The Senate met at 9:15 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Lord of our Lives, our prayer this morning is to report in for duty. We know it makes a great difference how we think about You and how we conceive of our relationship with You. You are our supreme commander, we are Your servants. Throughout the Bible, the truly great men and women regarded the name “Servant of God” as a description of their highest calling. Patriarchs, priests, prophets, and disciples bore the distinguished title of servants. The psalmist urgently calls us to “Serve the Lord with gladness.”—Psalm 100:2. That’s our purpose today.

As Senators, officers of the Senate, and staff, we all renew our commitment to serve You in our work in government. We are not here to be served but to serve. May no challenge be too momentous nor any assignment too menial for us as Your servants. Our security and esteem are not in titles, positions, power, or turf but in being Your servants, working for Your glory and the good of America. May it be so today, Sovereign Master of our Lives. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 704. The clerk will state the nomination.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, shortly the Senate will vote on the confirmation of Executive Calendar No. 704. David Bury of Arizona, to be United States District Judge for the District of Arizona. Following that, we will return to the energy bill. The managers will be ready to accept amendments.

We hope there can be some done today between the two managers. There will be no further rolcall votes. The majority leader announced last night we will come in, it appears, at about 3 o’clock on Monday, and further information will be given before we adjourn today.

The leader has also announced we will have at least one vote beginning at 6 o’clock Monday. There could be more than one vote.

Nomination of David C. Bury, of Arizona, to be United States District Judge for the Circuit of Arizona.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 704. The clerk will state the nomination.

The legislative clerk read the nomination of David C. Bury, of Arizona, to be United States District Judge.

Mr. LEAHY. Mr. President, today, the Senate is voting on the 41st judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Democrats became the majority party in the Senate. With the confirmation of David C.
Bury to the U.S. District Court for the District of Arizona, the Senate will have resolved 6 judicial emergencies since we returned to session just a few short weeks ago and 11 since I became chairman this past summer. As of this week, the Senate has confirmed 248 judges in the last 9 months than were confirmed in 4 out of 6 years under Republican leadership. The number of judicial confirmations over these past 9 months—41—exceeds the number of judicial nominees confirmed during all 12 months of 2000, 1999, 1997, and 1996.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. The larger number, confirmations in the Senate, 248 judges which a Republican majority most re- 

In the past 9 months, we have had more hearings, for more nominees, and had more confirmations than the Republican leadership did for President Clinton's nominees during the first 9 months of 1995. In each area—hearings, number of nominees given hearings, and number of nominees confirmed—the Judiciary Committee has exceeded the comparable period when Republicans were in power. And 1995 was one of their most productive years. Beginning in 1996, the Republican majority really began stalling the judicial confirmation process. In the 1996 session, only 17 judges were confirmed all year. Judge Bury will be the 13th judge confirmed since January by President Clinton or those initially sent to the Senate in May by President Bush.

In contrast, under the Democrat-led Senate, President Bush's nominees to the 5th Circuit were confirmed in 1996, in 1999, and never received a hearing on his nomination or a vote by the Committee in 1999, 2000, or the beginning of 2001. His nomination to a Louisiana seat on the Fifth Circuit also languished without action for 23 months.

In contrast, under the Democrat-led Senate, President Bush's nominees to the 5th Circuit were confirmed in 1996.

Mr. HATCH. Mr. President, I rise to support the confirmation of David C. Bury to be U.S. District Judge for the District of Arizona.

I have had the pleasure of reviewing Mr. Bury's distinguished legal career, and I have come to the opinion that he is a fine lawyer who will add a great deal to the Federal bench in Arizona. David Bury was born and raised in Tulsa, OK. After graduating from Oklahoma State University in 1964, he attended the University of Arizona College of Law, earning his Juris Doctorate in 1967.

Mr. Bury has been a trial lawyer in private practice for over 34 years, and he has experience in almost every area of civil trial practice—primarily in the area of insurance defense. His clients have included private citizens, large corporation, lawyers, doctors, insurance companies, Pima County, and the State of Arizona. He has defended medical and legal malpractice cases, products liability and construction site cases, governmental entities in false arrest cases, assault and battery cases, United States Code section 1983 actions, and road design and construction cases. He has defended school teachers and school districts. Additionally, he has represented individuals in personal injury and employment cases.

Mr. Bury is a Fellow of the American College of Trial Lawyers and an Advocate in the American Board of Trial Advocates. He has also been in the "Best Lawyers in America." He has served as a lawyer representative to the Ninth Circuit Judicial Conference.
Mr. REID. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Madam President, due to my absence, I was unable to vote today on the confirmation of David C. Bury as a judge for the United States District Court for the District of Arizona, Tucson Division.

Had I been present today, I would have voted “yea” on Mr. Bury’s nomination with whole-hearted enthusiasm for a man of outstanding character and tremendous legal talent.

Without question, Mr. Bury is well-qualified for this position. His reputation precedes him. In the State of Arizona, he has always been a well-respected and highly competent trial attorney. His unblemished 34 years in the practice of law have proven his commitment to the legal profession. Not only does he bring to the Federal bench extensive experience in civil litigation, he will bring to the bench the requisite qualities of patience, fairness and the highest ethical standards. In short, Mr. Bury will be an outstanding Federal judge for our great state of Arizona.

I congratulate him, his wife Debby and his three children on his nomination to the Federal court. They are undoubtedly proud of him not only for this high honor, but also for the rest of his professional accomplishments and his personal commitment to them.

I am very confident that Mr. Bury will be a top-notch public servant who will bring to the Federal judiciary the highest level of professionalism, leadership and dedication. He will make the people in Arizona proud. And for his public service, I thank him.●

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The ACTING PRESIDENT pro tempore. The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

(Rollcall Vote No. 51 Ex.)

YEAS—90

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Baucus (MD)
Bond
Boxer
Breaux
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Collins
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Brownback
Burns
Craig
Frist
McConnell
Miller
Frist
McConnell
Miller

The nomination was confirmed.

Mr. MCCAIN. Madam President, during this lull in the debate of the energy bill I would like to take a moment to thank the Senator from New Mexico and his staff for all of their hard work and cooperation on the Alaska gas pipeline title of this bill.

Mr. BINGAMAN. I thank the Senator for those kind words. This is an important energy policy initiative for the nation. I thought we had a good beginning with the amendments that were offered and debated last week.

Mr. MURKOWSKI. I agree, it was a good start. However, we still have a fair piece to go before we reach the end of this trail. If the Senate would recall during last week’s debate I mentioned that there were a number of additional items that would need to be addressed before we completed our legislative effort on this important issue.

These additional items include crafting language that sets procedures in place for allocating initial gas capacity of the pipeline and for any subsequent expansions that might be warranted based on new discoveries or additional needs in Lower 48 markets.

Mr. BINGAMAN. Yes, I do recall the Senator’s remarks and I agree that there are several additional items that are being worked on at the staff level. I particularly hope we will be able to make some improvements that will assist in lowering the overall risk associated with this $20 billion project.

These include enhancing the ability of the Pipeline Coordinator created in the gas pipeline title to keep the numerous Federal and State agencies that will be involved in this project working in a cooperative and coordinated fashion and providing for clear and expedited procedures for resolving legal challenges that might arise during permitting and construction of the pipeline. Streamlining the permitting process will help reduce the risks of delay and added costs to the project.

Mr. MURKOWSKI. I do indeed understand what my friend from New Mexico is saying. This point is especially true when you recall that the oil and gas producers who hold the leases on the Prudhoe Bay gas have stated publicly that the project as it now stands is economically. Any legislative language that adds risk or restricts the project will simply make it impossible to build the Alaska gas transportation system—and this will deny the American consumers with access to a dependable,
long-term, and economic supply of domestic natural gas.

Mr. BINGAMAN. I agree with the Senator from Alaska. We must be extremely careful in crafting language for inclusion in the gas title; poorly thought out concepts can add significantly to the problem.

I suggest that we continue our cooperative efforts as we have in the past. I believe that by working together we can get this project built, and that will benefit both the people of Alaska and the entire gas consuming public across the United States.

Mr. MURKOWSKI. I agree completely and I look forward to continuing our efforts. I particularly appreciate the Senator’s understanding the need to allow Alaskans access to the North Slope gas reserves. As in the Nation, my State needs abundant and dependable gas supplies to fuel the growth of our economy over the next three decades.

THE PICKERING NOMINATION

Mr. BENNETT. Madam President, I ask unanimous consent I might be allowed to speak as in morning business for up to 7 minutes.

Mr. MURKOWSKI. I agree completely and I look forward to continuing our efforts. I particularly appreciate the Senator’s understanding the need to allow Alaskans access to the North Slope gas reserves. As in the Nation, my State needs abundant and dependable gas supplies to fuel the growth of our economy over the next three decades.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, I ask unanimous consent I might be allowed to speak as in morning business for up to 7 minutes.

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

THE PICKERING NOMINATION

Mr. BENNETT. Madam President, we have just confirmed a district judge, and I am delighted with that action. It is an action I wish we would take more often around here.

Last night, the Judiciary Committee refused to send to the Senate Judge Pickering, who was nominated for the circuit court. I wish to make a few comments with respect thereto, and do it in the shadow of the confirmation vote we have just had.

When this session of Congress began, the Senator from Vermont, who now chairs the Judiciary Committee, made it clear he had an extra-constitutional test he would apply to every judge. That is, he insisted we have the statement of the American Bar Association before us before we even consider a judge. I use the term ‘extra-constitutional’ rather than ‘unconstitutional,’ as some commentators have, because the Senator has every right to turn to any group or any area he wants in order to make his decision, but a requirement that a judge be recommended by the American Bar Association is not in the Constitution. Therefore, it is an extra-constitutional test.

When Judge Pickering came before the Judiciary Committee, he passed that extra-constitutional test. He was chosen and designated as being well qualified by the American Bar Association. Yet he was voted down by the members of the Judiciary Committee. Some of them said he had racist views. Yet the African Americans in his home State came forward in great numbers to insist that this judge did not have racist views. Indeed, these African Americans who knew him better than African Americans outside of his State insisted he was an excellent judge and an excellent choice for the circuit court. Nonetheless, he was still not sent to the Senate.

What this means is that the chairman of the Judiciary Committee has an additional extra-constitutional test he is applying to nominees. As he said before, it is his right to put whatever test he wants. But I, in good faith, hope in courtesy to the Senate, that he and the other members of Judiciary Committee who voted against Judge Pickering will disclose their extra-constitutional test. They did at the beginning of the session. They said, in response to the President, they would not consider him until we have a rating from the American Bar Association. That is an extra-constitutional test we will openly and directly apply.

It is clear from what has happened to Judge Pickering that there is another extra-constitutional test being applied in secret, that is being applied in camera, and that is being applied in the dark. Those of us who are unaware of what it is, are therefore, unable to discuss it and unable to talk about it or direct our concerns toward it.

Therefore, I formally ask the chairman of the Senate Judiciary Committee, Mr. LEAHY from Vermont, to tell us what the extra-constitutional test that he applied to Judge Pickering is.

The newspapers say he has to pass muster from groups such as People for the American Way. I would rather not get the information from the newspapers. I would rather not have a journalist tell me what is on the Senator’s mind. I would rather have the Senator tell us as openly and directly as he can at the beginning of this session what it is he requires before he will vote for someone to come out of the Judiciary Committee for a Senate vote.

It is only fair that we and the constituents in Vermont understand what the test is that the chairman of the Judiciary Committee is applying. At the moment, we are left in the dark.

I yield the floor.

The PRESIDING OFFICER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

MORNING BUSINESS

Mr. REID. At this time it appears no one is offering amendments on the energy bill. But in an effort to see if that will happen, I think the Senate would be well advised to go into a period of morning business for the next hour. So I ask unanimous consent, because there are a number of Senators wishing to speak as in morning business, that the Senate proceed to a period of morning business with Senators allowed to speak for a period up to 10 minutes each, and that the Senate business time expire at 11:15 a.m. today.

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

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

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 12 o’clock today.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BRINGING SOUTH DAKOTA’S STRENGTH TO THE WAR AGAINST TERRORISM

Mr. DASCHLE. Mr. President, 2 months ago, I traveled with some of our other Senate colleagues to Afghanistan and other Central Asian nations.

We wanted to see what progress is being made in the war against terrorism. We also wanted to talk with our allies in the region to try to assess how we might help make their nations hospitable to freedom—and inhospitable to terrorists.

We learned a great deal.

I have already had a chance to share many of my thoughts and observations with Secretary Powell.

Today, I would like to say a few words publicly about the part of our trip that I found the most moving and impressive: the other Americans we met—men and women who are serving our Nation’s interests every day in places far from home—often under incredibly challenging conditions.
We met extraordinary people from almost every State. They all deserve our profound appreciation.

I was especially moved by five people I met from my own State. Listening to them, and watching them perform their jobs, made me very proud of a South Dakotan. It also reinforced my conviction that we will triumph in the war against terrorism.

This week, as we mark the 6-month anniversary of the attacks on our Nation, I thought it fitting time to tell my colleagues about them.

David Nelson, the Senior Economic Counselor in the U.S. Embassy in Berlin, is from Brookings, SD. Day in and day out, he is working to protect America’s economic interests in Germany. Since September 11, he has also played a critical role in our efforts to cut off the terrorists’ money supplies.

Dr. Jan Riemers is from Bristol, SD. She is the only western doctor in Uzbekistan’s capital city of Tashkent. She is a modern-day Albert Schweitzer, who moved her entire family to Uzbekistan so she could serve people who might otherwise never see a doctor.

I also met three remarkable young men who are even more directly involved in the war against terrorism. They are serving our country in uniform. For security reasons, I won’t use their names.

One is a Army private from Milk-land, SD who I met in Uzbekistan. When we met, it had been almost 2 years since his last leave.

On September 11, he was just completing a tour of duty in Bosnia. He and his colleagues had been living in tents and eating MREs—packaged meals—three times a day for several months at that point. He could have come home instead, he volunteered to go to Central Asia to be a part of the war against terrorism. And he said he was honored to do so.

In Afghanistan, I met an Air Force master sergeant from Rapid City. He is involved in delivering two things Afghanistan needs desperately: U.S. military support, and humanitarian assistance.

His efforts helped make possible the military victories we have seen in Afghanistan. They are also part of the reason we have not seen the humanitarian disaster some predicted at the outset of the war.

In Kyrgyzstan, I met an Air Force staff sergeant from Yankton—one of the first U.S. service members deployed to that country. We met at Manas International Airport, where he and other Americans are working to build an air base that will host person- nel from several countries and serve as a hub for air operations in Afghan-i stan. He came out to meet us in the middle of a snowstorm, and he could not have been more excited about his mission.

We ask our service men and—like these three honorable South Dakotans—to attempt extraordinary things and make extraordinary sacrifices. Time after time, they not only meet our expectations, they exceed them.

In this week, when we mark the 6-month anniversary of the attacks on our Nation, it seems appropriate that we add honoring men and women who are working—and risking their lives—to try to prevent us from ever experiencing that heartache again.

They are true patriots. They come from men and women, from every State and territory in our Na- tion. They make us proud. And they are making America, and the world, stronger and better.

Mr. President, I ask unanimous consent that the report we have compiled regarding the trip to Afghanistan from January 10 to 19 of this year be printed in the RECORD.

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

**SUMMARY OF FINDINGS AND KEY RECOMMENDATIONS**

The initial phases of the war on terrorism has been a clear success. It was evident from our trip to Central Asia that the conduct of the war on terrorism has, to date, produced impressive re- sults. Our troops, President Bush, Secretary Rumsfeld, and Secretary Powell deserve credit and recognition for that success.

U.S. troops are a credit to themselves and the country. The performance of U.S. troops in Central Asia and Afghanistan has been remarkable and a tribute to the hard work and commit- ment of the thousands of men and women who are defending freedom. U.S. personnel are brave in harsh weather and very rudimentary accommoda- tions. One Air Force officer I met in March said ‘‘we had been living in the mud’’ in Uzbekistan for 3 months, further saying he was honored to be doing so. An Army Colonel in Afghanistan, while eating chicken Chow Mein for the fourth night in a row, observed, ‘‘I can’t complain, because it’s hot [food],’’ Another Army PFC declared he was proud to have spent the past 3 months serving Afghanistan, notwithstanding the fact that he was de- ployed to the region 1 week after moving to Kabul, and volunteered to serve in Afghanistan as he was finished a tour of duty in Bosnia be- cause he was eager to participate in the war against terrorism.

The U.S. personnel from other U.S. agen- cies also have also been a credit to Amer- ica. Foreign Service officers in Uzbekistan, Pakistan, and Afghanistan are working around the clock—literally—to advance U.S. interests and support U.S. military personnel. The Embassy in Tashkent is over-crowded, the Embassy in Kabul is in terrible straits after being overrun by decades of war, and former U.S. Embassy personnel in Islamabad were forced to return to the U.S. as a result of security threats.

On a more personal note, we were proud to meet a number of South Dakotan and Illi- nois servicemen and women who are serving their country in the region. To a person, they support the mission and take pride in the role they are playing to improve living conditions in the region and defeat inter- national terrorism.

Senator Daschle was also proud of the generosity of South Dakotans was greatly appre- ciated by Afghans. The delegation deliv- ered three boxes of winter clothing to the Af- ghan Minister of Orph-age and Mar- tyrs. The clothing was collected by South Dakota business leaders and students at two separate elementary schools.

The troops’ success allow us to focus on consolidating gains.

The successful effort that started as a war in Afghanistan to bring to justice those responsible for the September 11th attacks is shifting to focus on consolidating gains and helping to bring some semblance of eco- nomic, political, and physical security to the region. Challenges are many, but the United States undertook a remarkable effort to con- front and defeat the first such challenge— widespread hunger.

A remarkable U.S.-led effort to deliver food and shelter has helped prevent a massive humanitarian disaster, which last fall, after years of mismanagement by the Taliban, looked inevi- table. But the USG—led by the Department of Defense and USAID with significant as- sistance from CARE, Catholic Relief Serv- ices, Church World Services, International Rescue Committee, and others—provided nearly $300 million worth of water, health care and shelter to millions of Af- ghan in FY 2002.

Challenges remain. It is particularly trou- bishing that bin Laden’s bulk of the senior Al Qaeda leadership, Mullah Omar and the majority of the Taliban leadership remain at large.

The fact that so many key terrorist lead- ers are unaccounted for is one factor that contributes to insecurity in Afghanistan, which is increasingly threatening the gains the United States has made in the region. At the time of the trip to Afghanistan, Chair- man Karzai and U.S. personnel in the region were clearly concerned about security. Events since the delegation’s visit to Af- ghanistan—such as the fights between war- lords in Gardez, the murder of the interim tourism minister, and increasingly alarming reports out of the Administration about a general rise of lawlessness and warlordism, including a specific report that some war- lords may be preparing to sabotage the loya jirga set for June—only serve to harden that assessment.

The current configuration of the Inter- national Security Force (ISAF) is clearly insuf- ficient to confront this insecurity. At the very least, the ISAF should be expanded beyond Kabul and into other Afghan cities until ef- forts to support the mission and inter- national Support to the Afghan government are sufficient to ensure the military loyal to the interim government can catch up with this insecurity. While suc- cess of the ISAF is not dependent on the U.S. providing ground troops as part of an ex- panded effort, it is clear that an American component for transportation, intelligence and search-and-rescue is likely to be a pre- cious resource to the ISAF.

An increased U.S. military role in support of an expanded ISAF is entirely consistent with the Administration’s policy goal of maintaining a U.S. presence in the region, evidenced by the substantial up- grades beginning at Manas Airport in Kyrgyzstan. The presence of American military deployment in Uzbekistan and Georgia. This increased American military
presence can play an important role in support of the ISAF.

Central Asian Republics have taken significant steps in support of the U.S.—and are urging other countries in the region to follow suit.

Good long term relations with the Central Asian Republics is very much in the national interest of the United States.

Uzbekistan and even Turkmenistan have demonstrated, with their efforts in Afghanistan, a solid commitment to the war against terrorism.

Uzbekistan's leadership threatens to be fostered with our request for basing rights and oversight rights, including the right for the United States to maintain a significant troop presence at the airfield at Khanabad, a region where the United States has signed a Status of Forces Agreement on October 7 and a Memorandum of Understanding on Economic Cooperation on November 7. Last fall, the U.S. also allocated an additional $100 million in assistance for Uzbekistan, and the Administration is reported to be considering an additional tranche of assistance in a supplemental for “front line states” expected to be submitted to Congress in mid-to-late March.

The Government of Uzbekistan has also provided important cooperation with U.S. programs to curb the proliferation of materials for use in mass destruction (WMD) weapons. The government of Uzbekistan and the U.S. and Uzbekistan to begin cleaning up the former Soviet biological weapons test range on Zvozhdenniya in the Aral Sea is an important first step in addressing the threat of WMD material.

This provides an opportunity for cooperation against extremism in Afghanistan and the region.

Now that Turkmenistan has come under new leadership, it is important to understand the political and economic reforms that have been made in this country.

Each country has recognized that the trafficking of Afghan opium to and through their countries, which has contributed to large increases in illicit drug use throughout Central Asia over the past few years. According to UNAIDS, this surge in drug use has brought the Central Asian republics to the “verge of a major public health and socio-economic crisis in terms of large scale epidemics of HIV/AIDS.”

As such, the United States should be looking for opportunities to increase funding for bilateral AIDS prevention, care and treatment programs targeted to Central Asia and to increase the annual U.S. commitment to the Global Fund to Fight AIDS, TB and Malaria.

Pakistan and President Musharraf are also making a strategic choice to join the West. Concrete steps to confirm and reward that choice would be welcome.

Pakistan has been a vital ally in the war against terrorism. With its location in a critical region of the world, a nuclear arsenal, and a population set to double in the next 20 years, American national security is undoubtedly improved by President Musharraf’s strategic choice.

The Administration has welcomed President Musharraf—in which he proclaimed a jihad against extremism—demonstrates that he is ready to take Pakistan back from the extremist political and social forces that have been responsible for perpetuating the Pakistan education system and a systematic crackdown on extremism.

Although ultimate success in this effort can only be judged by results, initial efforts suggest that he is committed to this effort.

He has specifically requested U.S. support for additional troops to the Pakistan theater, which has been ignored by previous Pakistani governments more interested in investing in weapons systems than social and economic development.

The United States supported that effort with significant new resources, closely conditioned on President Musharraf maintaining his commitment to reform. These steps represent a move toward the West,

President Musharraf’s comments about the war are linked to the war against terrorism. In a war with such extremists, there can be no compromise, just as there could be no compromise with the Nazis.

German Foreign Minister Fischer referred to the way on terrorism as a fight with a “new totalitarianism.” In a war with such extremists, there can be no compromise, just as there could be no compromise with the Nazis.

German also reserved blunter language for the conduct of the Saudis in this effort and extremism. The Saudis are by far the most essential pre-condition of defeating terrorism—and for the lack of concerted effort by Palestinian Authority Chairman Arafat—this decision to start the Intifada in September 2000 was judged an “historic mistake,” and “we all may have overestimated how much Arafat wants peace."

While it does not see another state that has supported terrorism as much as Afghanistan did, the German government recognizes clearly that this is going to be a long-term war and appears to be ready to make further contributions to that effort. In particular, the German leadership pointed out the long clear desire for WMD—as a problem that the West will have to confront. Given the extent of German cooperation in the first phase of the war against terrorism—and the political price paid by the German government—it was interesting to hear the same concerns expressed by the German officials about the next phases in the war.

German Government officials noted especially the threat posed by Saddam Hussein—particularly by his people in interest in developing weapons of mass destruction, to the region, Europe and the United States.
These officials also noted, however, that forcing military action in Iraq without prior consultation with, if not outright support from, the international community risks a potentially even more threatening set of circumstances in the Gulf with negative impacts on energy security as well as the security of Israel.

THE RETIREMENT OF ALEX LEWIS

Mr. DASCHLE. Mr. President, today the Senate loses one of its most valued employees to retirement. After 35 years of dedicated service, Alex Lewis of the Recording Studio is stepping down.

Alex began work for the Architect of the Capitol in 1967 at the ripe old age of 20. He started work here as an electrician's helper. By the 1970s he was running and maintaining the Senate and House audio systems, moving to the Senate full time in 1991.

In 1994, he helped bring the Senate into the computer age, working tirelessly over many late nights and weekends to meet a tight deadline to replace the old Senate sound system with the state-of-the-art digital system we use today.

That can-do attitude, his friendliness and cooperativeness was respected by everyone who worked with him. And, in the recording studio supervisor, Alex was respected for his caring, consideration, and fairness by everyone here in this body.

Alex said that having the opportunity to be witness to more than three decades of historical events at the Capitol is something he will always treasure. Today, all of us in the Senate family want to express how much we treasure his service to this institution. We thank him and we wish him well.

Mr. President, I yield the floor and suggest the quorum.

Mr. HATCH. Mr. President, I rise today to express my deepestfelt discomfort in the decision of the Judiciary Committee yesterday against the nomination of Judge Charles Pickering, a jurist of the highest character and proven dedication to public service.

Mr. President, I will not repeat my defense of Judge Pickering’s record, which I addressed here yesterday.

There are particular reasons why I am disappointed and saddened. First, certainly, is the unfairness with which the Judiciary Committee treated Judge Pickering’s record.

It has come to the point that men and women who put themselves up for public service and the Senate confirmation process are heroes, willing to sacrifice their good name and peace of mind.

I also feel terribly for the people of Mississippi, and about what this decision says to them after the long distance they have traveled to correct past wrongs. I feel terribly for the African Americans from Mississippi who stood by Judge Pickering, at risk to their own reputations.

Opponents have made much of the meager 26 reversals that Judge Pickering has received. As a jurist, it is open old and painful wounds by using the all-too familiar race card and suggesting that Judge Pickering has a poor record in civil rights cases.

They claim that Judge has a poor record on voting rights. In fact, he has had only four voting rights cases — only four — and he has been appealed on the merits in none of them. My staff has counted almost 200 decisions, and there may be more, in which Judge Pickering has applied the various civil rights laws of the United States with neither an appeal nor a reversal.

Opponents sought desperately to find aggrieved litigants with an ax to grind. They have found almost none. That is amazing for somebody who is in the Federal and State courts for much of a legal career. The African American parties who were involved in one of the four voting rights cases have even written to support the confirmation of Judge Pickering — the same judge who ruled against them.

Many of my colleagues are lawyers. They know full well, as did these African American parties who support Judge Pickering that just ruling one way or another in a case does not mean you are against the underlying law. With this, does it mean that every judge who has overturned a drug sentence is pro-drugs? Obviously not. We all know better than that.

The judge’s record is clear and distinguished. But I venture to say that the opponents of Judge Pickering are not interested in accentuating the positive record, to say the least. It is not politically expedient to do so.

Take the case of little Jeffrey Hill. His parents believed that their son was entitled to receive a free appropriate education under the Individuals with Disabilities Education Act. Jeffrey’s parents sued and stood alone against the State of Mississippi. Judge Pickering, as he has done in cases involving homosexuals, African-Americans and others, appropriately found that the law in that case required Mississippi to educate handicapped children. Judge Pickering gave little Jeffrey Hill his day in court. He ruled on the law.

Yesterday Senators on the Judiciary Committee received a letter from three dozen members of the House of Representatives, including the former chairman of the House Judiciary Committee, Mr. HYDE.

House Members asked that the Judiciary Committee repudiate extreme liberal, left-of-mainstream special interest groups that have raised Judge Pickering’s religious views as an issue, so far as to attack Judge Pickering for a speech he gave on the Bible when he was president of the Mississippi Southern Baptist Convention.

I ask unanimous consent that the letter be printed in the RECORD. There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPUBLICAN STUDY COMMITTEE,


HOUSE MEMBERS URGE SENATORS TO REBUDE RELIGIOUS TESTS FOR JUDGES OUTSIDE GROUPS ATTEMPTING TO CREATE A RELIGIOUS TEST IN ORDER TO DEFEAT THE Nomination of Judge Pickering

Washington, D.C.—Over three dozen Members of the House of Representatives today sent a letter to Members of the Senate Judiciary Committee asking them to repudiate attempts by groups such as the People for the American Way to establish a defacto religious test preventing persons of faith from serving as federal judges.

Rep. Walter Jones (R-NC), stated, “In their campaign against the nomination of Judge Charles Pickering to the Court of Appeals, a number of outside groups have asserted that Judge Pickering is unfit because he promotes religion from the bench.” A close examination of these allegations and Judge Pickering’s record clearly indicate that what opponents of his nomination are really objecting to is the fact Judge Pickering is personally a man of religious faith.

Rep. Joe Pitts (R-PA) added, “The failure of the Senate Democrats to repudiate the charge that Judge Pickering is unfit for the bench because of his religious beliefs sends a very clear message: ‘So long as Democrats control the Senate, religious people will be prohibited from serving as judges.’

The text of the letter from the Senate Judiciary Committee Members is reset on the next page.

EXTENSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate extend morning business until 1 o’clock today.

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

NOMINATION OF CHARLES PICKERING, SR.

Mr. HATCH. Mr. President, I rise today to express my deepestfelt discomfort in the decision of the Judiciary Committee yesterday against the nomination of Judge Charles Pickering, a jurist of the highest character and proven dedication to public service.

Mr. President, I will not repeat my defense of Judge Pickering’s record, which I addressed here yesterday.

There are particular reasons why I am disappointed and saddened. First, certainly, is the unfairness with which the Judiciary Committee treated Judge Pickering’s record.

I feel awful for Judge Pickering and his family for the way that the special interest groups and the liberal activists have distorted his record.

It has come to the point that men and women who put themselves up for public service and the Senate confirmation process are heroes, willing to sacrifice their good name and peace of mind.

I also feel terribly for the people of Mississippi, and about what this decision says to them after the long distance they have traveled to correct past wrongs. I feel terribly for the African Americans from Mississippi who stood by Judge Pickering, at risk to their own reputations.

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Members of the Senate Judiciary Committee.

Dear Senators: We write to express our grave concern regarding the attempts by some organizations to have the Senate impose what amounts to a religious test on judicial nominees. As you are aware, Article VI of the Constitution specifically forbids the imposition of a religious test.

Groups such as People for the American Way have been leading a campaign in opposition to the nomination of Judge Charles Pickering to the U.S. Court of Appeals for the 5th Circuit. Opponents of Judge Pickering's nomination are in effect arguing that a religious test or an abortion litmus test, concerns me greatly.

Republicans refused to establish an abortion litmus test in either direction when we controlled this committee. We confirmed 377 of President Clinton's judicial nominees without imposing such a test.

Maybe this has something to do with the make up of the Judiciary Committee; all the members on one side of the aisle share a single view, but on the Republican side, both views are welcomed.

I might also add, I believe that underlying these attacks on conservative judicial nominees is the issue of abortion. If we had chosen to use that as a test, President Clinton would have had very few judges confirmed. If that is going to be the rule, then that is a very bad thing and bad precedent to start. I was told by some of the outside groups that they do not believe anybody should serve on any court in this land who is not pro-abortion.

That is an extreme view. Hopefully that view will never have that much influence on this body, but, unfortunately, I think it does have an influence. I will not ever agree that the Judiciary Committee or the Senate should exercise its advice and consent responsibility in a way that makes an absolutely lock-step demand that nominees think in a particular way on any single issue. Of course, as long as the Democrats are in the majority, I cannot stop them from doing so.

But I can promise this: a decision to impose an abortion litmus test will mean that no judges with private religious views are repugnant, and I do indeed repudiate such tactics.

Mr. Hatch. I think that is wrong. Being a member of the Church of Jesus Christ of the Latter Day Saints myself, the only church in the history of this Nation that had an extermination order out against it by the Governor of Mississippi in the 1800s when many people were trying to promote religion from the bench. In support of this charge opponents cite a speech Judge Pickering delivered in 1984 where he was President of the Mississippi Baptist Convention and comments made by Judge Pickering from the bench referencing biblical principles and other religious literature.

Judge Pickering has made clear that he will follow the law and not his particular religious beliefs in the exercise of his judicial duties. Indeed, his record over the past decades as a District Judge clearly indicates that he practiced in the best traditions of the U.S. judicial system, even when making reference to religious literature. Indeed, Chief Justice Earl Warren, Justice Thurgood Marshall, and Justice William Brennan have all made references to the Bible or biblical principles when delivering the opinion of the Supreme Court in cases covering such disparate issues as the Fifth Amendment right of self-incrimination, and the forfeiture and seizure of vessels used for unlawful purposes.

Many of those opposing Judge Pickering's nomination are in effect arguing that a religious person is unqualified to serve in the federal judiciary because he cannot be trusted to make decisions from his official duties. This is nothing more than personal viewpoints or religious convictions, that have nothing to do with ability to follow the law.

Some of my Democratic colleagues have openly sought to introduce ideology into the judicial confirmation process, something which I repudiate. I am now concerned that the abortion litmus test would have the same effect as a religious test.

But the great majority of people who are pro-life come to their positions as a result of their religious convictions. We view unborn life as sacred. We believe in the words of the Declaration of Independence that we are "endowed by our Creator with certain inalienable rights" and that among these is "life." Many Americans hold this view as a matter of ideology. Some even allow their chosen ideology to trump the tenets of their religion. They do so in good conscience no doubt, and I respect that.

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Judge Pickering’s record on the bench shows that he, in good faith, does understand the difference between the law and private views, and that he has followed the law regardless of personal beliefs.

Judge Pickering has never had an abortion case during his 11 years on the bench, but he has ruled on cases in which the issue of sexual privacy was involved.

Conveniently, opponents ignore Judge Pickering’s record on gay issues. It is that Long’s, a lesbian couple, was constructing a house by a lesbian couple. When the Camp Sister Spirit, a lesbian community center, and ku Klux Klan Imperial Wizard of Mississippi, were before it became popular to do so. He was the first to speak out against landmines.

Landmines—there is not a Senator in this body who is held in higher regard than Senator Leahy. But even if every Senator in the Senate had no regard for Senator Leahy, the people of Vermont and the people of America have no reason to be in high regard, but it is hard for me to get out of my mind a trip I took to Africa, Angola. Every place you go there, people are missing arms and legs. The No. 1 business is fixing people with prostheses, mainly women and children, because they are the ones who go out in the fields.

Senator Leahy has spoken about landmines and our need to do something about them. And we have done this.

As to nutrition programs for children—particularly children but also people less fortunate than everyone in this Chamber today—Senator Leahy led the charge with Senators Dole and Lugar to do something about programs so that this land of plenty should not have hungry children and people.

In talking about constitutional rights, there is no one—no one—who has been more protective of our Constitution than Senator Leahy. The first amendment is something he is known for protecting.

Who was the one who slowed down the antiterrorism bill? It was done by Senator Leahy. And after the bill was written, people gave him accolades for doing that. It was a good bill, and it was as good a bill as it was because Senator Leahy had the guts—for lack of a better word—after September 11, to say: Whoa. This is the United States. We have a Constitution.

The leading exponent of the Internet, other than Senator Leahy, is Senator Wyden. Senator Leahy was using his computer before I even knew what one was. He really was one of the first to use, in a modern way, the computer.

Now, the two of you—I am referring to Senator Leahy and the Presiding Officer, Senator Wyden—have done wonderful things as the co-leaders of a task force, assigned by Senator Daschle, to bring the Senate Democrats up to snuff on the new technology around the country. And a good job has been done there.

One of the really thankless jobs in the Senate is to be a chairman of the Foreign Operations Subcommittee of Appropriations. Senator Leahy is a person who has a lot of seniority and would have his pick of many different subcommittees. There are 13 of them on Appropriations in the Senate. But he has taken the Foreign Operations Subcommittee because he believes it represents a service to this body, to the country, and the world. It is difficult, but he has been judicious in his leadership of that subcommittee.
I could go on and describe what Senator Leahy has done that has made a difference in this country. But for people to criticize his chairmanship of the Judiciary Committee is something I will not allow to happen without speaking about.

I am not only proud of Senator Leahy, but I am proud of the Judiciary Committee—not for what they did yesterday or did not do yesterday—because I am proud of the fact that they have tremendous responsibility.

When I served in the State legislature, I served on the Judiciary Committee. It seemed then, and it seems now in this body, that every difficult issue comes to the Judiciary Committee. Whether it is antiterrorism legislation, abortion matters, or judicial nominations, all the tough stuff comes to the Judiciary Committee.

Those 19 people who serve on the Judiciary Committee have a very tough task, led by the senior Senator from Vermont.

(Mr. Leahy assumed the chair.)

Mr. REID. I rise to defend the Senate Judiciary Committee, not for what they did or didn’t do yesterday but because they have a tremendously difficult job. I also wish to defend individually the members of the Judiciary Committee—the Democratic members specifically—on unfounded attacks against these men and women who voted their conscience on the nomination of a judge. This judge was being asked to be elevated to the second highest court we have. The only one above it is the Supreme Court. Reasonable people can disagree about whether this man deserved a promotion, given his record as a judge. I am terrified concerned, however, that some people, even some colleagues, are making this committee vote over one person into an unfortunately acrimonious fight.

It is not the vote of people of good will, or the elevation of a judge, it is the voices of anger and disappointment that will hurt our institution. I hope we are not entering the era in which any disagreement is vilified and harsh, inappropriate rhetoric is employed to make points with the fringes. We have to have disagreements here. That is what this institution is all about. We have an aisle here that separates Democrats from Republicans. We have different philosophies about a lot of issues. I would be concerned if there were a member of the Judiciary Committee who was not approved by a committee doesn’t mean the institution is falling apart. It shows the strength of the institution. The American people should be glad we don’t agree on everything.

I have heard a lot of talk, as I have listened since yesterday evening, about religion. I have had three Democratic Senators come to me and say they had no idea what Judge Pickering’s religion was. I have since learned he is a Baptist. I didn’t think it had anything to do with what happened. I know it had nothing to do with what his religious is. I never heard it mentioned in the hearings I watched. It was not anything I read about in the newspaper. This is just a red herring people have thrown out to try to make this into a much more difficult situation than it should be.

Whether a nominee goes to a church, a temple, a mosque, or not, has not been used by Congress in the consideration of any judicial nomination, and it should not be. Article VI of the Constitution requires that no religious test shall ever be required as a qualification for any office or public trust under the United States. But the responsibility to advise and consent on the President’s nominee is one that the Senators take very seriously.

I have attended meetings where individual Senators have been very concerned about what they do on any particular issue, whether it deals with antiterrorism, a specific part of that legislation, whether it deals with a specific matter dealing with abortion, or a judicial appointment. The Senate Banking Committee, our Democratic Senators have been receiving calls and criticism based on their religious affiliations.

The Judiciary Committee is made up of Catholics, Jews, Protestants. People who share my views. It is a matter of that way committee have been receiving phone calls since last night saying: You did this because you are a Jew; you don’t like Baptists; you are Catholic; you don’t like Baptists. This is really a big stretch.

There are strong views on both sides regarding this matter of yesterday. But what so? There is nothing wrong with that.

One of the subjects I want to touch on briefly today is to express some concern about statements from the administration, including from the President, that the Senate’s treatment of judicial nominees “hurts our democracy.” His statement is unsettling, unfounded, and an example of the fundamental separation of powers in the Constitution, the checks and balances in the Founders’ design.

In our democracy, the President is not given unchecked powers to pack the courts and give lifetime appointments to anyone who shares his view. Instead, the Constitution provides a democratic check on the power of appointment by requiring the advice and consent of the Senate.

This little document was given to me by Senator ROBERT BYRD. He signed this little worn document. It means a lot to me personally. I carry it with me almost every day. Sometimes I forget it, but not often. It gets in the way of a lot of things we try to do around here. The Constitution gets in our way because the Constitution prevents us from doing certain things.

We have three separate but equal branches of government. That is the way it is. This little document establishes but equal branches of government. The legislative branch of government has all the power that the executive branch of government has and all the power the judicial branch of government has. We have responsibilities also given to us by the Constitution. For someone to say that the Senate’s treatment of judicial nominees hurts our democracy is a terrible disappointment.

George W. Bush is President of the United States, not King of the United States. He is President Bush. He is President George, not King George.

I also want to take a minute and respond to the criticism that circuit court nominees are being treated unfairly. I believe nothing could be further from the truth. By having fair hearings and voting on nominees, up or down, the Judiciary Committee is proceeding as it should. Unlike the many judicial nominees who did not get hearings or were accorded a hearing but were never allowed to be considered for a vote by the committee, we are trying to accord nominees whose paperwork is complete and whose blue slips are returned both a hearing and a fair up-or-down vote.

Senator Daschle on this floor and in press conferences has said that we are not going to be in a payback mode. We are not going to treat them like they treated us. If we did, Judge Pickering would not have had two hearings. I said last night in closing, after I listened to all the speeches, as we were going out: Isn’t it interesting the item of business today, Friday, that what we are going to do is a judicial approval. We voted on a judge. We approved an Arizona judge. Arizona has two Republican Senators. This is not payback time.

Until Judge Edith Childs received a hearing on her nomination to the Fifth Circuit court last year, there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995. If Senator Leahy wanted to get even, he had a lot of even to get because he was not very well treated as a result. The Senate in 1999 the Fifth Circuit declared an emergency because it had three vacancies that had not been filled. Last year, in 2001, we were able to confirm the first new judge in the Fifth Circuit in 6 years.

Jorge Rangel was nominated to the Fifth Circuit in 1997 by Bill Clinton and never received a hearing on his nomination or a vote by the committee—never. His nomination to a Texas seat on the Fifth Circuit languished without action for 15 months. Enrique Moreno was first nominated to the Fifth Circuit in 1999 and never received a hearing on his nomination or a vote by the committee. His nomination to a Texas seat on the Fifth Circuit languished without action for 17 months.

H. Alston Johnson was first nominated to the Fifth Circuit in 1999 and never received a hearing on his nomination or a vote by the committee—never. His nomination to a Louisiana seat on the Fifth Circuit languished without action for 2 years.

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In contrast, under the Leahy-led Judiciary Committee, President Bush’s nominees to the Fifth Circuit: Edith Brown Clement and Judge Pickering, were treated fairly. Both received hearings less than 6 months after their nomination. Judge Clement was the first Fifth Circuit nominee to receive a hearing since Judge James Dennis had a hearing when Senator Biden chaired the Judiciary Committee in 1994. She is the first person confirmed to that court since Judge Dennis’s confirmation almost 7 years ago.

Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are, regrettably, ignoring recent history. At the end of the 106th Congress, December 15, 2000, there were 76 vacancies on the Federal courts. There were 80 when President Bush took office. There were an unusual number of retirements taken by Federal judges during the first 6 months of this Republican President. By the time the Senate was permitted to reorganize after change in minority, the number reached 111. Since then, 41 judicial nominees have been confirmed, and another one was confirmed this morning. There are another 3 to be confirmed Monday. There are currently nine vacancies due to retirements and deaths, but our rate of confirmation is greater than the rate of attrition. We have made more progress than was made in 4 of 6 of previous years of Republican leadership.

On January 3 of last year, there were 26 vacancies on the Federal appellate courts, some of these seats had been vacant for years, since 1994, 1995, 1996, 1997, 1998, 1999, and 2000. Because of these long standing vacancies, President Clinton renominated nine court of appeals nominees who had either not been given a hearing or a vote by the Senate Judiciary Committee under Republican leadership. None of those nominees received hearings or votes last spring before the change in majority, and in fact no nominees were confirmed by the time the Democrats became the majority.

By the time the Senate was permitted to reorganize last summer there were 32 vacancies on the circuit courts. Since that time, an additional six vacancies have arisen on the circuit courts. In spite of the extraordinary rate of attrition since the presidential election, with the nomination of over 40 new judges, we have made more progress than was made in 4 of 6 of previous years of Republican leadership.

Most fatal firearm accidents and suicides occur when children and teens discover firearms at home that have been left loaded or unsecured. The Child Access Prevention Act is a common sense approach that attempts to address one part of this problem. This legislation would hold adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition accountable. Adults who fail to lock up their firearm and ammunition would be held liable if the weapon was taken by a child and used to kill or injure another person or him or herself. The bill imposes additional penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations.
and local law enforcement. The legislation is similar to a State law which President Bush signed into law during his tenure as the Governor of Texas. The Harvard study only reinforces my support for this legislation.

SETTLING THE SOFTWOOD LUMBER DISPUTE: POSSIBILITIES AND PROBLEMS

Mr. KYL. Mr. President, the Bush administration is currently involved in negotiations to settle a dispute regarding the importation of Canadian softwood lumber.

Softwood lumber is essential for building quality, affordable homes in the United States. Its price and availability have a major impact on the U.S. economy, workers and consumers. The U.S. homebuilding industry employes 6.5 million workers and consumers. The U.S.

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I am proud of all our Girl Scouts, most especially the ones in Kansas. Through the promotion of science, technology, health, fitness, and friendship, these girls will grow up to be outstanding young women. I commend all the Girl Scouts on their success and their commitment to our country.

Ms. SNOWE. Mr. President, I rise today to recognize the 90th anniversary of the founding of the Girl Scouts, and congratulate the organization for its outstanding and unflagging efforts to make a positive impact on America’s girls and young women for the past 90 years.

While the Girl Scouts Organization has successfully adapted to the changing times since its founding in 1912, thankfully its core values have remained the same, to teach young girls about their physical health and well-being, provide a place for them to acquire self-confidence and expertise, help them achieve their full potential, to encourage the development of character, and instill in them the importance of contributing to society and their community.

The Girls Scouts of Maine exemplify these values. In addition to fostering the programs that are at the core of girl scouting, the Girl Scouts of Maine have been visionary in creating an initiative to provide young girls, ages 9–12, education on bone health awareness. Considering that the National Osteoporosis Foundation recently found that 30 million women over the age of 50 have some form of osteoporosis, it is critical that girls learn to foster these healthy habits during their formative years.

In another example of the innovative work of the Girl Scouts of Maine, the Kennebec Council has launched the Women Investing In Girl Scouts, or WINGS, program. This effort strives to link Maine’s vulnerable young girls with successful working women to provide them with guidance and mentoring through their most pivotal and difficult years, in the hopes of decreasing the numbers of Maine girls who fall victim to eating disorders, drug and alcohol abuse, and illegal activity and providing a positive influence at a crucial time.

I was heartened to recently learn that one in every seven girls in the State of Maine participates in the Girl Scouts. That’s over 12,000 girls, a remarkable level of participation in a State of just one-and-a-quarter million people. Worldwide, the Girl Scouts boast a thriving membership of 3.8 million strong, and this membership continues to grow and prosper.

I again want to congratulate the Girl Scouts for 90 years of success, and wish the organization all the best as it embarks on its next 90 years.

Mr. KOHL. Mr. President, I rise today to enthusiastically commend the good work of the Girl Scouts of the USA, on this week of their 90th Anniversary. For nine decades, this organization has been instrumental in the nurturing and development of millions of American youth in all communities, reaching beyond racial, ethnic, and socioeconomic barriers. Today, Girl Scouting has a membership of 3.8 million, making it the largest organization for girls in the world. In my home State of Wisconsin, there are 77,000 girls, one in five, who currently participate in Scouts.

One cannot quantify the positive impact the Girl Scouts have had on this country and our young girls. Many girls have emerged from this wonderful organization with the qualities and values we hope our children will embody. Countless girls have left Scouts strong and confident; thoughtful and creative; dedicated and involved; responsible and trustworthy. Countless girls have used their experiences in Scouts to develop a deep sense of justice, honor and integrity. Countless girls have matured into role models, leaders and public servants in their communities. I have had the pleasure of talking with numerous Girl Scouts and Girl Scouts alumni who have described the positive role Scouts has played in their lives. There are so many more stories that have, and can, be told about the extraordinary impact this organization has had.

I believe the best example of what the Girl Scouts represent is the Girl Scout Gold Award Young Women of Distinction. Each year, 10 young women nationwide receive this prestigious award as the organization’s highest, for their exemplary sense of community service. I am proud to recognize one of those women: Elsa, a 17-year-old, who hails from Shorewood, WI. Elsa established the Avenue Store, a clothing colletary for low-income individuals in the Milwaukee area. As chairman of the board of the store, Elsa worked with a board of adults, established guidelines for the store, and designed and implemented a voucher system for obtaining clothes. Elsa also worked with 60 schools and agencies in her community and trained over 50 volunteers. In the project’s first year, the Avenue Store...
March 15, 2002

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served over 500 people from several homeless shelters. Elsa is a fine citi-
zen, who embodies the profound im-
pact Girl Scouts have on their commu-
nity and society.

Today, Girl Scouts of the USA con-
tinues to flourish, helping millions of
Girls grow strong. Girl Scouts con-
tinues to empower girls to develop
their full potential; to relate positively
to their peers; and to develop values
that provide the foundation for good
decision-making. It is my great honor
to congratulate the Girl Scouts for 90
years of strengthening America’s
youth, and I wish them all the best as
they extend this tradition for 90 years
and beyond.

LOCAL LAW ENFORCEMENT ACT
OF 2001

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

I would like to describe a terrible
crime that occurred in August 1991 in
Longview, WA. A gay man was beaten
by two attackers. The assailants, Mark
H. Granger, 27, and Michael J. Watts,
39, were charged with first degree as-
sault in connection with the incident.

I believe the government’s first duty is
to defend its citizens, to defend them
against the harms that come out of
hate. The Local Law Enforcement
Enhancement Act of 2001 is now a symbol
that can become substance. I believe
that by passing this legislation and
changing current law, we can change
hearts and minds as well.

ADDITIONAL STATEMENTS

THE 99TH BIRTHDAY OF REAR AD-
MIRAL ELLIOTT BOWMAN STRAUSS, USN (Retired)

Mr. McCAIN. Mr. President, I rise
today to speak on the occasion of the
99th birthday of a true American pa-
triot Rear Admiral Elliott Bowman
Strauss, USN (Ret.). His lifetime of ex-
ceptional service to this great Na-
tion has been an inspiration to us all.

He was born on October 12, 1944, he
assumed command of the USS Charles
Carroll, an attack transport which finished her share
of the follow-up operations in connec-
tion with the Southern France cam-
paign, and sailed on October 25 for Nor-
folk, Virginia. Assigned to Transport
Division Fifty-two, he left on January 4, for the South
Pacific, carrying supplies and per-
sonnel to Guadalcanal, Manus and Bou-
gainville. In February, with Transport
Squadron Eighteen, she became a part
of Amphibious Force, Task Force
Fifty-one, in preparation for a major
operation, and on April 1, 1945, success-
fully landed her assault troops and
their equipment on the designated
beaches at Okinawa Jima. She had
aboard the late Ernie Pyle, beloved
newspaper man who covered her as-
sault operations in his articles shortly
before his death. The Charles Carroll
served as Flagship of Commander
Transport Division Sixty-three from March
1 until July 1945.

Detached from that command on Au-
gust 6, 1945, Rear Admiral, then Cap-
tain Strauss returned to the United
States for duty in the Office of the
Chief of Naval Operations, Navy De-
partment, Washington, DC. From July
until September 1946, he was attached
to the Military Staff Committee of the
Security Council of the U.S. in New
York serving as a naval advisor to the
First General Assembly of that body in
September 1946. In December 1946, he
was appointed to serve as Chief of
Aide and Flag Lieutenant on the Staff
of Rear Admiral Alfred W. Johnson,
USN, Commander Training Detach-
ment, U.S. Fleet, and was attached to
the flagship, USS New York. He later
served in the same capacity when Ad-
miral Johnson was made Commander
Atlantic Squadron, U.S. Fleet. During
the period October 1939 until December
1940, he commanded a destroyer, the
USS Brooks, after which he served as
Navigator of the USS Nashville, light
cruiser, until October 29, 1941, partici-
pating in the expedition which took
the first Marines to Iceland in July
1941.

He returned to London, England as
U.S. Naval Observer just prior to the
outbreak of World War II in December
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signed with the British Admiralty
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pating in the expedition which took
the first Marines to Iceland in July
1941.
years later he was detached for sea duty organizing and in command of Destroyer Flotilla Six, and in March 1952 was again ordered to the Office of the Chief of Naval Operations where he was Head of the Long Range Plans Branch.

On April 6, 1957, Rear Admiral Strauss was named Chief of the new American Foreign Aide Mission to Tunisia. There he directed a $5.5 million program providing commodities and technical assistance for the rest of the fiscal year ending June 30, a program which in 1958 had risen to more than $20 million, and by the time of his detachment in August 1960, had put more than $100 million into the Tunisian economy. In 1960, he served as personal representative of the Secretary of State as a member of a three-man team to evaluate the effectiveness of the Mutual Aid program to Pakistan, this assignment extended from September 1960 to January 1961. In January 1961, Rear Admiral Strauss initiated, as Director, the A.I.D. mission to the Malagasy Republic and served there until February 1963. He retired from A.I.D. in May 1963. In July 1965, Rear Admiral Strauss became a public member of the Foreign Service Inspection Corps. He was a member of the team inspecting the U.S. Embassy, Tel Aviv and Consulate General, Jerusalem, July—September 1965.

In addition to the Bronze Star Medal with Combat "V" Rear Admiral Strauss has the American Defense Service Medal; European-African-Middle Eastern Campaign Medal; Asiatic-Pacific Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; and National Defense Service Medal. He was made an honorary member of the Order of the British Empire and has the Croix de Guerre of France, with palm.

Rear Admiral Strauss was married in 1951 to Miss Beatrice Schermerhorn Foltz, daughter of former Ambassadors Arthur and Mrs. William Phillips of Beverly, MA. He has three children by a former marriage: Elliott MacGregor Strauss, Armbr Archbold Strauss, and Lydia Sauderson Strauss Delaunay. His usual residence is Washington, DC. Rear Admiral Strauss is a member of the Pilgrims of the United States, the Chevy Chase Club and Army and Navy Club of Washington, DC; the New York Yacht Club; and the Buck's Club, and the International Sportman's Club, both of London, England.

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

Mr. LUGAR, Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 2001-2002 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme "World-Wide Meals from Hoosier Farms." I submit for the RECORD the winning essays of Crista Dismore of Scott County and Joseph Jochim of Gibson County. As State winners of the Youth Essay Contest, these two outstanding students were being recognized on Friday, March 15, 2002 during a visit to our Nation's Capitol.

The essays follow:

World-Wide Meals from Hoosier Farmers

(BY CHRISTA DISMORE, SCOTT COUNTY)

Indiana farms can contribute significantly to the production of food for people around the world. Agriculture in Indiana is a large industry with 65,000 farms containing 15.5 million acres of farmland. Hoosier farmers will use new technologies to increase their crop yield, produce healthier food, and sell their crops to more specialized markets.

Farming is becoming more like science. In Indiana, corn is energy producing. Through improvements in technology such as new equipment, safer pest control, and hybrid seed the yield per acre has increased from 40 to 150 bushels. This means that farmers will be able to raise livestock that is less fattening for our bodies because of a new science, genomics, which allows researchers to make advancements in animals. This technology will be important in keeping Indiana a leader in food production since Indiana farmers supply our dinner tables with bacon, eggs, and milk. Indiana farms will become more specialized in that they will only raise one type of animal instead of a variety of animals. An example is Rose Acre Farms in southern Indiana which raises chickens to produce eggs.

Indian agriculture affects my daily life because my grandfather grows a large garden and my mother is a gardener. I eat tomatoes, corn, green beans, potatoes, beets, and broccoli from the garden. My dad tells me about tillers, loaders, backhoes, and trailers that farmers use. In Austin, Indiana, Morgan Foods is one of the nation's largest condensed soup manufacturers and many of my friend's families work there.

Hoosier farms are an important part in providing the world with food. Indiana has three of the most well-known research universities, a prominent agricultural school, and many science organizations to help Indiana to become a leader in meeting the world-wide demands on the food supply.
Hamilton: Fred Pinkelmeier and Claire Harwell, Carmel Jr. HS.
Hancock: Curtis Merlau, Greenfield Middle School.
Hendricks: Chris Beard and Jana Emmons, Kewanee Christian School.
Henry: Brian Butler and Amy Wenning, Tri Jr. HS.
Howard: Eric Talbert and Rachele Carter, Western Jr. HS.
Huntington: Heather Meitler, Huntington Catholic School.
Jackson: Ryan Hirtzel and Laura Kilbride, Jay Middle School.
Knox: Martha Vance, North Knox Jr. HS.
Lake: Matt Trocha, DeMotte Christian School, and Stephanie Strnika, St. Michael School.
Madison: Aron Brown and Alison Denny, Soutsdie Middle School.
Marion: Aaron Nee and Tracy Horan, St. Jude Jr. HS.
Monroe: Brandon Petesch, Batchelor Middle School.
Posey: Kelley Clem, North Posey Jr. HS.
Rush: Greg Renkemar, Benjamin Rush Middle School.
St. Joseph: Michael Chartier, St. Matthew Cathedral School, and Anne LaFree, Jackson Middle School.
Scott: Jonathan Raechel and Christa Dismore, Austin Middle School.
Spencer: Matt Kaufman and Breanna Faulkenberg, Heritage Hills Middle School.
Starke: Eric Jensen and Andrea Bastin, Orson Jr. HS.
Vanderburgh: Chris Mutschler, St. James School.
Vermilion: Jason Allen and Elisha Marie Chancey, North Vermillion Jr. HS.
Wabash: Cody White and Erica Grossman, Northfield Jr. HS.
Warrick: Nathan Rice and Lynn Fletcher, Boonville Jr. HS.
Washington: Casey Nesmith and Casey Parker, West Washington Jr. HS.
Wayne: Timothy Mosley and Kaitlin Vaughn, Centerville Jr. HS.

PASSING OF JOHN M. EISENBERG

Mr. FRIST. Mr. President, John Eisenberg, director of the Agency for Healthcare Research and Quality, AHRQ, succumbed to a brain tumor this past Sunday. Although John had battled his illness for months, his death was a disturbing shock to many. He had done so much to improve healthcare in this Nation, and I know there was much more he wanted to do. Still, John leaves a legacy—both professional and personal—so large that it cannot and will not be forgotten.

John Eisenberg was an outstanding public servant. He did not play partisan politics. Nor could he be corrupted by power. Simply put, he was passionate about people. It was his mission the quality of health care in America. He dedicated his life to that mission as the director of the Agency for Healthcare Research and Quality, as a founder of the Congressional Physician Payment Review Commission, and as a member and leader of countless other societies, associations, and institutes. For John, public service was more than his job; it was his life’s calling, which he answered with distinction and excellence.

I consider myself privileged to have worked with John Eisenberg for many years and on many issues. He taught me so much not just about improving the quality of healthcare, but about being a leader, transforming the way people think about issues and institutions. I know he had an impact on leaders in all branches of government, and men and women at all levels of government respected him. And as for the medical community: John was one of them. I have heard this often and, even with the event of his passing, I still hear it today.

As a physician, John Eisenberg saved the lives of many. As a leader, he enhanced the lives of millions. As a friend, he touched the lives of us all. The largeness of his life and legacy will endure in our memories and warm our hearts for many years to come. John Eisenberg will be known as more than one of the good ones, but one of the best there ever was and ever will be.

MESSAGE FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2146. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

MESSAGES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred to Committee:

H.R. 2146. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5733. A communication from the Assistant Director, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled “Inmate Personal Property” ((RIN1129–AA46) (44 FR 36750)) received on March 14, 2002; to the Committee on Finance.

EC–5734. A communication from the Director of the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled “Exemption Amendments Under 18 U.S.C. 206(b)(2)” (RIN2309–AA09) received on March 14, 2002; to the Committee on Governmental Affairs.

EC–5735. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Schedules of Fees for Consular Services, Department of State and Overseas Embassies and Consulates” (22 CFR Parts 22, 41, 42, and 51) received on March 14, 2002; to the Committee on Foreign Relations.

EC–5736. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Revenue Ruling 2002–3” received on March 12, 2002; to the Committee on Finance.

EC–5737. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Ruling 2002–2” received on March 12, 2002; to the Committee on Finance.

EC–5738. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Waiver of Certain Accuracy-Related Penalties Upon Disclosure of Tax Shelter” (Ann. 2002–2, 2002–2 IRB) received on March 12, 2002; to the Committee on Finance.

EC–5740. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Inventory Price Index Computation Method” (RIN1545–AXXX) received on March 13, 2002; to the Committee on Finance.

EC–5741. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Average of Farm Income” (RIN1545–AWXX) (TD 8972) received on March 13, 2002; to the Committee on Finance.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Health, Education, Labor, and Pension pursuant to the order of March 15, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Maribeth McGinley, of California, to be a Member of the National Council on the Arts for a term expiring January 2006.

Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 2007.

Andrew Ladia, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 2006.

Wright L. Lassiter, Jr., of Texas, to be a Member of the National Council on the Humanities for a term expiring January 2006.
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS—MARCH 15, 2002

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

By Mr. BINGAMAN:
S. 2432. A bill to establish the T'fuf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes; to the Committee on Indian Affairs and the Committee on Energy and Natural Resources; jointly, pursuant to the order of the Committee on Energy and Natural Resources; and for other purposes. 1268, a bill to improve academic and social outcomes for teenage youth.

By Mr. DORGAN:
S. 1258. A bill to improve academic and social outcomes for teenage youth.

By Mr. KENNEDY:
S. 1335. A bill to support business incubation in academic settings.

By Mr. DODD:
S. 1307. A bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

By Mrs. CLINTON:

By Mr. BURKHOLDER:
S. 1876. A bill to establish the United States Holocaust Memorial Museum.

By Mr. MILLER:

By Mr. BURNs:
S. 1902. A bill to increase the Federal-aid highway funds; to pedestrian walkways constructed or maintained with Federal-aid highway funds; and for other purposes.

By Ms. COLLINS:
S. 1961. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH:
S. 2022. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in the amount of the personal assistant mobility device on trails and for other purposes.

By Mr. BOND:
S. 2020. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

By Mr. GREGG:
S. 2003. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:
S. 2002. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

By Mr. ENZI:
S. 2021. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS:
S. 2020. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

By Mr. HUTCHINSON:
S. 2021. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS—MARCH 15, 2002

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

By Mr. BINGAMAN:
S. 2089. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

By Mr. SMITH (for herself, Mr. BOND, Mr. HUTCHINSON, and Mr. SMITH of Oregon):
S. 2102. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in the amount of the personal assistant mobility device on trails and for other purposes.

By Ms. COLLINS:
S. 2109. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. Grassley:
S. 2120. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GREGG:
S. 2131. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURNs:
S. 2141. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURKHOLDER:
S. 2142. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

ALTERNATIVE CONSIDERATION OF AMENDMENT NO. 3008

The following amendments were agreed to by the Senate by unanimous consent, except as indicated.

AMENDMENT NO. 3008

Mr. GREGG. Madam President, I rise today to introduce a piece of legislation which tries to address one of the most important foreign policy problems we have in confronting the issues of terrorism in our country as we move forward; that is, checking our borders and making sure we have control over the people who are coming into our country and how they can come into our country.

As a nation, we have traditionally had very open borders, which is something in which we take great pride. Unfortunately, people who wish to cause us harm, people who wish to kill Americans, people who wish to kill Americans by the thousands, and who have stated that their sole purpose in life is to kill Americans, have taken advantage of that openness. Certainly we saw on September 11 the situation that occurred.

We have 100,000 miles of coastline, 2,000 miles of land border with Mexico, and 4,000 miles of land border with Canada. Last year, we had 127 million automobiles come across those borders, 11 million trucks, 2 million railcars, and 4,000 miles of land border with Canada. Last year, we had 127 million automobiles come across those borders, 11 million trucks, 2 million railcars, and 4,000 miles of land border with Canada.

More than 500 million people were admitted to our country through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG:
S. 2003. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

Mr. GREGG. Madam President, I rise today to introduce a piece of legislation which tries to address one of the important foreign policy problems we have in confronting the issues of terrorism in our country as we move forward; that is, checking our borders and making sure we have control over the people who are coming into our country and how they can come into our country.

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We have 100,000 miles of coastline, 2,000 miles of land border with Mexico, and 4,000 miles of land border with Canada. Last year, we had 127 million automobiles come across those borders, 11 million trucks, 2 million railcars, and for other purposes.

More than 500 million people were admitted to the United States last year. You can see that our borders are aggressively used.

There is great international commerce, which there should be, and we want to continue that. But one of the problems we have is that the agencies responsible for managing our borders have been disoriented, dysfunctional, spread about, and uncoordinated. We have seen some really horrendous instances of mismanagement. We have also seen instances that have occurred as a result of failure of communication. We have seen failures that have
occurred as a result of turf fights between different agencies. We have seen agencies which have found their purpose to be unfocused in their execution of the protection of the borders.

The most recent and startling and almost the most incredible example of a colossal breakdown was the delivery of visas to a Florida flight school just this week for two people who committed the atrocities in New York. America is outraged. Clearly, the President was shocked. All of us were shocked that that would happen. That is an example of an incredible breakdown in the systems which are managing our borders; that is, the INS.

What I propose today is to try to get some coherency into this effort, to bring together the agencies which are responsible to protect our borders, to put them all under one management structure, and to create a new Cabinet-level Department, which would be called the Department of National Border Security.

Under this Department, we would take the various agencies which have responsibility for managing our borders and protecting our Nation and put them into this Department so that they would be communicating with each other and have a streamlined management and command process—which something which they do not have today.

Included in this Department would be, for example, the U.S. Customs Service, the U.S. Coast Guard, large elements of the Immigration and Naturalization Service, including, of course, Border Patrol, and elements of the DEA which have responsibility for border security in the area of drugs, and the Agriculture Quarantine Inspection Program, which obviously controls food that comes into the country.

The result of putting all these groups together in one management structure will be, I believe, hopefully a coordinated approach to managing our borders. It doesn’t guarantee it. But it is very clear that the system we have today, because of the lack of coordination, because of the overlapping authority, because of the turf issues, and because of the lack of centralized directional command is not working.

I happen to be ranking on a committee which has specific jurisdiction over funding for the Justice Department and the State Department and which has a large percentage of responsibility for our border activities, especially the INS. I can tell you from my own experience as the ranking member, and formerly as chairman, of that Subcommittee on Commerce, Justice, State, and the Judiciary of the Appropriations Committee, that unless we get these parties together functioning under one umbrella of leadership, we are simply not going to get our borders under control.

Is this the real answer to the problem—the reorganizing of these Departments? Absolutely not. There also has to be the intention on the part of the parties who are serving these Departments to accomplish the goal. There has to be leadership on the part of the administration to accomplish the goal of border security and making it more efficient.

But as a practical matter, without this first step I personally do not think we are ever going to get the type of coordination that is required in order for leadership in this area to be effective. What we have today in this arena is that these various Departments are spread across the Government. On top of it, we have each reporting to a separate Department Secretary. On top of that, we have the Homeland Security Director, of course. Overseeing all of it, we have the President. As a result, even though everybody wants to go in the same direction, it is like six or seven horses pulling in opposite directions. By bringing them all under the same tent, we will have a centralized active command.

We should not, for example, be housing the Customs Service in one building, the Border Patrol in another building, the DEA in another building, and have them not generally communicating with each other and have a streamlined management and command process—which something which they do not have today.

All of that problem which exists today with tremendous dysfunction—dysfunction between these various agencies as they try to relate to each other, all of that problem is a function of the fact that they all report up separate stovepipes, and the only generally coordinating event that occurs comes from the President, in a stovepipe, to the Homeland Security Director. But that person, Governor Ridge, has no legislative authority and no budget authority. Therefore, as a practical matter, other than having the good will of the President behind him, he does not have a whole lot of authority.

So when you have one Department over here—let’s say, Treasury, with Customs—and one Department over here—let’s say, INS, with the Border Patrol and one Department over here—you tend to have people who are functioning independent of each other, who, although they may have the good intentions to communicate with each other, really do not and do not work effectively as a result of that. We do not get the best responsiveness.

So it is just logic, it is just good governance, and, for that matter, good management—which I recognize may be anathema to government—let alone a Cabinet behind him, he does not have a whole lot of authority.

The Hart-Rudman Commission, the commission, came to the same substantive conclusion that there had to be a better coordination. They did not do it in the terms of forming a new Department, but they came to the same substantive conclusion that there had to be a better coordination, collection, and centralization of information coming into the country and of the tracking of people coming into the country.

The Third Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, which essentially was Governor Gilmore’s commission, came to the same conclusion that there had to be a better coordination, collection, and centralization of information.

We recommend the creation of an independent Homeland Security Agency with responsibility for planning, coordinating, and integrating various U.S. Government activities involving homeland security.

This does not go completely to that point, but it goes a long way in the area of border activity in that it creates a centralized Department. They also suggested that that group, which they called the Homeland Security Agency, should include the Coast Guard, the Customs, the Border Patrol, and it should have Cabinet level operational effect.

Even the White House has acknowledged there is a lack of coordination in this area. It was interesting, in relation to that, Governor Ridge made the statement: If you asked me today who is responsible for the border, I would say to you, in response, what part of the border? The borders remain disturbingly vulnerable to terrorism.
There is no direct line of accountability for agencies charged with protecting them.

So I think Governor Ridge clearly sees the problem as I see it, which is that we do not have a coordinated central management point for all border crossing activity. When these agencies serve to protect the border as their primary responsibility, and with the threat of terrorism that we confront today, they should clearly be together managing the issue of protecting our border as a coordinated unit under a Cabinet level Secretary.

That is what the legislation which I am introducing today does.

By Mr. ENZI: S. 2021. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, I appreciate this opportunity to speak this morning. I will speak on a favorite topic of our area of the country, the packer concentration. It is a huge problem for our ranchers in keeping them from getting what they should be getting for raising the livestock for this country.

So I rise to introduce a bill that amends the Packers and Stockyards Act to prevent captive supply, which takes advantage of hard-working ranchers. It requires contracts to contain a fixed base price and to be traded in open public markets.

Currently, there are four packers that slaughter 80 percent of the cattle in the United States. They hold the supply of livestock captive in a number of ways.

Captive supply is when packers either own livestock or contract to purchase livestock more than 2 weeks before slaughter. Packers use captive supply to ensure their slaughter lines are consistent. I will not argue with that original goal, for that goal. Captive supply makes good business sense. All businesses want to maintain a steady supply of inputs to ensure their production and control costs.

But packers go beyond good organization and business performance to market manipulation. I have been working on this problem for 5 years and, so far, all we have been able to do is prove that there is a packer concentration.

With captive supply, packers can purposefully drive down the market price by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers who have not aligned with specific packers.

Most of us have not signed a formula price contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of this problem, and make it a little easier to understand, let’s explore how you would sell a house with a formula price contract in a market structured like the current livestock market.

It is March, and you know you will be selling your house in July. As a wise seller, you want to have a buyer for your home before that time. Now, what if it turns out that the other people do not really buy homes from each other any more in this market? In fact, you found out there were only four main companies that handled over 80 percent of all of the real estate transactions? You would have no choice but to deal with one of those companies.

Now, one of them would likely offer you a contract stating that you will receive $10,000 over the average price of what other similar homes are selling for in your area in July. Sounds like a good deal, doesn’t it?

To manage your risk and ensure a buyer, you have been practically forced to sign a contract that does not specify how much you will receive. It says you will receive $10,000 over the average price at that time. There should be a tinge of fear in your stomach and it will mature to full-fledged panic when you close the deal in July.

This is why. The four real estate companies have been planning. They decide to pull away from the market so all the home selling in July that is not contracted to to the companies flood the market and the price for homes in your area drops $12,000.

What have you done? By trying to manage your risk in a limited market, you sold your home for $2,000 less than what the average price should have been, if there would have been a normal open market such as we have in the housing market.

Livestock producers face that same problem. Yesterday there were 91,906 head of cattle put through packing plants for slaughter. Forty-four percent of those were bought by a formula price marketing arrangement. Now you know what that means.

Just like the housing example, the money that producers lose in formula price contracts adds up over a year. When totaled, captive supply costs producers an estimated average of $1 billion per year, according to a study done by an Oregon State University professor.

I am sure you didn’t notice when you went to the grocery store to buy your beef that the price was lower because it is not. The packer concentration controls the price at that end, too.

Another Senator from Wyoming faced the same concentration of market power in the packing industry 80 years ago. A predecessor to the Senate that held the seat I hold now, Senator John B. Kendrick, said:

‘‘The packing industry has been brought to such a high degree of concentration that it is dominated by a few men. The packers, so-called, stand between hundreds of thousands of producers on one hand and millions of consumers on the other. They have their fingers on the pulse of both the producing and consuming markets and are in such a position of advantage that they can manipulate both markets to their own advantage and to the disadvantage of all the others in the country. Such power is too great, Mr. President, to repose in the hands of any men.”

This great power Senator Kendrick talked about resides in the hands of the packers once again.

My bill does two things to change the situation. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market, which they belong. Under this bill, livestock contracts must contain a fixed base price on the day the contract is signed. This prevents packers from manipulating the base price at the point of sale and time of sale.

You may hear allegations that this bill ends quality driven production, but this bill does not prevent adjustments to the base price for quality grade or other factors that are outside of the packer control. It prevents packers from changing the base price based on factors that they do control. You also may hear that this bill ends traditional forward contracting. However, contracts that are based on the futures market are also exempted from the bill’s requirements because the futures market is not controlled by the packers.

My bill also limits the size of contracts to the equivalent of a load of livestock meaning 40 cattle or 30 swine. It doesn’t limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers from being shut out of deals that contain thousands of livestock per contract.

In the past I have tried to get some transparency of reporting. The packer concentration has influenced the rules so they didn’t have to report on the numbers they are dealing into a market blind. We thought we had the problem solved, and they helped to influence a little 3/60 rule so if less than three packers or contracts were sold in a day, or if more than 60 percent of the market was by one of them, they didn’t have to report. It virtually wiped out reporting in the sheep industry. We have some changes in that, but some changes for transparency need to be made.

There are a number of benefits accompanying this bill. It effectively increases buyer competition without resorting to increasing buyer numbers through a messy packer breakup. It gives fair access to producers to compete for contracts on a level playing field with big producers. This bill encourages public and electronic trading of great numbers of livestock, providing greater price transparency. That is where we are trying to go on all of this.

Simply put, this bill makes packers and livestock producers bid against...
each other to win a contract—no more secret deals. We know the packers are engaging in secret deals.

Mr. President, I ask unanimous consent to print in the RECORD this adver-
sisement I have collected.

The bill's rejection, the material was ordered to be printed in the
RECORD, as follows:

[From Argus Leader, Sioux Falls, SD, Feb. 3, 2002]

SENATOR JOHNSON'S FARM BILL AMENDMENT IMPERils THE JOB SECURITY OF HIS OWN CONSTITUENTS AND WOULD DESTROY THE PORK AND BEEF INDUSTRY

To The Argus Leader Editor and the Peo-
lle of Sioux Falls and South Dakota: We want to call your attention to and correct certain misleading and untrue statements that have been made by or attributed to Sen-
ator Tim Johnson and published in the Argus Leader on January 27. Economy not only of South Dakota but also the remaining 20% from other midwestern states. As a result of unnecessary govern-
ment regulations such as Amendment E, hog slaughtering would be a healthy product to consumers at every step. The Johnson Amendment would not only lower hog prices because of the<br>grist of supply that would result from divestiture; that it would give back the advantage and gain that the U.S. industry has made over the last 15 years to foreign countries such as Argentina, Brazil, Canada and Australia; that it would give the efficient, vertically-integrated poultry industry an even greater competitive advan-
tage over the pork and beef industries than it now currently enjoys.

Senator Tim Johnson False Statement

"The bipartisan Johnson-Grassley Amend-
ment does not negatively affect the John Morrell pork slaughter and processing plant in Sioux Falls."

Fact: The Johnson Amendment (S. Amdt. 2354) to the Senate Farm Bill (S. 1781) prohibits meat packers from owning livestock farms or controlling livestock for more than 14 days would have a huge negative impact on the state of the Morrell plant in Sioux Falls and its 3,200 employees. Our company is both a meatpacker and a producer and we have made major investments in our system to provide consumers at the lowest possible price and to assure them of food safety, uniformity, and consistency in those products. The Johnson Amendment, if it becomes law, would have a major nega-
tive impact on our company and the red meat industry as it exists today. A clear choice for packers to own livestock or con-
tact with others to send to market would be the Sioux Falls plant, which is near headquarters for our customers. The Sioux Falls plant, which is near 100 years old, and the oldest hog pro-
cessing plant in our system, is an assured and stable supply of high-quality hogs from all over the country. The future and continued operation is an assured and stable supply of high-quality hogs from South Dakota and beyond.

Restrictive laws such as the Johnson-Grassley-Wellstone Amendment already have had a major negative impact on the agri-business economy of South Dakota. As a result of the state’s restrictive farming prac-
tices (Amendment E), the hog supply to our plant from South Dakota, 40% from Minnesota, 20% from Canada, and the remaining 20% from other midwestern states. As a result of unnecessary govern-
ment regulations such as Amendment E, hog pro-
duction in South Dakota declined 50% during the period 1995 to 2001. Senator Johnson and his staff have offered no study or analysis of the impact that his Amendment would have on the agri-business economy not only of South Dakota but also on the entire country. On the other hand, eight leading agri-business economists from the country’s leading land-grant univer-
sities, led by Wayne Purcell (Alumni Distingui-
shed Professor of Agricultural and Ap-
pplied Economics, University of Missouri), and including Dilson Feux (Professor of Agri-
cultural Economics, University of Nebraska), Glenn Grimes (Emeritus Professor of Agri-
cultural Economics, University of Missouri), Marvin L. Hayenga (Professor of Economics, Iowa State University), Stephen R. Koontz (Professor of Economics and Resource Eco-
nomics, Colorado State University), John D. Lawrence (Professor of Economics and Direc-
tor ISU Beef Center, Iowa State University), Ted C. Schroeder (Professor of Agricultural Eco-
nomics, Kansas State University), and Clement E. Ward (Professor of Agricultural Eco-
nomics, University of Missouri), have recently completed a study that concludes that the Johnson Amendment would have disastrous effects on major sectors of the agri-business economy. Their study reveals that the Johnson Amendment would actually lower hog prices because of the great glut of supply that would result from divestiture; that it would give back the advantage and gain that the U.S. industry has made over the last 15 years to foreign countries such as Argentina, Brazil, Canada and Australia; that it would give the efficient, vertically-integrated poultry industry an even greater competitive advan-
tage over the pork and beef industries than it now currently enjoys.

Did Senator Johnson bothered to conduct any study or analysis, or reviewed any public USDA figures, he would have found that in the last 10 years, he would have found that the pork market has been profitable in 8 of those 10 years, and the division of the pork dollars shows retailers with the greatest share, producers with the second greatest share, and the packers in a distant third position.

Senator Tim Johnson False Statement

"Johnson said he has been assured by Morrell and its parent company, Virginia-based Smithfield Foods Inc., that the Sioux Falls plant oper-
ates within the restrictions of the amendment."

Fact: This is a false statement and we are aston-
ished that Senator Johnson would create such a false statement. Senator Johnson has never extended the courtesy or taken the time to meet with senior officers of Smithfield Foods Inc., personally traveled to Washington, once with Richard Poulsen, another senior officer of Smithfield Foods, and on another occasion with Patrick Boyle, the upstream officer of the American Meat Institute, to meet with Senator Johnson by prior scheduled ap-
pointment to discuss issues in South Dakota.

On both occasions, Senator Johnson was “too busy” to meet with us and delegated a junior staffer to attend the meeting in his stead. Despite the fact that Senator Johnson has had no interest in meeting with Smithfield officials, his staff was fully advised of the precarious nature of the Sioux Falls plant prior to his introducing his Amendment to the Farm Bill. Our Sioux Falls plant man-
ager traveled to Washington on December 28, 2001, to meet with Senator Johnson and his aides and told them that the greatest nega-
tive impact of his Amendment would be on his own constituents and that the Amend-
ment in the end will benefit no one but the pork industry and the current owners. It is a simple: Smithfield has invested over $65 mil-
lion in the Sioux Falls plant since 1995. Studies show that every new job at John Morrell creates several additional new jobs in South Dakota.

While the plant today is stable and profit-
able, we are faced with the reality that we need to make improvements to the nearly 100-year-old facility or to build a new, more modern plant in South Dakota. Prior to Senator Johnson’s ill-conceived Amendment, our planning was focused on maintaining the plant location in South Dakota. But we will not invest our resources in states where we cannot have a responsible relationship with elected and appointed officials.

Conclusion: We are not certain whose in-
terests Senator Johnson thinks he rep-
resented with his Amendment to the Farm Bill. He certainly does not represent the interests of the 3,200 workers at our John Morrell plant. He has taken no steps to ac-
quaint himself with the true facts, nor has he commissioned any studies to determine the true impact and correct his Amendment, and we are totally unaware of the considered de-
cision and vote (12 to 9) of the Senate Agri-
culture Committee not to approve his Amend-
ment. We want Senator Johnson to understand the true impact of his ill-conceived Amend-
ment and it is as follows:

If the Johnson Amendment becomes law, Smithfield Foods will neither rebuild the John Morrell plant, or to build a new, more modern plant in South Da-
Kota to take advantage of the strong local work force and rural ethic that is so impor-
tant to our business.

Smithfield Foods would dedicate its re-
sources instead make its future investments in states and countries where we are welcomed by the elected and appointed state, federal or other governmental officials. We consider Senator Johnson’s Amendment to be hostile to the survival of the pork industry, Smithfield Foods, the Morrell plant, and to our employees in Sioux Falls and South Dakota. We are completely aware of the consequences of his amendment before he in-
truded it.

It is unfortunate that Senator Johnson would sponsor such an ill-conceived piece of legislation even after the Senate Agriculture Committee had voted it down in December by a vote of 12-9. He doesn’t seem to under-
stand that his state’s anti-corporate farming transformation have happened? The message is quite clear to South Dakota’s hog growing industry and that his current action is simply another nail in the coffin. One of the more puzzling things about Senator Johnson’s Amendment is that he apparently seeks to destroy the red meat industry while leaving the poultry industry untouched. The red meat industry has taken major market share away from the red meat industry because of its ability to own and control by contract the quality of its livestock supply.

Smithfield Foods’ involve-
ment with John Morrell and the Sioux Falls Plant.

After all the other major industry players had for years rejected the opportunity to buy John Morrell and to keep the plants open, Smithfield Foods agreed to purchase the company in 1998. The Sioux Falls plant was losing money at the time Smithfield pur-
chased it and would have been closed had we not purchased it. Today, the plant is profitable. It contributes in excess of $1 billion a year to the South Dakota economy. How did this transformation happen? The answer is quite simple. Smithfield has invested over $65 mil-
lion in the Sioux Falls plant since 1995. Studies show that every new job at John Morrell creates several additional new jobs in South Dakota.

March 15, 2002

Congressional Record — Senate S1977

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matter in any other state whose public officials are hostile to our ongoing operations and our industry.

Very Truly Yours,
Jospeh W. Luten III,
Chairman and Chief Executive Officer,
Smithfield Foods, Inc.

Mr. ENZI. This ad was run on February 3, 2002, in the Sioux Falls, SD, newspaper, the Argus Leader, in response to an amendment banning packer ownership of livestock that we did on the farm bill recently. It was paid for by Smithfield Foods, Inc., a large hog producing and pork processing company. The advertisement claims that Smithfield Foods, Inc., wants Senator Grassley to understand the true impact of his ill-conceived amendment. I also supported his amendment and was a co-sponsor, and I voted for it along with 50 of my colleagues. The advertisement, as you can see, from the Argus Leader, states:

If the Johnson amendment becomes law, Smithfield Foods will neither rebuild the Sioux Falls plant, or build a new plant in South Dakota, nor make additional investment in South Dakota, or for that matter in any other state whose public officials are hostile to our ongoing operations and our industry.

If the packers are dealing fairly, why would they resort to scare tactics such as this? Does this mean my State will be blacklisted, too? Let me tell you what has happened in Wyoming. When we were doing this amendment, people who were going to lose their contracts were being told, saying, you are going to lose 3 cents per pound on your beef if this goes through. They are buying all the beef. They are paying the prices, and they are setting them.

Packer ownership of livestock is only a small portion of the packer captive supply problem. My bill would put an end to the rest of the packers’ manipulative power. What they are referring to there takes care of 5 percent of the problem. It is the best we can make. We will not be able to do against the packers. What I am proposing will only take care of another 35 percent of the problem. There is a long way to go. Eventually the consumer should get the best prices and the people taking the most risk ought to get a fair price.

It is important to remember why we are doing this. All producers should have a fair chance to compete against each other in an honest opportunity to get the best price for their product. Cattle grown on family ranches in Wyoming help to feed the entire United States. I value the small and medium-sized producers’ ability to provide quality products for consumers. Big business may be more efficient, but it lacks the loyalty to a locale that our small producers have. We can see this in the advertisement I have just added to the Record.

The packers are threatening to leave an area that has been economically dependent upon them for over 90 years. That isn’t loyalty to a community. That is the behavior of a bully. In Wyoming, we must encourage our small producers to remain in business and compete. The loyalty to small communities that our small and medium-sized businesses have ensures they will continue to enrich our main streets.

Some of my colleagues may be wondering why I added after we passed the amendment banning packer ownership of livestock. The ban on packer ownership of livestock would address one small portion of the captive supply problem—about 5 years, but it would leave the number of contracts based on the formula prices that I explained using the housing market example. Formula contracts provide the packers with monopolistic power over the livestock market.

I ask my colleagues to rid the livestock industry of pricing schemes which take advantage of hard-working ranchers and farmers. I mentioned that this amendment only affects 5 percent of the market. It is a very important start. I am hoping the people on the conference committee will make sure this provision remains in the bill and makes a start toward fairness in the livestock industry. It is important for the small producer versus the packing concentration.

We need to end the secret deals and the unfair contracts. I ask my colleagues to give our constituents the opportunity to compete on a level playing field.

By Mr. BOND (for himself and Mr. GRASSLEY):

S. 2022. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce the Small Business Investment Company Capital Access Act of 2002, whose purpose is to increase the amount of capital available to small businesses. I am pleased that my good friend from Iowa, Senator GRASSLEY, the ranking member on the Senate Finance Committee, has agreed to be the principal cosponsor of this important bill.

During the past 18 months, there has been a significant contraction of the private-equity market. During this same period, the Small Business Administration Small Business Investment Company program has taken on a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million.

Small Business Investment Companies, SBCIs, are government-licensed, government-regulated, privately managed venture capital firms created to invest only in original issue debt or equity securities of U.S. small businesses that meet size standards set by law. In an uncertain economic environment, the SBIC program represents an increasingly important source of capital for small enterprises.

While Debenture SBICs qualify for SBA-guaranteed borrowed capital, the government guarantees a number of potential investors, namely pension funds and university endowment funds, to avoid investing in SBICs because they would be subject to tax liability for debenture capital gains. More often than not, tax-exempt investors generally opt to invest in venture capital funds that do not create UBTI. As a result, 60 percent of the private-capital potentially available to traditional SBICs is effectively lost.

The Small Business Investment Company Capital Access Act of 2002 would correct this problem by excluding government-guaranteed capital borrowed by Debenture SBICs from debt for purposes of the UBTI rules. This change would permit tax-exempt organizations to invest in SBICs without the burdens of UBTI record keeping or tax liability.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000 to $3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nation’s best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, when Federal Express needed help from reluctant credit markets, it received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies are the bedrock of our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GT&E, and OE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of
the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld’s founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Capital, to help her company expand. The acquisition of Steelweld, CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld’s profitability doubled, with annual sales of $10 million and 115 employees. SBIC programs invest in businesses like Ms. Hunter’s experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Congress, recognizing the Small Business Administration’s role in maintaining critical capital for small businesses in America, passed the Small Business Investment Act of 1958 which established Small Business Investment Companies, SBICs, to invest in small businesses throughout the United States to enable them to continue operating and hire new employees. Accord-

Small Business Investment Companies

The SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list of 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received financing during their critical growth year.

The Small Business Investment Company Capital Access Act of 2002 is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees. According to the National Association of Small Business Investment Companies, NASBIC, a conservative estimate of the effects of this amendment would equal $1.2 billion in private capital is invested in Debenture SBICs. A NASBIC poll of Debenture SBICs indicates $30.3 million of that amount is from tax-exempt investors. For the previous 10 years, Debenture SBIC returns have averaged 13 percent. Applied to the $30.3 million, that would result in lost taxable income of $2.36 million per year. If all of that were taxed at the top 39 percent rate, the tax revenue loss would be $922,000 per year.

The cost is low and the potential for economic gain is great. Passage of the bill will make the Government’s existing SBIC program more effective in providing growth capital for America’s small business entrepreneurs.

And most importantly, it will provide sorely needed capital for the sector of our economy that provides about 75 percent of the net new jobs, small businesses. That is a real stimulus that would cause businesses to be made and the creation of critically needed new jobs. Our economy is primed for this kind of support, and I urge my colleagues to support this important bill.

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. 2022

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 “Small Business Investment Company Capital Access Act of 2002”.

SEC. 2. MODIFICATION OF UNRELATED BUSINESS INCOME LIMITATION ON INVESTMENTS IN CERTAIN DEBT-FINANCED PROPERTIES.

(a) In General.—Section 514(c)(6) of the Internal Revenue Code of 1986 (relating to limitations on expenditures by Small Business Investment Companies) is amended by inserting—

"(1) by striking “include an obligation” and inserting—

"(A) an obligation", and

(2) by striking the period at the end and inserting ", or", and

(3) by adding at the end following:

"(B) indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 which is evidenced by a debenture—

(i) issued by such company under section 39(a) of such Act, or

(ii) held or guaranteed by the Small Business Administration.","

(b) Effective Date.—The amendments made by subsection (a) shall apply to acquisitions made on or after the date of the enactment of this Act.

By Ms. COLLINS (for herself, Mr. BOND, Mr. HUTCHINSON, and Mr. SMITH of Oregon):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in expensing under Section 179 to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to benefit our Nation’s small businesses—the backbone of our economy. I am very pleased to be joined by several of my colleagues, including Senator BOND, Senator TIM HUTCHINSON, and Senator GORDON SMITH. All of these Senators have been steadfast proponents and supporters of small businesses throughout their Senate career. Today, we are introducing legislation to help small businesses to expense more of their investments in equipment and property. In short, we are introducing legislation to help small businesses to grow.

The importance of small businesses to our economy cannot be overstated. According to the Small Business Administration, small firms account for three-quarters of our Nation’s employment growth and almost all of the net new jobs. That is certainly true in my home State of Maine. These are good jobs, jobs that make our communities strong.

Mr. President, last Friday the Senate overwhelmingly passed a critical piece of legislation designed to boost our economy. The legislation extends benefits for an additional 13 weeks to an estimated 3 million workers who have exhausted, or will soon exhaust, their regular unemployment benefits before being able to find new work. This program will help put food on the table for an estimated 23,000 unemployed workers, including one that is near and dear to me—providing money for extended benefits.

The economic recovery legislation also includes “bonus depreciation” provisions that will encourage mostly larger firms to invest in new property. Again, the SBIC provision I support. It includes a number of other important proposals, including one that is near and dear to me—providing tax relief to teachers who reach deep into their own pockets to buy supplies and materials for their students. Yet my biggest regret about the economic recovery package we passed last week is that it does very little for smaller businesses. I think that is disappointing and I think that is wrong because it is small businesses that tend to lead our economy out of recession.

Often, I think we take smaller businesses for granted. When times are good, we expect small businesses to create vast numbers of good, new jobs for American workers, and when times are tough, we count on small businesses to resuscitate our sluggish economy. Time and time again, entrepreneurs lead the way in new economic opportunity, and our expectations rise with each remarkable success story. But if we expect so much from small businesses, if we count on them to this degree, we owe it to them to create a climate that nurtures and rewards entrepreneurship.

That is why we have come together to introduce this straightforward legislation. Under section 179 of the Tax Code, a taxpayer with a relatively small amount of annual investment may elect to deduct up to $24,000 of the cost of qualifying property and equipment placed in service in any given

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year. The deduction is phased out for taxpayers who invest over $200,000 per year.

Our bill would permit small businesses to expense their new equipment purchases up to $40,000 per year. In other words, we would be increasing the section 179 expensing limit from $24,000 to $40,000. That is a fairly significant increase, but it should be: the last time Congress increased the small business expensing limit was back in 1996. An adjustment is well overdue.

Section 179 is critically important to small businesses. Direct expensing allows a small employer to avoid the complexities of the depreciation rules as well as unrealistic recovery periods for many assets. For example, under current law, a computer must be depreciated over 5 years. Now, all of us know that the useful life of most computers is only 2 or 3 years, at best.

Expensing also addresses a top concern of small businesses that has been exacerbated by the recent recession. The concern is access to capital. I served for a time as the New England Administrator of the Small Business Administration, and I know there are so many small companies where the owner of the company has a wonderful concept, a workable business plan, yet lacks access to capital to get the business underway or to grow it to the next level. The concern is access to capital, which the Small Business Administration has called the "greatest economic policy challenge" for rapidly growing businesses.

One indication of the need for additional financing is the amount of venture capital invested into the United States. In the year 2000, a record $103 billion was invested. But in 2001, that total fell by 65 percent, to $36.5 billion. When we see this decrease in access to venture capital, inevitably, it seems, women-owned companies and minority-owned companies are the first affected and are shut out of the capital market.

By raising the section 179 limit, our bill, in effect, will reduce the cost of capital for small businesses nationwide and it will free up additional capital for small businesses to purchase more plant and equipment.

I have spoken to small business owners in my home State of Maine, and they have told me time and again that an increase in the small business expensing limit would make a real difference to them. It would allow them to expand their businesses, thus create more good jobs.

Terry Skillins of Skillins Greenhouses is a four-generation Maine family business founded in 1885. It is a good example of what I am talking about. Skillins Greenhouses employs between 70 and 120 employees, depending on the season, in its landscaping, greenhouse, and floral businesses. Terry told me the company is looking to expand but that to do so takes more equipment, to conveyer belts, to specialized machinery, the equipment needed to expand is expensive. Terry said raising the small business expensing limit to $40,000 would help tip the scales in favor of his proceeding with an expansion, particularly if the increase were made permanent. Terry said his business plan extends over a number of years and, hence, knowing that the expensing limit would be increased permanently, he could and would use a significant multiyear savings to expand his business.

We offered a small business expensing amendment to the economic recovery bill back in January. The amendment was offered by my colleague from Missouri, Senator Bond, and myself. It included exactly the same increases as the current provisions in the bill we are introducing today. I point out that our amendment passed the Senate by an overwhelming vote of 90 to 2. So, clearly, there is an understanding among our colleagues that this tax change is long overdue and that it would make a real difference to the small businesses in our country.

Today, I am inviting all of our colleagues to join us in cosponsoring this bill, which I have strongly supported and has been endorsed by the National Federation of Independent Business, our Nation's largest small business organization. In that regard, I ask unanimous consent that a letter from Dan Danner, senior vice president of the NFIB, be printed in the RECORD.

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


Mr. President, this is a change that makes sense. I hope we will add it to our bill. It is long overdue due to our tax policy to reflect the modern-day realities of running a small business.

Mr. BOND. Mr. President, the bill offered by Senator Collins today is intended to simplify the tax rules for small businesses as they purchase new equipment to sustain and expand their businesses. I am pleased to be the lead co-sponsor on this important small business legislation.

The bill parallels the amendment that Senator Collins and I offered to the economic-stimulus legislation considered on the floor in January and increases the expensing limits permanent. The Bond-Collins amendment was approved by the Senate by a vote of 90-2.

While some may think that small business is not that important, let's be clear about the role they play in our economy. Small businesses employ 99 percent of all employers; employs 51 percent of the private-sector workforce; provides about 75 percent of the new net jobs; contributes 51 percent of the private-sector output; and represents 96 percent of all exporters of goods.

In short, size is the only "small" aspect of small business.

Our bill would permit small businesses to expense their new equipment purchases up to $40,000. The current annual limit is $24,000.

The bill also increases the limitation on the total amount a small business can place in service during a year before triggering a phase-out of the annual expensing amount. Under the amendment, a business would be able to claim the full $40,000 in expenses if it purchases over $25,000 of property during the year. Under current law, the phase-out limitation is only $200,000. To the extent that a business exceeds the phase-out limit, the annual expensing amount declines.

Direct expensing allows small businesses to avoid the complexities of the depreciation rules as well as the unrealistic recovery periods for most assets. For example, under current law a computer must be depreciated over 5 years even though the useful life is most likely 2-3 years at best.

These provisions have several important advantages, especially in light of the current economic conditions.

By allowing more equipment purchases to be deducted currently, we can provide much needed capital for small businesses.

With that freed-up capital, a business can invest in equipment, which will benefit the small enterprise and, in turn, stimulate other industries.

In addition, that's more money available to keep employees working and hopefully hire new employees.

Moreover, new equipment will contribute to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has repeatedly stressed is essential to the long-term vitality of our economy.

Finally, these modifications will simplify the tax law for countless small businesses. Greater expensing means less equipment subject to the onerous depreciation rules.
In short, the equipment-expensing change I propose are a win-win for small businesses consumers, equipment manufacturers, and our national economy as a whole.

Mr. SMITH of Oregon. Mr. President, I rise today to respond to the urgent need of small businesses in my home State of Oregon. Oregon small businesses are in need of help as the state’s economy deals with poor growth and high unemployment.

In an effort to boost both small business and the Oregon economy I am proud to introduce legislation with Senator COLLINS that will provide tax relief for small firms, the section 179 small business expensing bill.

Economic recovery must include job creation. In Oregon most new jobs are created by the State’s 270,000 small businesses. Small businesses have a broad impact on Oregon’s economy and are essential to its well-being.

Oregon ranks third in the Nation in small businesses per capita. Oregonians are independent and creative and much of this creativity goes into the wide diversity of small businesses that exist in my State. Therefore it is imperative that we bolster and strengthen the small business community in Oregon.

One critical way in which we can help small firms is by raising the threshold for expensing equipment purchases.

Currently, companies may expense equipment purchases up to $24,000 of the cost of equipment and depreciate the remainder.

This legislation will increase the amount small businesses can expense per purchase to $40,000 and increase the total investment from the current $200,000 to $325,000 annually.

This limit of $325,000 on total purchases of equipment in a single year applies to the smallest of companies.

Only the smallest of firms that are struggling to stay afloat and seek to grow by buying equipment would be able to take advantage of this expensing.

This would provide a greatly needed boost to small businesses in Oregon, allowing them to move forward on job hiring and capital investment plans that they have had to put aside during the downturn of recent days.

This legislation is strongly supported by the National Federation of Independent Businesses and I would like to enter into the Record a letter from Dan Danner expressing the importance of this increase to small businesses.

I believe these changes will ease the record-keeping burden of depreciating such equipment and fill free up capital that can be used to create and sustain new jobs, expand current small businesses, and encourage the creation of new businesses as well.

All of these economic actions will boost the Oregon economy at a time it is still sorely needed. Businesses will use the extra money to purchase new equipment, which will help an economic expansion.

Creating new jobs for Oregonians who were laid off last year lessens the burden on the State economy and puts unemployed Oregonians back to work.

In conclusion, I would like to know that this critical legislation that would boost small businesses in Oregon was initially part of the economic stimulus legislation that the Senate passed overwhelmingly in January. I call on all of my colleagues to support this legislation and swiftly give small businesses across the Nation and in my State this important boost.

I ask unanimous consent that the letter to which I referred previously be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

**NATIONAL FEDERATION OF INDEPENDENT BUSINESS, Washington, DC, March 15, 2002.**

Hon. Gordon Smith, U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I commend you for introducing The Section 179 Small Business Expensing bill. Your bill will increase the amount of equipment purchases, allow small businesses to expense each year from the current $24,000 to $40,000 and most importantly, make this language permanent.

Many small businesses are currently struggling to cope with the recession and the events of September 11th. Increasing the expensing limit would provide small and growing firms with the funds to make critical investments and keep their firms running and growing, creating new jobs.

This legislation will also help small business by eliminating burdensome record keeping involved in depreciating equipment. And it adjusts the investment limit on expensing from $200,000 to $325,000.

Small business is the major job generator for the economy. Let’s give them the tools to grow, hire more employees, and lead this country out of recession.

Sincerely,

DAN DANNER, Senior Vice President, Public Policy.

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**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Children’s Health Care: Helping Parents Work and Improving the Well-being of Children” during the session of the Senate on Friday, March 15, 2002, at 9:30 a.m.

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

**ORDERS FOR MONDAY, MARCH 18, 2002**

Mr. REID. Mr. President, I ask unanimous consent that the Senate completes its business today, it adjourn until the hour of 3 p.m. on Monday, March 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of H.R. 2356, the Campaign Finance Reform Act; further, that at 5:30 p.m., the Senate proceed to executive session to consider Calendar No. 705, with 30 minutes for debate, equally divided between the chairman and ranking member of the Judiciary Committee, prior to a vote on the nomination, with no intervening action or debate; further, that it be in order to request the yeas and nays on the nomination at this time.

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

Mr. REID. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of the nomination, the motion to reconsider be laid upon the table, and the nominations to be printed in the RECORD.

Mr. REID. The nominations considered and confirmed are as follows: NATIONAL COUNCIL ON THE ARTS

Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Arts for a term expiring January 29, 2004.

Andrew Ladis, of Washington, to be a Member of the National Council on the Arts for a term expiring January 28, 2006.

Wright Lassiter, Jr., of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

The nominations considered and confirmed are as follows:

NATIONAL COUNCIL ON THE HUMANITIES

Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Andrew Ladis, of Washington, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

The nominations considered and confirmed are as follows:
NATIONAL CIVILIAN CONSERVATION CORPS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 326, S. Res. 207.

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

The legislative clerk reads as follows:


The resolve be agreed to, the amendment to the title an amendment to the preamble, and an amendment to the title, as follows:

Whereas the Civilian Conservation Corps, commonly known as the CCC, was an independent Federal agency that deserves recognition for its lasting contribution to natural resources conservation and infrastructure improvements on public lands in the United States and for its outstanding success in providing employment and training to thousands of Americans;

Whereas March 31, 2002, is the 69th anniversary of the signing by President Franklin D. Roosevelt of the Emergency Conservation Work Act, a precursor to the Civilian Conservation Corps Act that established the CCC;

Whereas, between 1933 and 1942, the CCC provided employment and vocational training for more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish American War and World War I, and more than 80,000 Native Americans in conservation and natural resources development work, defense work on military reservations, and forest and natural resources development work, demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world in public conservation projects;

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas the CCC managed more than 4,500 camps in every State and the then-territories of Hawaii, Alaska, Puerto Rico, and the Virgin Islands;

Whereas the CCC left a legacy of natural resource and infrastructure improvements that included planting more than 3,000,000,000 trees, building 46,854 bridges, restoring 3,980 historical structures, developing more than 800 state parks, improving 3,462 beaches, creating 405,037 signs, markers, and monuments, and building 63,256 structures and 8,045 wells and pump houses;

Whereas the benefits of many CCC projects are still enjoyed by Americans today in national and state parks, forests, and other lands, including the National Arboretum in Washington, DC, Bandelier National Monument in New Mexico, Golden Gate National Park in California, Merced National Forest in California, Pisgah National Forest in North Carolina and Tennessee, Yosemite National Park in California, Acadia National Park in Maine, Rocky Mountain National Park in Colorado, and Vicksburg National Military Park in Mississippi;

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC; and

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas, between 1933 and 1942, the CCC provided employment and vocational training for more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish American War and World War I, and more than 80,000 Native Americans in conservation and natural resources development work, defense work on military reservations, and forest protection;

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC; and

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 325, S. Res. 206.

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

The resolution (S. Res. 206) was agreed to.

The amendment was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 206

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third in popularity behind use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and corner market;

Whereas using inhalants even once to get high can lead to kidney failure, brain damage, or even death;

Whereas inhalants are considered a gateway drug, one that leads to the use of harder, more deadly drugs;

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our Nation’s battle against drug abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 17 through March 23, 2002, as “National Inhalants and Poison Prevention Week”;

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate activities.

COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY LAW ENFORCEMENT OFFICERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 327, S. Res. 221.

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

The legislative clerk reads as follows:

A resolution (S. Res. 221) to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

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

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of this resolution to honor our Federal, State, and local law enforcement officers who gave the ultimate sacrifice for our public safety. I commend Senator CAMPBELL for his leadership in submitting Senate Resolution 221, which recognizes May 15, 2002, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty.

I want to recognize the other cosponsors of this resolution: Senators HATCH, BIDEN, DE WINE, CANTWELL, ALLARD, ALLEN, BINGAMAN, Bunning, COCHRAN, GREGG, HUTCHINSON, ROCKEFELLER, and THOMAS.

Since my time as a State prosecutor, I have always taken great interest in law enforcement. In Vermont, and around the country, Vermont has the reputation of being one of the safest States in which to live, work and visit,
and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us, and we should do what we can to honor them and their families.

Our Nation’s law enforcement officers numbering more than 700,000 men and women—put their lives at risk in the line of duty everyday. No one knows when danger will appear and what form it will take. Unfortunately, in today’s violent world, even pulling over a driver for speeding may not necessarily be “routine.” The events of the past year and the ensuing relentless vigilance on the part of our peace officers in guarding against further such attacks have proven this.

Guardians of the peace face more risks than ever in these times. All law enforcement officers across the Nation deserve our heartfelt respect and appreciation on Peace Officers Memorial Day.

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

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

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 70 peace officers died at the World Trade Center in New York City on September 11, 2001, the most peace officers ever killed in a single incident in the history of the Nation;

Whereas more than 220 peace officers across the Nation were killed in the line of duty during 2001, 57 percent more police fatalities than the previous year, and the deadliest year for the law enforcement community since 1974;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty; and

Whereas on May 15, 2002, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2002, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today, Friday, March 15, until 2 p.m., for the introduction of legislation and the submission of statements.

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

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES


ANDREW LADIS, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.


THE JUDICIARY

DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

SALLY STROUP, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1959–S1983

Measures Introduced: Five bills were introduced, as follows: S. 2020–2024. Page S1974

Measures Passed:


Commemorating Law Enforcement Officers: Senate agreed to S. Res. 221, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. Pages S1982–83

Energy Policy Act: Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto: Pages S1961–62

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. Page S1961

Feinstein Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets. Page S1961

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks. Page S1961

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available. Page S1961

Bingaman Amendment No. 3016 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. Page S1961

Nominations—Agreement: A unanimous-consent agreement was reached providing for consideration of the nomination of Randy Crane, to be United States District Judge for the Southern District of Texas, at 5:30 p.m., on Monday, March 18, 2002, with a vote to occur thereon at approximately 6 p.m. Page S1981

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 90 yea (Vote No. EX. 51), David C. Bury, of Arizona, to be United States District Judge for the District of Arizona. Pages S1959–61, S1983

Sally Stroup, of Virginia, to be Assistant Secretary for Postsecondary Education, Department of Education. Maribeth McGinley, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2006. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Andrew Ladis, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Wright L. Lassiter, Jr., of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.) Pages S1983

Messages From the House:

Measures Referred: Pages S1973

Executive Communications: Pages S1973

Additional Cosponsors: Pages S1974

Statements on Introduced Bills/Resolutions: Pages S1974–81

Additional Statements: Pages S1971–73

Authority for Committees to Meet: Page S1981
Record Votes: One record vote was taken today. (Total—51)

Adjournment: Senate met at 9:15 a.m., and adjourned at 1:17 p.m., on Monday, March 18, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S1983).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—ENERGY

CHILD CARE
Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine child care improvement issues, focusing on literacy, behavioral health, and family services, after receiving testimony from Elaine Zimmerman, Connecticut Commission on Children, Hartford; Janet Shalansky, Kansas Department of Social and Rehabilitation Services, Topeka; Elizabeth Bonbright Thompson, Washington State Child Care Resource and Referral Network, Tacoma; Sheila Merkison, Burns Insurance Agency, Kennebunk, Maine; Helen Blank, Children’s Defense Fund, Chevy Chase, Maryland; Kathy R. Thornburg, University of Missouri, Columbia, on behalf of the National Association for the Education of Young Children; and Travis H. Hardmon, National Child Day Care Association, Washington, D.C.

BUSINESS MEETING
Committee on the Judiciary: On Thursday, March 14, committee ordered favorably reported the following business items:

S. 1356, to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II, with an amendment in the nature of a substitute;

S. Res. 207, designating March 31, 2002, as “National Civilization Conservation Corps Day”, with an amendment in the nature of a substitute;

S. Res. 206, designating the week of March 17 through March 23, 2002 as “National Inhalants and Poison Prevention Week”;

S. Res. 221, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; and

The nominations of Don Slazinik, to be United States Marshal for the Southern District of Illinois, and Kim Richard Widup, to be United States Marshal for the Northern District of Illinois.

Also, with respect to the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, the committee failed to adopt the motion to report the nomination favorably, the motion to report the nomination without recommendation, and the motion to report the nomination unfavorably.

DIGITAL MARKET PROTECTION
Committee on the Judiciary: On Thursday, March 14, committee concluded hearings to examine competition, innovation, and public policy concerning digital creative works, after receiving testimony from Richard D. Parsons, AOL Time Warner, Inc., New York, New York; Craig R. Barrett, Intel Corporation, Chandler, Arizona; Jonathon Taplin, Intertainer, Inc., Culver City, California; Joe Kraus, Excite.com and DigitalConsumer.org, San Francisco, California; and Justin Hughes, University of California at Los Angeles Law School, Los Angeles.

House of Representatives

Chamber Action
The House was not in session today. It will meet on Monday, March 18 at 2 p.m.

Committee Meetings
No Committee meetings were held.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST of March 13, 2002, p. D227)

S.J. Res. 32, congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation. Signed on March 14, 2002. (Public Law 107–152)
CONGRESSIONAL PROGRAM AHEAD

Week of March 18 through March 23, 2002

Senate Chamber

On Monday, at 3 p.m., Senate will consider H.R. 2356, Campaign Finance Reform. At 5:30 p.m., Senate will consider the nomination of Randy Crane, to be United States District Judge for the Southern District of Texas, with a vote to occur thereon at approximately 6 p.m.

During the balance of the week, Senate expects to continue consideration of H.R. 2356, Campaign Finance Reform and S. 517, Energy Policy Act, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: March 18, Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 2003 for the National Security Administration, nuclear reactors, and nuclear proliferation, 10 a.m., SD–124.


March 19, Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2003 for the Department of the Treasury, focusing on the International Affairs Programs, 2 p.m., SD–192.

March 19, Subcommittee on Military Construction, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Navy and Air Force military construction, 2:30 p.m., SD–138.

March 20, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2003 for the Environmental Protection Agency, 9:30 a.m., SD–138.

March 20, Subcommittee on Defense, to hold closed hearings to examine an overview of intelligence programs, 10 a.m., S–407, Capitol.

March 20, Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2003 for the General Accounting Office, Congressional Budget Office, and Government Printing Office, 10:30 a.m., SD–124.

March 20, Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget, 1:30 p.m., SD–192.

March 20, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2003 for public health, nutrition and regulatory agencies, 2 p.m., SD–138.

March 21, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice, 10 a.m., SD–124.

March 21, Subcommittee on Transportation, to hold hearings to examine security challenges presented by transportation of cargo, 10 a.m., SD–138.

March 21, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine proposed budget estimates for fiscal year 2003 for the National Institutes of Health of the Department of Health and Human Services, 11 a.m., SD–192.

March 21, Subcommittee on Interior, to hold hearings to examine proposed budget estimates for fiscal year 2003 for the Department of the Interior, 2 p.m., SD–138.

March 21, Subcommittee on District of Columbia, to hold hearings on proposed budget estimates for fiscal year 2003 for the District of Columbia Courts, Court Services, and Offender Supervision Agency, 2:30 p.m., SD–192.

Committee on Armed Services: March 19, to hold hearings to examine the worldwide threat to United States interests (to be followed by closed hearings in SH–219), 9:30 a.m., SH–216.

March 19, Subcommittee on SeaPower, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on maximizing fleet presence capability, ship procurement, and research and development, 2:30 p.m., SR–222.

March 20, Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on recruiting and retention in the military services, 9:30 a.m., SR–232A.

March 20, Subcommittee on Strategic, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on national security space programs and strategic programs, 2:30 p.m., SR–232A.

March 21, Subcommittee on Readiness and Management Support, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on the readiness of U.S. Armed Forces for all assigned missions, 10 a.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: March 19, to resume oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies; followed by a vote on the nominations of JoAnn Johnson, of Iowa, to be a Member of the National Credit Union Administration Board, and Deborah Matz, of New York, to be a Member of the National Credit Union Administration Board, 9:30 a.m., SD–538.

March 20, Full Committee, to continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, 10 a.m., SD–538.

March 21, Full Committee, to continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, 10 a.m., SH–216.

Committee on Commerce, Science, and Transportation: March 19, to hold hearings on the nomination of Vice Admiral Thomas Collins to be Commandant of the United States Coast Guard, 1:30 p.m., SR–253.

March 19, Subcommittee on Oceans, Atmosphere, and Fisheries, to hold oversight hearings to examine the budget of the United States Coast Guard, 3 p.m., SR–253.
March 20, Full Committee, to hold hearings to examine competition in the local telecommunications marketplace, 9:30 a.m., SR–253.

March 21, Full Committee, to hold hearings to examine airport capacity expansion plans in the Chicago area, 9:30 a.m., SR–253.

March 21, Subcommittee on Science, Technology, and Space, to hold hearings to examine federal research and development issues, 2:30 p.m., SR–253.

Committee on Environment and Public Works: March 19, to hold hearings to examine mobility, congestion, and intermodalism, focusing on fresh ideas for transportation demand, access, mobility, and program flexibility, 2:30 p.m., SD–406.

March 20, Full Committee, to hold hearings to examine legislative initiatives that would impose limits on the shipments of out-of-State municipal solid waste and authorize State and local governments to exercise flow control, 10 a.m., SD–406.

Committee on Finance: March 19, Subcommittee on Social Security and Family Policy, with the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, to hold joint hearings to examine working families and child care issues, 2:30 p.m., SD–215.

March 20, Full Committee, to hold hearings on the nomination of Randal Quarles, of Utah, to be Deputy Under Secretary of the Treasury for International Affairs, 10 a.m., SD–215.

March 21, Full Committee, to hold hearings to examine corporate tax shelters, 10 a.m., SD–215.

Committee on Foreign Relations: March 19, to hold hearings to examine threat reduction of chemical and biological weapons, 10 a.m., SD–419.

March 19, Full Committee, business meeting to consider pending calendar business, 2:15 p.m., S–116 Capitol.

Committee on Governmental Affairs: March 18, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings on Federal workplace reform proposals, 9:30 a.m., SD–342.

March 19, Subcommittee on International Security, Proliferation and Federal Services, to continue hearings on Federal workplace reform proposals, 10 a.m., SD–342.

March 20, Full Committee, to hold hearings to examine issues with respect to the collapse of the Enron Corporation, focusing on credit rating agencies, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: March 19, Subcommittee on Children and Families, with the Committee on Finance, Subcommittee on Social Security and Family Policy, to hold joint hearings to examine working families and child care issues, 2:30 p.m., SD–215.

March 20, Full Committee, business meeting to mark up S. 1992, to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and S. 1335, to support business incubation in academic settings, 10 a.m., SD–430.

March 21, Full Committee, to hold hearings to examine the Individuals With Disabilities Act, as it applies to children and schools, 10 a.m., SD–430.

Committee on Indian Affairs: March 21, business meeting to consider pending calendar business, 9:45 a.m., SR–485.

March 21, Full Committee, to hold hearings on S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, 10 a.m., SR–485.

Select Committee on Intelligence: March 20, to hold closed hearings to examine pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: March 19, to hold hearings to examine pending judicial nominations, 10 a.m., SD–226.

March 20, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine identity theft and information protection, 10 a.m., SD–226.

March 21, Full Committee, to hold hearings to examine reform of the Federal Bureau of Investigation, focusing on lessons learned from the Oklahoma City bombing, 10 a.m., SD–226.

March 21, Subcommittee on Crime and Drugs, to hold hearings to examine homeland defense, focusing on assessing the needs of local law enforcement, 2 p.m., SD–226.

Committee on Veterans’ Affairs: March 20, to hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS, 2 p.m., 345 Cannon Building.

House Chamber

To be announced.

House Committees

Committee on Appropriations, March 19, Subcommittee on Labor, Health and Human Services and Education, on National Institutes of Health Panel: Fundamental Research: Biomedical Science in the Future, 2 p.m., 2358 Rayburn.

March 19, Subcommittee on Veterans’ Affairs, Housing and Urban Development, and Independent Agencies, on Department of Housing and Urban Development, 9:30 a.m., and 1:30 p.m., 2359 Rayburn.

March 20, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Rural Development, 9:30 a.m., 2362A Rayburn.

March 20, Subcommittee on Commerce, Justice, State and Judiciary, on DEA, 10 a.m., and on U.S. Trade Representative, 2 p.m., H–309 Capitol.

March 20, Subcommittee on Defense, on Fiscal Year 2003 Air Force Budget Overview, 9:30 a.m., H–140 Capitol.

March 20, Subcommittee on Interior, on Smithsoninan, 10 a.m., B–308 Rayburn.

March 20, Subcommittee on Labor, Health and Human Services, and Education, on Center for Medicare and Medicaid Services and the Administration for Children and Families, 10:15 a.m., 2358 Rayburn.

March 20, Subcommittee on Military Construction, on Unexploded Ordnance, 9:30 a.m., B–300 Rayburn.

March 20, Subcommittee on Transportation, on Federal Transit Administration, 2 p.m., 2358 Rayburn.
March 20, Subcommittee on Treasury, Postal Service and General Government, on Bureau of Public Debt, 2 p.m., 2359 Rayburn.

March 20, Subcommittee on VA, HUD and Independent Agencies, on Corporation for National and Community Services, 9:30 a.m., and on Council on Environmental Quality, 11:30 a.m., H–143 Capitol.

March 21, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FDA, 9:30 a.m., 2362A Rayburn.

March 21, Subcommittee on Commerce, Justice, State and Judiciary, on State Department Management, 10 a.m., H–309 Capitol.

March 21, Subcommittee on Defense, executive, on Intelligence Budget Overview, 11 a.m., S–407 Capitol.

March 21, Subcommittee on Interior, on U.S. Fish and Wildlife Service, 10 a.m., B–308 Rayburn.

March 21, Subcommittee on Labor, Health and Human Services, and Education, Center for Disease Control and Prevention, 9:45 a.m., 2358 Rayburn.

March 21, Subcommittee on Veterans’ Affairs, Housing and Urban Development, on Consumer Product Safety Commission, 9:30 a.m., American Battle Monuments Commission, 10:30 a.m., and on Chemical Safety and Hazard Investigation Board, 11:30 a.m., H–143 Capitol.

Committee on Armed Services, March 19, Subcommittee on Military Procurement, hearing on the U.S. defense industrial base, 3 p.m., 2118 Rayburn.

March 20, full Committee, to continue hearings on the fiscal year 2003 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.


March 21, Special Oversight Panel on Department of Energy Reorganization, hearing on the findings and recommendations of the report of the Panel to Assess the Reliability, Safety, and Security of the United States Stockpile, 11 a.m., 2212 Rayburn.


Committee on Education and the Workforce, March 20, to mark up the following bills: H.R. 3762, Pension Security Act of 2002; H.R. 3784, Museum and Libraries Services Act of 2002; H.R. 3839, Keeping Children and Families Safe Act of 2002; and H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, 10:30 a.m., 2175 Rayburn.

March 21, hearing on “Working Toward Independence: The Administration’s Plan to Build upon the Successes of Welfare Reform,” 1:30 p.m., 2175 Rayburn.


Committee on Energy and Commerce, March 19, Subcommittee on Energy and Air Quality, hearing on the reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act, 2 p.m., 2318 Rayburn.

March 19, Subcommittee on Oversight and Investigations, to continue hearings on the Financial Collapse of Enron Corp., focusing on accounting issues and the role played by Andersen LLP in Enron’s collapse, 11 a.m., 2322 Rayburn.

March 20, Subcommittee on Health, hearing entitled “Medicare Modernization: Examining the Federal Employees Health Benefit Program as a Model for Seniors,” 10 a.m., 2322 Rayburn.

March 21, Subcommittee on Energy and Air Quality, hearing entitled “A Review of the President’s Recommendation to Develop a Nuclear Waste Repository at Yucca Mountain, Nevada,” 10 a.m., 2322 Rayburn.

Committee on Financial Services, March 20, to continue hearings on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002, 10 a.m., 2128 Rayburn.


March 21, Subcommittee on Oversight and Investigations, hearing entitled “The Effects of the Global Crossing Bankruptcy on Investors, Markets, and Employees,” 10 a.m., 2220 Rayburn.

Committee on Government Reform, March 20, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on “The Department of Defense: What is Being Done to Resolve Longstanding Financial Management Problems?” 10 a.m., and 1 p.m., 2154 Rayburn.

March 21, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on “EPA Cabinet Elevation-Federal and State Agency Views,” 9:30 a.m., 2154 Rayburn.

March 21, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on “Combating Terrorism: Protecting the United States—Part II,” 1 p.m., 2247 Rayburn.

March 21, Subcommittee on Technology and Procurement Policy, hearing on “Turning the Tortoise Into the Hare: How The Federal Government Can Transition From Old Economy Speed to Become a Model for Electronic Government,” 2 p.m., 2154 Rayburn.


Committee on International Relations, March 20, to mark up the following: the Afghanistan Freedom Support Act; and the Freedom Promotion Act of 2002, 10:15 a.m., 2172 Rayburn.

Committee on Resources, March 19, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following: H.R. 2982, to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as “Area I” or “Area II” to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial; H.R. 3380, to authorize the Secretary
of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park; and a measure to designate and provide for the management of the Shoshone National Recreation Trail, 2 p.m., 1334 Longworth.

March 19, Subcommittee on Water and Power, hearing on H.R. 3881, to authorize the Secretary of the Interior to engage in studies relating to enlarging Pueblo Dam and Reservoir and Sugar Loaf Dam and Turquoise Lake, Fryingpan-Arkansas Project, Colorado, 10:30 a.m., 1334 Longworth.

March 20, full Committee, to mark up the following measures: H. Res. 261, recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia for their contributions to the construction of the Capital of the United States; H.R. 1448, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; H.R. 2114, National Monument Fairness Act of 2001; H.R. 2628, Muscle Shoals National Heritage Area Study Act of 2001; H.R. 2643, Fort Clatsop National Memorial Expansion Act of 2001; H.R. 2880, Five Nations Citizens Land Reform Act; H.R. 2937, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; H.R. 2963, Deep Creek Wilderness Act; H.R. 3421, Yosemite National Park Educational Facilities Improvement Act; H.R. 3425, to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 39 in California, known as the Golden Chain Highway, as a National Heritage Corridor; H.R. 3480, Upper Mississippi River Basin Protection Act of 2001; H.R. 3606, Wallowa Lake Dam Rehabilitation and Water Management Act of 2001; H.R. 3848, to provide for funds for the construction of recreational and visitor facilities in Washington County, Utah; H.R. 3853, to make technical corrections to laws passed by the 106th Congress related to parks and public lands; H.R. 3909, Gunn McKay Nature Preserve Act; H.R. 3955, to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; H.R. 3958, to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah; and S. 506, Huna Totem Corporation Land Exchange Act, 10 a.m., 1334 Longworth.


March 21, Subcommittee on National Parks, Recreation, and Public Lands, oversight hearing on the Status of the Future Visitor Center and Associated Fund-raising Efforts at the Gettysburg National Military Park, 2 p.m., 1334 Longworth.

Committee on Rules, March 19, to consider the following: H.R. 3925, Digital Tech Corps Act of 2002; and the Concurrent Resolution on the Budget for Fiscal Year 2003, 5 p.m., H–313 Capitol.

Committee on Science, March 20, to mark up the following bills: H.R. 2051, to provide for the establishment of regional plant genome and gene expression research and development centers; H.R. 3389, National Sea Grant College Program Act Amendments of 2002; and H.R. 3939, Energy Pipeline Research, Development, and Demonstration Act; followed by a hearing on The 2001 Presidential Awardees for Excellence in Mathematics and Science Teaching: Views from the Blackboard, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 19, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing on Access to Health Care in Rural America, 2 p.m., 2360 Rayburn.

March 20, full Committee, hearing on Making the Office of Advocacy Independent, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 20, Subcommittee on Coast Guard and Maritime Transportation, to mark up the Maritime Transportation and Antiterrorism Act of 2002, 10 a.m., 2253 Rayburn.

March 20, Subcommittee on Highways and Transit, hearing on Ensuring the Integrity of the Highway Trust Fund, 2 p.m., 2167 Rayburn.

March 21, Subcommittee on Water Resources and Environment, hearing on Proposals for a Water Resources Development Act of 2002, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, March 19, executive, hearing on Joint Military Intelligence Programs/Tactical Intelligence and Related Activities, 4 p.m., H–405 Capitol.

March 20, executive, hearing on National Foreign Intelligence Program Overview of Fiscal Year 2003, 2:30 p.m., H–405 Capitol.

March 21, Subcommittee on Human Intelligence, Analysis and Counterintelligence and the Subcommittee on Intelligence Policy and National Security, executive, hearing on Southeast Asia Issues, 9 a.m., H–405 Capitol.

Joint Meetings

Joint Meetings: March 20, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS, 2 p.m., 345 Cannon Building.
Next Meeting of the SENATE
3 p.m., Monday, March 18

Senate Chamber

Program for Monday: Senate will consider H.R. 2356, Campaign Finance Reform.
At 5:30 p.m., Senate will consider the nomination of Randy Crane, to be United States District Judge for the Southern District of Texas, with a vote to occur thereon at approximately 6 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, March 18

House Chamber

Program for Monday: Pro forma session.