

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4270 TO AMENDMENT NO. 4269

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4270 to amendment No. 4269.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

#### NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 2557, regarding America's dependency on foreign oil sources.

The PRESIDING OFFICER. The motion is debatable.

#### MORNING BUSINESS

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

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

The assistant minority leader.

Mr. REID. Mr. President, before the majority leader leaves the floor, I know that he and the minority leader have had the opportunity to speak this afternoon. I haven't had an opportunity to speak since that took place.

For purposes of informing Members, could the leader give us some idea of what we can expect. We know that tomorrow is pretty well filled up. We have 7 hours set aside for the continuing resolution, but there is some progress being made on various bills. Energy and water, they are reading that now. Hopefully, that might be filed tonight.

Mr. LOTT. I might say, Mr. President, I know the Senator from Nevada helped with some of the completion efforts on that energy and water appropriations bill. We should have it ready, hopefully, to be considered tomorrow; if not tomorrow, then the first part of next week.

I yield further for his questions and then I have some answers for him.

Mr. REID. On the H-1B, we are ready to vote on it. We have tried to have a vote on the Latino and Immigrant Fairness Act. There was one this afternoon that this Senator considers a vote on that amendment. Perhaps we are arriving at a point where we can start moving some of these things because I know we are going to get out of here next Thursday or Friday.

Mr. LOTT. That sounds like an excellent suggestion to me, Mr. President.

If I could respond, of course, the Senator is correct when he noted that we have, I believe, 7 hours of time that will be consumed, if it is all used, to discuss the continuing resolution. And, of course, we would have a vote at the end of that time. Obviously, Senator REID and others have made their points on the immigration issue. The H-1B issue, hopefully, we could come to agreement to have a vote scheduled on that. And I would like to work with the minority in determining what time they would find agreeable to have that vote. Perhaps we could do that tomorrow. I am fixing to ask consent that we consider the D.C. appropriations bill, which would give us a time agreement on that, if we could get that.

On the appropriations bills, it is like all appropriations conferences. They are never closed until they are closed. There are one or two issues that are very important that are still pending on a number of them. Interior appropriations, I believe, is very close to closure. There is still discussion going on with regard to so-called lands legacy funding and the CARA conservation bill.

The Agriculture appropriations bill is very close to conclusion. Once again, we have a couple of issues that have to be dealt with in finality. One of them is how do you deal with the sanctions question. A lot of people are making suggestions and, hopefully, a compromise can be reached that satisfies the great majority of the Senate and the House, Republicans and Democrats.

We think we are very close on the HUD-VA appropriations bill. The information I get is the administration is signaling that they think that could be an acceptable bill. There might be some issues that would be considered being added to that, not necessarily appropriations bills.

The Transportation appropriations bill, I believe, is for the most part done, with one remaining issue that is very difficult to resolve. But I know the Senator from New Jersey has a very passionate feeling about that. I understand that. So there are at least four or five appropriations bills that are pretty close to being wrapped up in terms of the dollar amounts. There is about one policy issue left on each one of them.

We hope to have two or three of those done, perhaps in the House of Representatives tomorrow, and then as quickly as we could get to them after that, we would want to do that.

I might say, I am expecting that we will be in session obviously on Monday. We do have the Jewish holiday to honor on Friday, September 29. But we will expect to be here on Monday, October 2, and could be having votes on these conferences that Monday.

I want to give Senators as much notice as we can, although we have indicated for quite some time that that first week in the new fiscal year, obvi-

ously we will have to be prepared to be in session the whole week and into the night, if necessary.

Those are the issues we now have identified. There are a number of other issues that are being worked on. The Finance Committee has been doing some work on the railroad retirement bill and on the community renewal legislation, two issues in which I know there is a lot of interest on both sides of the Capitol. I will give the Senator that list, and, hopefully, we can begin to work together to move a number of these. I believe I sense that opportunity now, when maybe it hadn't been quite ready for that earlier.

#### HEROISM OF WILLIBALD C. BIANCHI AND LEO K. THORSNESS

Mr. DASCHLE. Mr. President, the state of South Dakota has just dedicated a very special park at my alma mater, South Dakota State University. This park holds two new granite markers, each honoring a former SDSU student who won the Congressional Medal of Honor, our nation's highest award for valor in action against an enemy force.

Today I offer my solemn appreciation to these great Americans: First Lieutenant Willibald C. Bianchi, whose heroism occurred in the Philippines during the first weeks of World War II, and Lt. Colonel Leo K. Thorsness, who was decorated for his feats as a fighter pilot over North Vietnam.

First Lieutenant Bianchi, a Minnesota native, was a football player at SDSU and graduated in 1940 with a degree in animal science. During World War II, he served in the 45th Infantry, Philippine Scouts, one of the largest units in the Philippines during the Japanese invasion of December 1941. The invasion was brutally effective and, after less than a month, our Filipino and American troops were forced to retreat onto the Bataan Peninsula where they mounted a final stand against a numerically superior foe.

For three desperate months, the Americans and Filipinos battled the Japanese in a sweltering, mountainous jungle. Food was limited and medical supplies scarce. About a month into the fight, however, First Lieutenant Bianchi participated in a crucial series of battles that helped eliminate a pocket of Japanese troops behind the American line.

Four days after the Japanese incursion, our forces targeted "the Big Pocket" in a coordinated infantry-tank attack. A tank was lost and only slight gains made. On February 3, our forces tried again. Although he was assigned to another unit, First Lieutenant Bianchi volunteered to join a rifle platoon that was directed to destroy two machine gun nests. While leading part of the platoon, First Lieutenant Bianchi was struck by two bullets in his left hand. Refusing to pause for first aid, he dropped his rifle and began firing a pistol. He located one of the

machine gun nests and silenced it with grenades. When wounded again, this time by machine gun bullets through his chest muscles, First Lieutenant Bianchi climbed atop an American tank, seized its anti-aircraft gun, and fired into another enemy position until he was knocked off the tank by a third severe bullet wound.

This story has a sad ending. First Lieutenant Bianchi survived that day and returned to the fight a month later. The American-Filipino forces crushed "the Big Pocket" about a week after his heroics. But the Japanese would take Bataan in the end, and First Lieutenant Bianchi was sent off on the Bataan Death March. Though he survived the march, he died on January 9, 1945, when an American plane bombed a Japanese prison ship, not realizing that it held Americans.

The other hero memorialized in Brookings is Lt. Colonel Leo Thorsness, with whom I share some history. We both studied at SDSU, we both served in the Air Force, and we both ran for South Dakota's 1st Congressional District seat in 1978. While I prevailed, it was only by the skin of my teeth—110 votes out of more than 129,000 total ballots. And from that struggle, I gained a first-hand appreciation of the spirit, determination and patriotism of Leo Thorsness. For me, that experience enhances my appreciation for the remarkable story of a 35-year-old Air Force major who, in the words of his strike force commander, took on "most of North Vietnam all by himself."

Lt. Colonel Thorsness had served as a pilot for about 15 years when he was assigned to the 357th Tactical Fighter Squadron at Takhli Royal Thai Air Base. Lt. Colonel Thorsness was sent in just months after the Soviet Union began supplying North Vietnam with surface-to-air missiles (SAMs), and his mission was a new and dangerous one—distract and destroy the SAMs so that U.S. bombers could deliver their ordnance.

At one o'clock in the afternoon on Wednesday, April 19, 1967, his F-105 screamed off the runway, headed for the Xuan Mai army barracks and storage supply area, 37 miles southwest of Hanoi. Lt. Colonel Thorsness and his wingman attacked from the south, while another pair of F-105s attacked from the north. He silenced one SAM site with missiles, and then destroyed a second SAM site with bombs. But in the attack on the second site, Lt. Colonel Thorsness' wingman was shot down by intensive anti-aircraft fire, and the plane's pilot and electronic warfare officer were forced to eject over North Vietnam. Lt. Colonel Thorsness circled their parachutes and relayed their position to search and rescue crews. While he was circling, a MIG-17 was sighted in the area. Lt. Colonel Thorsness immediately initiated an attack and destroyed the MIG, but he was then forced to depart the area in search of an aerial tanker for refueling.

After learning that rescue helicopters had arrived, but that no additional F-105s were arriving to provide cover, Lt. Colonel Thorsness returned alone, flying back through an area bristling with SAMs and anti-aircraft guns to the downed flyers' position. As he approached, he spotted four MIG-17 aircraft, which he attacked, damaging one and driving away the rest. Soon it became clear that Lt. Colonel Thorsness' plane lacked sufficient fuel to continue protecting the rescue operation and that he would have to find an aerial tanker. On his way to the tanker, however, Lt. Colonel Thorsness received a distress call from a fellow F-105 pilot who had gotten lost in battle and was running critically low on fuel. In response, Lt. Colonel Thorsness allowed that pilot to refuel at the tanker, while he himself flew toward the Thai border, a decision that may have saved the other plane and the life of its pilot, according to the Medal of Honor citation. Lt. Colonel Thorsness managed to return to a forward operating base—"With 70 miles to go, I pulled the power back to idle and we just glided in," he would recall later. "We were indicating 'empty' when the runway came up just in front of us."

A week-and-a-half later, on a similar mission, Lt. Colonel Thorsness was shot down over North Vietnam by a heat-seeking missile from a MIG-21. He spent the next six years as a North Vietnamese prisoner of war. He was released on March 4, 1973, and in October of that year, the President of the United States draped the light blue ribbon of the Congressional Medal of Honor around Lt. Colonel Thorsness' neck.

The official citation says: "Lt. Colonel Thorsness' extraordinary heroism, self-sacrifice, and personal bravery involving conspicuous risk of life were in the highest traditions of the military service and have reflected great credit upon himself and the U.S. Air Force." I could not have put it any better myself.

With this statement before the United States Senate, I join in saluting First Lieutenant Bianchi and Lt. Colonel Thorsness. As Congressional Medal of Honor winners, they are a symbol of the finest our nation has to offer. Their feats serve as extraordinary lessons in courage, commitment, and self sacrifice, and I am proud that they are identified with my home state.

#### THE PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2000

Mr. LEAHY. Mr. President, I spoke earlier this month about the continuing problems for Federal law enforcement caused by the so-called McDade law, which was slipped into the omnibus appropriations law at the end of the last Congress. I discussed how the interplay of the McDade law and a recent attorney ethics decision by the Oregon Supreme Court is se-

verely hampering Federal law enforcement efforts in Oregon. Oregon's Federal prosecutors will no longer use federally authorized investigative techniques such as wiretaps and consensual monitoring, and by the end of this week, the FBI will shut down Portland's Innocent Images undercover operation, which targets child pornography and exploitation. This is just the latest example of how the McDade law has impeded important criminal prosecutions, chilled the use of traditional Federal investigative techniques and posed multiple hurdles for Federal prosecutors.

Due to my serious concerns about the adverse effects of the McDade law on Federal law enforcement efforts, I introduced S. 855, the Professional Standards for Government Attorneys Act, on April 21, 1999. The Justice Department has called this legislation "a good approach that addresses the two most significant problems caused by the McDade Amendment—confusion about what rule applies and the issue of contacts with represented parties."

Since that time, I have conferred with a number of lawmakers from both sides of the aisle about crafting an alternative to the McDade law. Together, we worked out a proposal based on S. 855, which would address the problems that have caused by the McDade law, while adhering to the basic premise of that law—that the Department of Justice should not have the authority it long claimed either to write its own ethics rules or to exempt its lawyers from the ethics rules adopted by the Federal courts. Based on these discussions, I am filing this substitute amendment to my bill, S. 855.

I regret that we have squandered opportunities to move any corrective legislation through the Congress. The consequences of our inaction have been severe, as I have discussed, and it is clear that Federal law enforcement efforts will continue to suffer if we do not act now.

I ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

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

#### SUMMARY OF THE PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2000

##### 1. OVERVIEW

The Professional Standards for Government Attorneys Act of 2000 adheres to the basic premise of section 801 of the omnibus appropriations act for fiscal year 1999 (Pub. L. 105-277), commonly known as the McDade law: the Department of Justice does not have the authority it has long claimed to write its own ethics rules. The proposed legislation would establish that the Department may not unilaterally exempt federal trial lawyers from the rules of ethics adopted by the federal courts. Federal courts are the more appropriate body to establish rules of professional responsibility for federal prosecutors, not only because federal courts have traditional authority to establish such rules for lawyers generally, but because the Department lacks the requisite objectivity.