,000 over a five-year period, and \$130,265,000 over a ten-year period.

##### SECTION 3

Section 3 would, in the case of compensation and dependency and indemnity compensation ("DIC") paid by reason of service in the new Philippine Scouts, and in the case of DIC paid by reason of service in the organized military forces of the Government of the Commonwealth of the Philippines, including organized guerrilla units, remove the current \$0.50 on-the-dollar limitation if the individual to whom the benefits are payable resides in the United States and is either a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. These amendments would take effect on the date of enactment of the Act and apply to benefits paid for months beginning after that date. This provision was included in the FY 2004 Budget.

##### SECTION 4

Section 4 would extend until December 31, 2008, the authority of the Secretary of Veterans Affairs under 38 U.S.C. §315(b) to operate a regional office in the Republic of the Philippines. This provision was included in the FY 2004 Budget.

##### SECTION 5

Section 5(a) would amend 38 U.S.C. §107 to extend eligibility for national cemetery burial to new Philippine Scouts who lawfully reside in the United States and to extend eligibility for other in-kind burial benefits and monetary burial benefits to new Philippine Scouts who lawfully reside in the United States on the same basis as such benefits are provided under current law to Commonwealth Army veterans. Section 5(b) makes a conforming amendment to section 38 U.S.C. §2402(8), which authorizes national cemetery burial for certain Filipino veterans. Section 5(c) provides that the amendments made by this section shall apply with respect to deaths occurring after the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, Mr. CORZINE, Mr. SARBANES, Mr. JOHNSON, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Ms. LANDRIEU, Mr. DAYTON, and Mr. HARKIN):

S. 1214. A bill to provide a partially refundable tax credit for caregiving related expenses; to the Committee on Finance.

Ms. MIKULSKI. Madam President, I rise to introduce the Family Caregiver Relief Act of 2003—my legislation to help those who face the crushing consequences of caring for a chronically ill

family member. While we stand up for America, we must also stand up for what America stands for. That means strengthening the safety net for those who need it most. That means standing up for American families.

Families are hurting. The economy is weak. Many are holding down two jobs to make ends meet, going into debt to put kids through college, or finding and paying for health insurance.

Some families are facing extraordinary challenges. They are caring for a loved one with special needs which could be a child with autism, or cerebral palsy, a parent with Alzheimer's, or a spouse with multiple sclerosis. These families struggle every day to take care of their loved ones.

I want to give help to those who practice self-help. My bill would provide a tax credit of up to \$5,000 for family caregivers. This tax credit would help people pay for prescription drugs, home health care, specialized day care, respite care, transportation to chronic care or medical facilities, specialized therapy, including occupational, physical, or rehabilitational therapy, and other specialized services for children, including day care for children with special needs.

Family caregivers face so many stresses—emotional, physical, and financial stresses of caregiving. They face long days, supporting a family—while caring for a loved one with a chronic condition. A dad might have to work two jobs to meet the costs of care which places strains on marriage and relationships with other family members.

Caregivers also face high costs for medications, home health care, adult day care, physical therapy, durable medical equipment like a wheelchair, day care for children with special needs, and medical bills from care with specialists.

People who care for chronically ill family must patch together whatever care they can afford. Too often they go into debt, use their college accounts or their retirement savings or go without the care their loved ones need.

I have heard from families from around Maryland who are facing these strains, who are trying to make ends meet, and who are caring for a loved one who is chronically ill or needs assistance with activities of daily living.

The Hart family from Baltimore has a 2 year old son named Jackson who was born with severe brain abnormalities. He has the motor skill development of a 4 month old. He has daily seizures, so he needs total, round the clock care. The emotional cost of caring for a severely disabled child are incalculable and the financial costs are crushing. For the Harts, the costs include: \$650 a month for day care for medically fragile children; \$1,400 for a wheelchair; and, \$700 for a special shower chair—since Jackson can't sit up in the bath. My proposal would help them meet these costs by providing them with a tax credit of \$2,750.

I know of a couple in Baltimore where the wife is in the final stages of Alzheimers. She was a school teacher and once spoke 5 languages. Now, she can only say a few words. She needs 24 hour-a-day care which costs almost three thousand dollars a month. Their retirement savings are gone though this couple is only in their early sixties. My bill would only provide a tax credit of five thousand to this couple. I know that this would help this couple as they face the challenges of her final days.

My last example is a woman in Potosi, MD who is caring for her husband who has multiple sclerosis. He can no longer talk, walk, stand or feed himself. She works full time to support them and cobbles together whatever home care she can afford. She is not able to afford respite care to run errands, or take herself to the doctor. This couple made a commitment in sickness or in health.

These are just a few examples of the stresses facing thousands of American families. One in five Americans has multiple chronic conditions. About 26 million people in this country care for a family member who is chronically ill or disabled.

My legislation is supported by groups who see everyday the human cost of family caregiving, including: Autism Society of America; Cystic Fibrosis Foundation; National Organization for Rare Disorders; Easter Seals; United Cerebral Palsy Associations; Arc of the United States; National Health Council; National Council on the Aging; Paralyzed Veterans of America; Family Voices; National Respite Coalition; National Family Caregivers Association; and National Alliance for Caregiving.

One of my first milestones in the Senate was the enactment of the Spousal Anti-impoverishment Act to change the cruel rules of Medicaid so that families would not have to go bankrupt before Medicaid would pay for nursing home care for a spouse. Under this law, the spouse living in the community could keep the family home, keep a car, and keep some income each month to live on. This law helped one million people. But this was only a down payment.

Not much has been done since then except the National Family Caregiver Support Program and long-term care insurance for federal employees. I was proud to sponsor and work on both of these bills on a bipartisan basis to get them signed into law.

Now it is time to help family caregivers. They are the backbone of the long term care system in this country. They must be a priority in the Federal law books and the tax code.

I thank Senators CLINTON, CORZINE, SARBANES, JOHNSON, LAUTENBERG, MURRAY, KENNEDY, LANDRIEU, DAYTON, and HARKIN for cosponsoring the Family Caregiver Relief Act.

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

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

S. 1214

*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 "Family Caregiver Relief Act of 2003".

**SEC. 2. LONG-TERM CARE TAX CREDIT.**

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 24(a) of the Internal Revenue Code of 1986 (relating to allowance of child tax credit) is amended to read as follows:

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the per child amount multiplied by the number of qualifying children of the taxpayer, plus

"(B) the sum of the eligible expenses of the taxpayer, not compensated by insurance or otherwise, for each applicable individual with respect to whom the taxpayer is an eligible caregiver for the taxable year."

(2) LIMITATION.—Section 24(b) of such Code is amended by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively, and by inserting before paragraph (2) (as redesignated by this paragraph) the following new paragraph:

"(1) IN GENERAL.—The credit allowed under subsection (a)(1)(B) shall not exceed \$5,000 for any taxable year."

(3) CONFORMING AMENDMENTS.—

(A) Section 24(d)(1) of such Code is amended by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)(4)".

(B) The heading for section 24 of such Code is amended to read as follows:

**"SEC. 24. FAMILY CARE CREDIT."**

(C) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 24 and inserting the following new item:

"Sec. 24. Family care credit."

(b) ELIGIBLE EXPENSES.—

(1) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 is amended by redesignating subsections (b) through (f) as subsections (c) through (g), respectively, and by inserting after subsection (a) the following new subsection:

"(b) ELIGIBLE EXPENSES.—For the purposes of this section—

"(1) IN GENERAL.—The term 'eligible expenses' means expenses incurred by the taxpayer for—

"(A) medical care (as defined in section 213(d)(1) without regard to subparagraph (D) thereof),

"(B) lodging away from home in accordance with section 213(d)(2),

"(C) adult day care,

"(D) custodial care,

"(E) respite care, and

"(F) other specialized services for children, including day care for children with special needs.

"(2) ADULT DAY CARE.—The term 'adult day care' means care provided for adults with functional or cognitive impairments through a structured, community-based group program which provides health, social, and other related support services on a less than 24-hour per day basis.

"(3) CUSTODIAL CARE.—The term 'custodial care' means reasonable personal care services provided to assist with daily living and which do not require the skills of qualified technical or professional personnel.

"(4) RESPITE CARE.—The term 'respite care' means planned or emergency care provided

to an applicable individual in order to provide temporary relief to an eligible caregiver."

(2) CONFORMING AMENDMENTS.—

(A) Section 24(e)(1) of such Code (relating to portion of credit refundable), as redesignated by paragraph (1) and as amended by subsection (a)(3)(A), is amended by striking "subsection (b)(4)" each place it appears and inserting "subsection (c)(4)".

(B) Section 501(c)(26) of such Code is amended by striking "section 24(c)" and inserting "section 24(d)".

(C) Section 6211(b)(4)(A) of such Code is amended by striking "section 24(d)" and inserting "section 24(e)".

(D) Section 6213(g)(2)(I) of such Code is amended by striking "section 24(e)" and inserting "section 24(f)".

(c) DEFINITIONS.—Subsection (d) of section 24 of the Internal Revenue Code of 1986, as redesignated by subsection (b)(1), is amended to read as follows:

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING CHILD.—

"(A) IN GENERAL.—The term 'qualifying child' means any individual if—

"(i) the taxpayer is allowed a deduction under section 151 with respect to such individual for the taxable year,

"(ii) such individual has not attained the age of 17 as of the close of the calendar year in which the taxable year of the taxpayer begins, and

"(iii) such individual bears a relationship to the taxpayer described in section 32(c)(3)(B).

"(B) EXCEPTION FOR CERTAIN NONCITIZENS.—The term 'qualifying child' shall not include any individual who would not be a dependent if the first sentence of section 152(b)(3) were applied without regard to all that follows 'resident of the United States'.

"(2) APPLICABLE INDIVIDUAL.—

"(A) IN GENERAL.—The term 'applicable individual' means, with respect to any taxable year, any individual who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual with long-term care needs described in subparagraph (B) for a period—

"(i) which is at least 180 consecutive days, and

"(ii) a portion of which occurs within the taxable year.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the 39½ month period ending on such due date (or such other period as the Secretary prescribes) a physician (as so defined) has certified that such individual meets such requirements.

"(B) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—An individual is described in this subparagraph if the individual meets any of the following requirements:

"(i) The individual is at least 18 years of age and—

"(I) is unable to perform (without substantial assistance from another individual) at least 3 activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

"(II) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform at least 1 activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

“(ii) The individual is at least 6 but not 18 years of age and—

“(I) is unable to perform (without substantial assistance from another individual) at least 3 activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity,

“(II) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform at least 1 activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities,

“(III) has a level of disability similar to the level of disability described in subclause (I) (as determined under regulations promulgated by the Secretary), or

“(IV) has a complex medical condition (as defined by the Secretary) that requires medical management and coordination of care.

“(iii) The individual is at least 2 but not 6 years of age and—

“(I) is unable due to a loss of functional capacity to perform (without substantial assistance from another individual) at least 2 of the following activities: eating, transferring, or mobility,

“(II) has a level of disability similar to the level of disability described in subclause (I) (as determined under regulations promulgated by the Secretary), or

“(III) has a complex medical condition (as defined by the Secretary) that requires medical management and coordination of care.

“(iv) The individual is under 2 years of age and—

“(I) requires specific durable medical equipment by reason of a severe health condition or requires a skilled practitioner trained to address the individual's condition to be available if the individual's parents or guardians are absent,

“(II) has a level of disability similar to the level of disability described in subclause (I) (as determined under regulations promulgated by the Secretary), or

“(III) has a complex medical condition (as defined by the Secretary) that requires medical management and coordination of care.

“(v) The individual has 5 or more chronic conditions (as defined in subparagraph (C)) and is unable to perform (without substantial assistance from another individual) at least 1 activity of daily living (as so defined) due to a loss of functional capacity.

“(C) CHRONIC CONDITION.—For purposes of this paragraph, the term ‘chronic condition’ means a condition that lasts for at least 6 consecutive months and requires ongoing medical care.

“(3) ELIGIBLE CAREGIVER.—

“(A) IN GENERAL.—A taxpayer shall be treated as an eligible caregiver for any taxable year with respect to the following individuals:

“(i) The taxpayer.

“(ii) The taxpayer's spouse.

“(iii) An individual with respect to whom the taxpayer is allowed a deduction under section 151 for the taxable year.

“(iv) An individual who would be described in clause (iii) for the taxable year if section 151(c)(1)(A) were applied by substituting for the exemption amount an amount equal to the sum of the exemption amount, the standard deduction under section 63(c)(2)(C), and any additional standard deduction under section 63(c)(3) which would be applicable to the individual if clause (iii) applied.

“(v) An individual who would be described in clause (iii) for the taxable year if—

“(I) the requirements of clause (iv) are met with respect to the individual, and

“(II) the requirements of subparagraph (B) are met with respect to the individual in lieu of the support test of section 152(a).

“(B) RESIDENCY TEST.—The requirements of this subparagraph are met if an individual has as such individual's principal place of abode the home of the taxpayer and—

“(i) in the case of an individual who is an ancestor or descendant of the taxpayer or the taxpayer's spouse, is a member of the taxpayer's household for over half the taxable year, or

“(ii) in the case of any other individual, is a member of the taxpayer's household for the entire taxable year.

“(C) SPECIAL RULES WHERE MORE THAN 1 ELIGIBLE CAREGIVER.—

“(i) IN GENERAL.—If more than 1 individual is an eligible caregiver with respect to the same applicable individual for taxable years ending with or within the same calendar year, a taxpayer shall be treated as the eligible caregiver if each such individual (other than the taxpayer) files a written declaration (in such form and manner as the Secretary may prescribe) that such individual will not claim such applicable individual for the credit under this section.

“(ii) NO AGREEMENT.—If each individual required under clause (i) to file a written declaration under clause (i) does not do so, the individual with the highest modified adjusted gross income (as defined in section 32(c)(5)) shall be treated as the eligible caregiver.

“(iii) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of married individuals filing separately, the determination under this subparagraph as to whether the husband or wife is the eligible caregiver shall be made under the rules of clause (ii) (whether or not one of them has filed a written declaration under clause (i)).”

(d) IDENTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—Section 24(f) of the Internal Revenue Code of 1986 (relating to identification requirement), as redesignated by subsection(b)(1), is amended by adding at the end the following new sentence: “No credit shall be allowed under this section to a taxpayer with respect to any applicable individual unless the taxpayer includes the name and taxpayer identification number of such individual, and the identification number of the physician certifying such individual, on the return of tax for the taxable year.”

(2) ASSESSMENT.—Section 6213(g)(2)(I) of such Code is amended—

(A) by inserting “or physician identification” after “correct TIN”, and

(B) by striking “child tax” and inserting “family care”.

(e) DENIAL OF DOUBLE BENEFIT.—

(1) IN GENERAL.—Section 213(e) of the Internal Revenue Code of 1986 (relating to exclusion of amounts allowed for care of certain dependents) is amended by inserting “or section 24” after “section 21”.

(2) CONFORMING AMENDMENT.—The heading of section 213(e) of such Code is amended by inserting “LONG-TERM CARE OR” after “FOR”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the later of December 31, 2003, or the date of the enactment of this Act.

By Mr. ENZI (for himself and Ms. MIKULSKI):

S. 1217. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, walking—climbing the stairs—reaching for an object or a needed item on a shelf. They're all things we do and take for granted every day. But for many of our nation's elderly, they are a constant source of anxiety and apprehension.

Anyone who has an elderly parent, relative or friend who lives alone knows the concern that is often raised when a phone call placed to them goes unanswered. Our first and immediate reaction is often worry because we know that for many of our nation's elderly, a fall can produce a very serious injury. As the phone continues to ring we wonder if Mom is upstairs and can't hear the phone, or Dad is in his workshop, or our friend has just stepped outside to catch a breath of fresh air.

We hang up, wait a few minutes and place our call again, often with a greater sense of urgency.

This time, our concern becomes worry as we picture our loved one suffering from the effects of a fall, alone, with no one to help them.

Then, when the phone is answered, a huge rush of relief overcomes us as we realize our fears were misplaced.

Would that every story like that have such a happy ending. For too many of our Nation's elderly, however, it sometimes ends tragically as brittle bones and a reduction in our sense of balance becomes a formula for serious injury and a dramatic reduction in one's quality of life.

Although the physical healing process after a fall can be long and traumatic, it often pales in comparison to the psychological effects of a loss of confidence—and therefore activity—of an elderly individual who no longer takes for granted his or her ability to walk and safely navigate their world without assistance or support.

Fortunately, there are things that can be done to both reduce the number of these tragic falls and restore the confidence of our loved ones in their ability to once again lead a normal life.

In an effort to address this issue I am introducing legislation, together with my distinguished colleague from Maryland, Senator MIKULSKI, that would take a multi-faceted approach to solving this problem. The Elder Fall Prevention Act of 2003 will look at every aspect of this matter, from educating the elderly about how to “fall-proof” their home, to researching the causes of most falls and trying to find ways both to avoid them and to provide better treatment to those who are recovering from them.

In today's world, when so many of us are living longer, it is quite commonplace to hear of elderly friends and relatives who have fallen and faced the challenge of recovering from a broken bone. Almost all of us have had that experience, either with family or friends.

What is less well known is that 25 percent of the elderly who sustain a hip fracture die within one year. On an annual basis, 40,000 people over age 65

visit emergency departments with traumatic brain injuries suffered as a result of a fall; 16,000 of those people are hospitalized, and 4,000 die. By the year 2030, as the baby boomer generation is added to the ranks of the elderly, the number of people over age 65 will double, potentially doubling the current elder fall injury statistics.

There are also significant costs associated with such a large volume of fall-related injuries among our nation's senior citizens. Direct costs to the Medicaid and Medicare programs alone will exceed an estimated \$32 billion in the year 2020.

The Elder Fall Prevention Act of 2003 takes a three-pronged approach to this problem. It will direct the Department of Health and Human Services to develop public education on fall prevention for the elderly, family members, caregivers, and others involved with the elderly. It further calls for an expansion of research on effective approaches to fall prevention and treatment. Finally, the Elder Fall Prevention Act requires an evaluation of the effect of falls on the costs of Medicare and Medicaid, as well as the potential for reducing those costs through education, prevention and early intervention.

A wide variety of groups support this legislation, including the National Safety Council, the Emergency Nurses Association, the Assisted Living Federation of America, the American Geriatrics Society, the Brain Injury Association, the American Health Care Association, and many more. All of these groups should and will be partners in this comprehensive effort to address one of the leading causes of death and disability in the elderly.

The largest generation in our nation's history is rapidly approaching retirement. Passing this bill into law will mean a better quality of life for them and for all our nation's elderly. It will also help us reduce the cost of the Medicaid and Medicare programs for all Americans.

I am looking forward to working on this bill in Committee and sending it on to the Senate floor for a vote. The sooner we act the sooner we can begin to work to prevent falls and help our nation's elderly live safely and in better health.

Ms. MIKULSKI. Mr. President, I am pleased to join Senator ENZI in introducing the Elder Fall Prevention Act of 2003. Falls are a serious public health problem that affect millions of seniors each year. This bill expands research and education on elder falls to help keep seniors safe and in their own homes longer.

The facts are staggering. One out of every three Americans over age 65 falls every year. In 2000, over 10,200 seniors died and approximately 1.6 million seniors visited an emergency department as a result of a fall. Falls are the leading cause of injury deaths among seniors, accounting for 64,000 traumatic brain injuries and 340,000 hip fractures

each year. Falls can be financially disastrous for families, and falls place a serious financial strain on our health care system. By 2020, senior falls are estimated to cost the health care system more than \$32 billion.

These facts do not begin to tell the story of what falls can mean for seniors and their loved ones. Falls don't discriminate. Kay Graham was the victim of a fall. Many of us have friends or relatives who have fallen. A fall can have a devastating impact on a person's physical, emotional, and mental health. If an older woman loses her footing on her front porch steps, falls, and suffer a hip fracture, she would likely spend about two weeks in the hospital, and there is a 50 percent chance that she would not return home or live independently as a result of her injuries.

Last year, I chaired a hearing of the Subcommittee on Aging on the problem of elder falls. The Subcommittee heard testimony from Lillie Marie Struchen, a 91-year-old woman who had recently fallen in her bathroom when she slipped on the tile. Lillie Marie could not reach the panic button in her apartment, and it took her some time before she could get to her feet and call for help. Lillie Marie was lucky. She recovered from her fall and returned to her normal routines. She shared with the Subcommittee some steps that she and her family had taken to prevent future falls, knowing that she may not be so lucky next time.

These falls, like the ones that Lillie Marie and thousands of others suffer from each year, can be prevented. With some help, there are simple ways that seniors can improve the safety of their homes and make a fall far less likely. Home modifications like hand rails in the bathroom, rubber mats on slippery tile floors, and cordless telephones that seniors can keep nearby can make a big difference. Well-trained pharmacists can review medications to make sure that two drugs do not interact to cause dizziness and throw a senior off balance.

That's what this legislation is about—getting behind our Nation's seniors and giving help to those who practice self-help. This bill creates public education campaigns for seniors, their families, and health care providers about how to prevent falls. It expands research on elder falls to develop better ways to prevent falls and to improve the treatment and rehabilitation of elder falls victims. This legislation also requires an evaluation of the effect of falls on Medicare and Medicaid, to look at potentially reducing costs by expanding coverage to include fall-related services.

Reducing the number of falls will help seniors live longer, healthier, more independent lives. This bill has the strong support of the National Safety Council and has been supported in the past by over 30 national and local aging and safety organizations. I look forward to working with Senator

ENZI and my colleagues on the Health, Education, Labor, and Pensions Committee to get this bill signed into law.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 162— HONORING TRADESWOMEN

Mrs. CLINTON (for herself, Mr. COLLINS, Mrs. MURRAY, Mr. KENNEDY, and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 162

Whereas women worked side by side with men for long shifts under dangerous conditions to rescue individuals, remove debris, and prepare the sites for future use at Ground Zero, the Pentagon, and in the Shanksville, Pennsylvania field after the September 11th terrorist attacks;

Whereas the number of tradeswoman has risen dramatically over the last 30 years, but remains startlingly low;

Whereas while the number of women carpenters has tripled since 1972, they still only represent 1.7 percent of workers in the occupation;

Whereas the number of electricians who are female has quadrupled over that same time period, yet women make up only 2.7 percent of electricians;

Whereas the number of women who are firefighters has increased by 6 fold, yet women account for only 3 percent of all firefighters;

Whereas the skilled trades industry is experiencing a significant labor shortage, which will be exacerbated over the next 2 decades as many skilled workers retire;

Whereas the United States Department of Labor projects job growth in the skilled trades industry at 12.3 percent through the year 2010;

Whereas the National Association of Manufacturers reports a projected need for 10,000,000 new skilled workers by 2020, and the Associated General Contractors predicts a shortage of 250,000 skilled workers per year;

Whereas the average age of a construction worker is 47;

Whereas many women are employed in jobs that pay only a minimum wage and do not provide benefits, such as health insurance;

Whereas 59 percent of women earn \$8 per hour, and while women constitute 47 percent of the workforce, they make up 60 percent of the working poor;

Whereas 44 percent of women are reported to be the sole supporter of themselves or their families;

Whereas the majority of women are segregated into 20 out of 440 occupations;

Whereas women could increase their earnings significantly by obtaining skills that allow them to become tradeswomen, for example a journey level electrician will make over \$1,000,000 more than a typical cashier in a 30-year career;

Whereas women make up 77 percent of all wait staff who earn \$6.55 an hour, on average, and only 5 percent of truck drivers who make an average of \$17.50 an hour; and

Whereas women need greater access to training and opportunities to participate in skilled trades occupations: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) there should be more attention paid to breaking down the barriers that women face in entering the skilled trades; and

(2) policymakers, labor unions, and industry leaders should look at different labor pools to address existing and future skills shortages.

SENATE CONCURRENT RESOLUTION 50—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD BE ESTABLISHED A NATIONAL TRUCK SAFETY MONTH TO RAISE PUBLIC AWARENESS ABOUT THE CONTRIBUTIONS, RESPONSIBILITIES, AND NEEDS OF TRUCK DRIVERS TO MAKE THE NATION'S HIGHWAYS SAFER

Mr. TALENT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 50

Whereas over 2,000,000 long-haul trucks and 138,000,000 automobiles share the Nation's highways each day;

Whereas the loss of more than 5,000 lives each year in accidents involving large trucks raises important safety issues;

Whereas truck drivers, who experience more workplace fatalities than any other single occupation, are acutely aware of their responsibility to contribute to highway safety;

Whereas long-haul truckers serve vital business just-in-time delivery schedules at great personal sacrifice, including driving at all times of the day and under adverse weather, road, and delivery conditions;

Whereas the United States economy depends upon the Nation's long-haul truckers, who deliver 71 percent of the dollar value of freight hauled in the United States;

Whereas truck safety has become the highest priority of the Federal Motor Carrier Safety Administration, and the Federal Government invests nearly \$200,000,000 in truck safety enforcement activities each year; and

Whereas truck drivers across the Nation have committed themselves to make June a model month for compliance with the truck safety rules: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) it is the sense of Congress that there should be established a National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the Nation's highways safer; and

(2) Congress requests that the President issue a proclamation commending all truckers for their extra efforts to comply with truck safety regulations, designating a month for highway safety, and calling on all highway users, shippers, receivers, motor carriers, and Federal and State regulatory and law enforcement officials to support the efforts of truck drivers to make the Nation's highways a safer place to travel and to work.

SENATE CONCURRENT RESOLUTION 51—COMMENDING MEDGAR WILEY EVERS AND HIS WIDOW, MYRLIE EVERS-WILLIAMS FOR THEIR LIVES AND ACCOMPLISHMENTS, DESIGNATING A MEDGAR EVERS NATIONAL WEEK OF REMEMBRANCE, AND FOR OTHER PURPOSES

Mr. COCHRAN (for himself and Mr. LOTT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 51

Whereas a pioneer in the fight for racial justice, Medgar Wiley Evers, was born July 2, 1925, in Decatur, Mississippi, to James and Jessie Evers;

Whereas, to faithfully serve his country, Medgar Evers left high school to join the Army when World War II began and, after coming home to Mississippi, he completed high school, enrolled in Alcorn Agricultural and Mechanical College, presently known as Alcorn State University, and majored in business administration;

Whereas, as a student at Alcorn Agricultural and Mechanical College, Evers was a member of the debate team, the college choir, and the football and track teams, was the editor of the campus newspaper and the yearbook, and held several student offices, which gained him recognition in Who's Who in American Colleges;

Whereas, while a junior at Alcorn Agricultural and Mechanical College, Evers met a freshman named Myrlie Beasley, whom he married on December 24, 1951, and with whom he spent the remainder of his life;

Whereas, after Medgar Evers received a bachelor of arts degree, he moved to historic Mound Bayou, Mississippi, became employed by Magnolia Mutual Life Insurance Company, and soon began establishing local chapters of the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP") throughout the Delta region;

Whereas, moved by the plight of African-Americans in Mississippi and a desire to change the conditions facing them, in 1954, after the United States Supreme Court ruled school segregation unconstitutional, Medgar Evers became the first known African-American person to apply for admission to the University of Mississippi Law School, but was denied that admission;

Whereas, as a result of that denial, Medgar Evers contacted the NAACP to take legal action;

Whereas in 1954, Medgar Evers was offered a position as the Mississippi Field Secretary for the NAACP, and he accepted the position, making Myrlie Evers his secretary;

Whereas, with his wife by his side, Medgar Evers began a movement to register people to vote in Mississippi and, as a result of his activities, Medgar Evers received numerous threats;

Whereas, in spite of the threats, Medgar Evers persisted, with dedication and courage, to organize rallies, build the NAACP's membership, and travel around the country with Myrlie Evers to educate the public;

Whereas Medgar Evers' passion for quality education for all children led him to file suit against the Jackson, Mississippi public schools, which gained him national media coverage;

Whereas Medgar Evers organized students from Tougaloo and Campbell Colleges, coordinated and led protest marches, organized boycotts of Jackson businesses and sit-ins, and challenged segregated bus seating, and for these heroic efforts, he was arrested, beaten, and jailed;

Whereas the violence against Medgar Evers came to a climax on June 12, 1963, when he was shot and killed in front of his home;

Whereas, after the fingerprints of an outspoken segregationist were recovered from the scene of the shooting, and 2 juries deadlocked without a conviction in the shooting case, Myrlie Evers and her 3 children moved to Claremont, California, where she enrolled in Pomona College and earned her bachelor's degree in sociology in 1968;

Whereas, after Medgar Evers' death, Myrlie Evers began to create her own legacy and emerged as a national catalyst for justice

and equality by becoming active in politics, becoming a founder of the National Women's Political Caucus, running for Congress in California's 24th congressional district, serving as Commissioner of Public Works for Los Angeles, using her writing skills to serve as a correspondent for Ladies Home Journal and to cover the Paris Peace Talks, and rising to prominence as Director of Consumer Affairs for the Atlantic Richfield Company;

Whereas Myrlie Evers became Myrlie Evers-Williams when she married Walter Williams in 1976;

Whereas, in the 1990's, Evers-Williams convinced Mississippi prosecutors to reopen Medgar Evers' murder case, and the reopening of the case led to the conviction and life imprisonment of Medgar Evers' killer;

Whereas Evers-Williams became the first female to chair the 64-member Board of Directors of the NAACP, to provide guidance to an organization that was dear to Medgar Evers' heart;

Whereas Evers-Williams has published her memoirs, entitled "Watch Me Fly: What I Learned on the Way to Becoming the Woman I Was Meant to Be", to enlighten the world about the struggles that plagued her life as the wife of an activist and empowered her to become a community leader;

Whereas Evers-Williams is widely known as a motivational lecturer and continues to speak out against discrimination and injustice;

Whereas her latest endeavor has brought her home to Mississippi to make two remarkable contributions, through the establishment of the Evers Collection and the Medgar Evers Institute, which advance the knowledge and cause of social injustice and which encompass the many lessons in the life's work of Medgar Evers and Myrlie Evers-Williams;

Whereas Evers-Williams has presented the extraordinary papers in that Collection and Institute to the Mississippi Department of Archives and History, where the papers are being preserved and catalogued; and

Whereas it is the policy of Congress to recognize and pay tribute to the lives and accomplishments of extraordinary Mississippians such as Medgar Evers and Myrlie Evers-Williams, whose life sacrifices have contributed to the betterment of the lives of the citizens of Mississippi as well as the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) Congress commends Medgar Wiley Evers and his widow, Myrlie Evers-Williams, and expresses the greatest respect and gratitude of Congress, for their lives and accomplishments;

(2) the Senate—

(A) designates the period beginning on June 9, 2003, and ending on June 16, 2003, as the "Medgar Evers National Week of Remembrance"; and

(B) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities; and

(3) copies of this resolution shall be furnished to the family of Medgar Wiley Evers and Myrlie Evers-Williams and made available to representatives of the media.

AMENDMENTS SUBMITTED AND PROPOSED

SA 865. Mr. DORGAN (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. REID, Mr. LAUTENBERG, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 866. Mr. LAUTENBERG (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 867. Mr. BINGAMAN proposed an amendment to the bill S. 14, supra.

SA 868. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 869. Ms. COLLINS (for herself, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 870. Mr. MCCONNELL (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 158, commending the University of Virginia Cavaliers men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse Championship.

#### TEXT OF AMENDMENTS

**SA 865.** Mr. DORGAN (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. REID, Mr. LAUTENBERG, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 296, line 21, before "Not" insert "(a) IN GENERAL.—"

On page 297, between lines 2 and 3, insert the following:

(b) CONTENTS.—The plan shall describe the activities of the Department of Energy, including a research, development, demonstration, and commercial application program for developing technologies, to support—

(1) the production and deployment of—

(A) 100,000 hydrogen-fueled fuel cell vehicles in the United States by 2010; and

(B) 2,500,000 hydrogen-fueled fuel cell vehicles in the United States by 2020 and annually thereafter; and

(2) the integration of hydrogen activities with associated technical targets and timetables for the development of technologies to provide for the sale of hydrogen at a sufficient number of fueling stations in the United States by 2010 and 2020.

(c) PROGRESS REVIEW.—The Secretary shall include in each annual budget submission a review of the progress toward meeting the targets under subsection (b).

**SA 866.** Mr. LAUTENBERG (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table as follows:

On page 150, line 24, strike "(tidal and thermal)" and insert "(wave, tidal, and thermal)".

On page 156, line 4, strike "(tidal and thermal)" and insert "(wave, tidal, and thermal)".

**SA 867.** Mr. BINGAMAN proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 278, after line 8, insert the following:

"(h) TRIENNIAL REPORT ON EFFECT ON NATURAL GAS DEMAND.—Not later than 3 years

after the date of enactment of this Act, and every three years thereafter, the Secretary shall submit to Congress an assessment of the effect of increased use of hydrogen, as a result of the programs in subsections (a) and (b), on demand for natural gas."

On page 291, strike line 22 and all that follows through page 292, line 8 and insert the following:

"(b) CONTENTS.—At a minimum, each plan shall contain—

"(1) a description of programs under the agency's control in which the use of hydrogen or fuel cells could benefit the operation of the agency, assist in the implementation of the agency's regulatory functions, or enhance the agency's mission;

"(2) a description of any agency management practices, procurement policies, regulations, policies, or guidelines that may inhibit the agency's transitions to the use of fuel cells and hydrogen as an energy source; and

"(3) an assessment of the effect of increased use of hydrogen by the agency, including increased use through programs under section 303(b) of the Energy Policy Act of 1992, as amended by this Act, or section 824 of this Act, on demand for natural gas."

**SA 868.** Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

#### SECT. 217. SHARE OF AIRPORT PROJECT COSTS.

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) GRANDFATHER RULE.—

"(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at an airport that has less than .25 percent of the total number of passenger boardings at all commercial service airports, and that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979, provided that this subsection shall apply only if—

"(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

"(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project

"(2) LIMITATION.—The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b)."

(b) CONFORMING AMENDMENT.—Subsection (a) of Section 47109, title 49, United States Code, is amended by striking "Except as provided in subsection (b)", and inserting "Except as provided in subsection (b) or subsection (c)".

**SA 869.** Ms. COLLINS (for herself, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 14, to enhance the en-

ergy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 467, after line 16, add the following:

#### TITLE XII—ABRUPT CLIMATE CHANGE RESEARCH

##### SEC. 1201. SHORT TITLE.

This title may be cited as the "Abrupt Climate Change Research Act of 2003".

##### SEC. 1202. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

##### SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Department of Commerce \$60,000,000, to remain available until expended, to carry out the research program required under section 1202.

**SA 870.** Mr. MCCONNELL (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 158, commending the University of Virginia Cavaliers men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse Championship; as follows:

Strike all after the resolving clause and insert the following: "That the Senate—

"(1) congratulates the University of Virginia men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse National Championship;

"(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

"(3) directs the Secretary of the Senate to—

"(A) make available enrolled copies of this resolution to the University of Virginia for appropriate display; and

"(B) transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's lacrosse national championship team."

#### NOTICES OF HEARINGS/MEETINGS

##### SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 11, 2003 at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on the Nomination of Charles W. Grim, D.D.S., to be the Director of the Indian

Health Service at the Department of Health and Human Services; to be followed immediately by another hearing on S. 1146, to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FOREST

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Thursday, June 19 at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to gain an understanding of the grazing programs of the Bureau of Land Management and the Forest Service. The Subcommittee will receive testimony on grazing permit renewal, BLM's potential changes to grazing regulations, range monitoring, drought and other grazing issues. This hearing will also provide the basis for other grazing hearings that we may want to undertake at the subcommittee level as the year goes on.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Meghan Beal at 202-224-7556 or [Meghan\\_Beal@energy.senate.gov](mailto:Meghan_Beal@energy.senate.gov).

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Madam President, I ask unanimous consent that Bodar Tareen and Joe Krueger from my staff be allowed floor privileges during the consideration of S. 14.

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

Mr. ALEXANDER. Madam President, I ask unanimous consent that Tim Valentine, a fellow in my office, enjoy floor privileges during the Senate's consideration of the Energy bill.

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

Mr. REID. Madam President, on behalf of Senator FEINSTEIN, I ask unanimous consent two fellows in her office, Craig Harper and Tom Schneider, be given floor privileges during the pendency of the Energy Bill.

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

MEASURE READ THE FIRST  
TIME—S. 1215

Mr. MCCONNELL. Madam President, I understand that S. 1215 is at the desk, and I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 1215) to sanction the ruling of the Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

Mr. MCCONNELL. Madam President, I now ask for its second reading and object to further proceedings on the matter.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, let me just say that I have been working to get the so-called "Burma bill" cleared. I am still optimistic that may happen and plan to ask unanimous consent in the morning that we go to that bill.

For the information of our colleagues, if they have had a chance to see the front page of the Washington Post this morning, the problems in Burma should be at the top of the Nation's international agenda. Aung San Suu Kyi, who won the Nobel Peace Prize in 1991, was attacked 9 days ago. We hope and believe that she is alive. But she has been injured, according to all reports.

It is time for the United States to take a leadership position, and it is time for the Senate to pass this bill, which I will ask consent to bring up and pass tomorrow. I might say that it is cosponsored by both the Democratic and Republican leaders and by both the chairman and ranking member of the Foreign Relations Committee. It remains my hope that we will be able to get that cleared and vote on it tomorrow.

NATIONAL OCEANS WEEK

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further action on S. Con. Res. 49, and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 49) designating the week of June 9, 2003, as "National Oceans Week" and urging the President to issue a proclamation calling upon the people of the United States to observe this week with appropriate recognition, programs, ceremonies, and activities to further ocean literacy, education, and exploration.

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

Mr. MCCONNELL. Madam President, I ask unanimous consent that the con-

current resolution be agreed to, the preamble be agreed to; further, that the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

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

The resolution (S. Con. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 49

Whereas 95 percent of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas the ocean comprises nearly three quarters of the Earth's surface and sustains 80 percent of all life on Earth, including a large part of the Earth's biodiversity;

Whereas the oceans play a critical role in the global water cycle, carbon cycle, carbon cycle and in regulating climate; and over 90 percent of the oxygen in the Earth's atmosphere, essential to life on Earth, comes from the world's oceans and rivers;

Whereas the oceans are an important source of food, provide a wealth of other natural products, and the oceans and sea floor contain vast energy and mineral resources that are critical to the economy of the United States and the world;

Whereas the United States has more than 95,000 miles of coastline and more than 50 percent of the population of the United States lives within 50 miles of the ocean or the Great Lakes.

Whereas coastal areas are regions of remarkably high biological productivity; are of considerable importance for a variety of recreational and commercial activities; and provide a vital means of transportation;

Whereas ocean resources are limited and susceptible to change as a direct and indirect result of human activities, and such damages can impact the ability of the ocean to provide the benefits upon which the Nation depends;

Whereas the rich biodiversity of marine organisms provide society with an essential biomedical resource, a promising source of novel compounds with therapeutic potential, and a potentially important contribution to the national economy;

Whereas there exists significant promise for the development of new ocean technologies for stewardship of ocean resources that will contribute to the economy through business and manufacturing innovations and the creation of new jobs;

Whereas the President's Panel on Ocean Exploration recommended to the White House and to the Congress in its Year 2000 final report, "Discovering Earth's Final Frontier: A U.S. Strategy for Ocean Exploration," a 10-year program to launch the first national plan for ocean exploration;

Whereas the Oceans Act of 2000 passed by the United States Congress authorized the establishment of the U.S. Commission on Ocean Policy and directed it to conduct a comprehensive review of present and future ocean programs and activities and provide comprehensive ocean policy recommendations to the Congress and the President by 2003; and

Whereas our oceans are vital to our national security and our national economy, and with America's greatest era of ocean exploration and discovery still ahead: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*



(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship and understanding of the ocean and the living marine resources it contains; and

(3) the week of June 9, 2003, be designated as National Oceans Week and urges the President to issue a proclamation calling upon the people of the United States to observe this week with appropriate recognition, programs, ceremonies, and activities to further ocean literacy, education, and exploration.

#### COMMENDING THE UNIVERSITY OF VIRGINIA, 2003 NCAA LACROSSE NATIONAL CHAMPIONS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further action on S. Res. 158, and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 158) commending the University of Virginia Cavaliers men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse Championship.

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

Mr. MCCONNELL. Madam President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to; further, that the motion to reconsider be laid upon the table and that any statements regarding this matter be printed in the RECORD.

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

The amendment (No. 870) was agreed to, as follows:

(Purpose: To amend the resolving clause to eliminate the request the President invite the University of Virginia men's lacrosse team to the White House)

Strike all after the resolving clause and insert the following: "That the Senate—

"(1) congratulates the University of Virginia men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse National Championship;

"(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

"(3) directs the Secretary of the Senate to—

"(A) make available enrolled copies of this resolution to the University of Virginia for appropriate display; and

"(B) transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's lacrosse national championship team."

The resolution (S. Res. 158), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 158

Whereas the students, alumni, faculty, and supporters of the University of Virginia are

to be congratulated for their commitment and pride in their National Champion men's lacrosse team;

Whereas in 2003, the University of Virginia claimed its second National Championship in 5 years, with an overall season of 15 and 2;

Whereas the Cavaliers won the NCAA first round 19 to 8 against Mount St. Mary's, beat Georgetown 12 to 7 in the Quarterfinals, and Maryland 14 to 4 in the Semifinals;

Whereas the University of Virginia Cavaliers won the championship game by defeating the Johns Hopkins Blue Jays 9 to 7;

Whereas the University of Virginia team was led by A.J. Shannon with 4 goals, John Christmas with 2 goals, and received outstanding effort and support from Chris Rotelli and Billy Glading, while goalie Tillman Johnson had 13 saves and was selected Most Outstanding Player of the championship game;

Whereas every player on the Cavalier team contributed to their success in this championship season and they are Mike Abbott, Andrew Agoliati, Jimmy Barter, Ryan Binder, Ned Bowen, Doug Brody, Patrick Buchanan, David Burman, Michael Culver, Jack deVilliers, Kyle Dixon, Andrew Faraone, Jon Focht, Newton Gentry, Foster Gilbert, Brendan Gill, Charlie Glazer, Zach Heffner, Brett Hughes, Hunter Kass, Nathan Kenney, Ted Lamade, Jared Little, Kevin McGrath, J.J. Morrissey, Justin Mullen, Chris Ourisman, Matt Paquet, Matt Poskay, Derrick Preuss, Hatcher Snead, Calvin Sullivan, Ryan Thompson, Matt Ward, Trey Whitty, Joe Yevoli, trainer Katie Serenelli, the team doctor, Dan Mistry, and manager Kristin Madl;

Whereas Head Coach Dom Starsia has coached the University of Virginia men's lacrosse team for 11 years, and has led the University of Virginia men's lacrosse team to the NCAA Tournament for a university-record 11th consecutive time;

Whereas Coach Starsia has led the team to a school record 15 wins this season;

Whereas Coach Starsia is 1 of only 3 coaches in college lacrosse history to win 100 games at 2 different colleges: the University of Virginia and Brown University; and

Whereas Coach Starsia and his coaching staff, including Assistant Coaches David Curry, Marc Van Arsdale, and Hannon Wright deserve much credit for the outstanding determination and accomplishments of their young team: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Virginia men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the University of Virginia for appropriate display; and

(B) transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's lacrosse national championship team.

#### ORDERS FOR TUESDAY, JUNE 10, 2003

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Tuesday, June 10. I further ask consent that following the prayer and pledge, the morning hour be

deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 14, the Energy bill; provided further that there then be 30 minutes equally divided for debate in relation to the Dorgan amendment No. 865, with no amendments in order to the amendment prior to the vote; further, that following the debate time, the amendment be set aside for a vote in relation to the amendment at a time determined by the majority leader after consultation with the Democratic leader.

I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, if the Senator will yield, as I indicated to the majority leader this morning, I have spoken to Senator DASCHLE, and he has tentatively agreed that on Wednesday we would agree to having a unanimous consent agreement that there would be a finite list of amendments that would be put before the Senate at that time. The only thing we have not determined is what time we would do that.

So we will continue to work with the majority in helping to move this bill. As we have indicated to the majority leader, once we get a finite list of amendments, Senator MCCONNELL and I and the two managers of the bill can try to work through them and eliminate some, reminding all Senators that a very similar bill was brought through the Senate last year and we disposed of about 125 amendments. We had votes on about 40 amendments—45. I knew it was around 40. So we hope to do a lot better than that this time; that is, have fewer amendments than we had last time. But it is something on which we are working. And as I have indicated now for the second time tonight, we will continue to work with the majority to try to move that legislation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

Mr. MCCONNELL. Madam President, I say to my friend from Nevada, it remains the hope of the majority leader to finish the Energy bill this week because it remains his intention to spend the last 2 weeks before the Fourth of July break on the Medicare prescription drug issue.

#### PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow morning the Senate will resume consideration of S. 14, the Energy bill. At 9:30 tomorrow morning, the Senate will debate the Dorgan amendment related to hydrogen. That vote will occur at some point Tuesday morning prior to the policy luncheons. It has also been my hope, and the hope of many Members,

as I indicated earlier, that tomorrow morning the Senate could consider and pass a bill relating to sanctions against Burma. As I suggested earlier, I will be asking the Senate to do that in the morning, and hopefully we will have a chance to move forward on that important piece of legislation.

Tomorrow we will continue to work with our Democratic colleagues to clear the Energy bill. Additional amendments are expected throughout tomorrow's session; therefore, rollcall votes will occur during tomorrow's session. It is also the hope of the bill managers that we can lock in a final list of amendments. Senator REID referred to that earlier. We hope to be able to do that as soon as possible, and we encourage all Senators who wish to offer

an amendment to contact the chairman and ranking member of the Energy Committee.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. McCONNELL. Madam 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 6:49 p.m., adjourned until Tuesday, June 10, 2003, at 9:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate June 9, 2003:

THE JUDICIARY

ROBERT CLIVE JONES, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE DAVID W. HAGEN, RETIRING.

PHILLIP S. FIGA, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE RICHARD P. MATSCH, RETIRING.

DEPARTMENT OF JUSTICE

JACK LANDMAN GOLDSMITH III, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JAY S. BYBEE, RESIGNED.

CHRISTOPHER A. WRAY, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE MICHAEL CHERTOFF.

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CONFIRMATION

Executive nomination confirmed by the Senate June 9, 2003:

THE JUDICIARY

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.