



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, MONDAY, MARCH 18, 2002

No. 31

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

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

Dear God, a thousand years in Your sight are like yesterday when it is past. Lord of Time, You divide our lives into years, months, weeks, and hours. As we live our lives, You make us very conscious of the passage of time, the shortness of time to accomplish what we want, and our impatience with other people's priorities in the use of time. We have learned that work expands to fill the time available, but also that deadlines are a part of life.

Here we are at the beginning of a crucial week before the Spring recess begins on Friday. Grant the Senators and their staffs an expeditious use of the hours of this week to accomplish what really needs to be done. Help the parties work together to finish what is crucial for America. Grant us all an acute sense of the value of time and our accountability to You for using it wisely. We believe there is enough time in this week to do what You want done. We press on without pressure but with promptness to Your timing. You are always on time, in time to help us in the use of time. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. As if in executive session, I ask unanimous consent that the vote on confirmation of Executive Calendar No. 705 occur at 5:50 p.m. today, with the remaining provisions of the previous order in effect.

Mr. LOTT. Reserving the right to object, let me clarify if I may. We are moving the vote under this unanimous consent agreement from 6 p.m. to 5:50, and I assume, because we are moving that vote to begin earlier—some Senators might have thought it would begin at 6—if necessary we might delay the conclusion somewhat.

Mr. REID. I say to my friend, it would be the first time we ever delayed a vote, but we will do that.

Mr. LOTT. There is a first time for everything.

I withdraw my reservation.

Mr. REID. I ask unanimous consent we now proceed to a period of morning business until 4:30 today.

I see the Republican leader. I ask he be allowed to speak first, of course, and then Senator GRASSLEY wishes to speak for up to 8 minutes, and then Senator BYRD would speak for up to 40 minutes.

Mr. LOTT. Mr. President, we are extending the morning business for an hour and a half; I presume that time would be equally divided.

Mr. REID. We will do our best to equally divide it. The only two speakers we know of are Senators GRASSLEY and BYRD. But if someone comes in, we will make sure the minority has equal billing until 6 p.m. It could be hard to get Members over here. We hope others are coming. We will make sure we are as fair as we can in allocating the time.

The PRESIDENT pro tempore. Is there objection to the first request

with respect to setting the vote at 5:50 p.m.?

Without objection, it is so ordered.

Is there objection to the second request?

Without objection, it is so ordered.

The PRESIDENT pro tempore. The Senator from Iowa, Mr. GRASSLEY.

TRADE PROMOTION AUTHORITY

Mr. GRASSLEY. Mr. President, I rise to speak on a subject that I hope will be on the Senate's agenda after we come back from Easter recess, which I think starts at the end of this week. That issue is Trade Promotion Authority for the President.

It is time for the Senate to pass Trade Promotion Authority, not only for President Bush, because he has asked for it, but because every President ought to have this authority. The President needs this authority to help in the reduction of non-tariff trade barriers as well as tariffs and to negotiate international trade agreements.

It has been over a decade since our Nation has had Trade Promotion Authority for the President. Since that time, we have fallen further behind. This map shows how far behind we are. It shows that the rest of the world is no longer going to stand around and wait for the United States to show leadership on trade.

Here you can see all these countries in red. That sea of red represents 111 countries that are a party to more than 130 free trade agreements that do not include the United States of America. The United States was not at the negotiating table for these 130 free trade agreements. How many free trade agreements do we have with other countries? Three!

Until just last year, with the passage of the Jordan Free Trade Agreement, it had been over 6 years since the United States enacted a free trade agreement with another country. Our failure to act, in fact, does make a difference.

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



Printed on recycled paper.

S1985

While we stay on the sidelines, the rest of the world moves ahead, concluding an average of twenty new free trade agreements every year. The European Union alone has signed preferential agreements with 27 countries and is right now working on 15 more. That means other countries are writing the rules of trade, and the United States is not at the table. The rules these other countries write are not designed to benefit U.S. companies and U.S. workers. When other countries write the rules of trade, we lose.

In the absence of Trade Promotion Authority, we have allowed our foreign competitors to make deals that have placed U.S. interests at a disadvantage. If we do not pass Trade Promotion Authority soon, then we are going to continue to fall further and further behind. We will sit on the sidelines and our competitors will continue to make deals that exclude us—it's a game plan for failure.

Without Trade Promotion Authority, American negotiating power to bring down trade barriers is severely limited. Foreign competitors will continue to weave a web of preferential trade and investment opportunities for themselves, and we will fall further behind. American companies, workers, and farmers are paying a high price for our inaction. Compared to their foreign counterparts, U.S. exporters often face higher tariffs, higher costs, and greater administrative delays, and even less favorable investment opportunities and protection.

While other countries negotiate free trade agreements, ensuring that their products sail across borders tax free, American workers face high tariffs that erode their competitive edge.

I will just give one example: Caterpillar, a corporation headquartered in the State of Illinois. Caterpillar's motor graders, made in the United States for export to Chile, face nearly \$15,000 in tariffs whereas Caterpillar, making those same motor graders in Brazil for export to Chile, only face a tariff of \$3,700. That ought to get anybody's attention about the importance of negotiating down these barriers.

Further, when Caterpillar's competitors produce the same product in Canada, it can be exported to Chile free of tariffs because of the Canada-Chile free trade agreement.

We cannot continue to put U.S. workers at a disadvantage in the international marketplace. Isolationism is a failed policy that damages U.S. interests on many levels. This year the Senate has the ability to reject this failed policy by bringing up and passing Trade Promotion Authority. This is not the time for us to take a pass on policies that could enhance our global competitiveness and increase our economic stature worldwide.

Presidential leadership is very obvious in the war on terrorism. We have a strong diplomatic component to that. We have a strong military component to that. But we also need a strong eco-

nomics component to the President's leadership, and that can come in part through this President having Trade Promotion Authority.

The Senate Finance Committee reported Trade Promotion Authority out of our committee last year in its usual way of doing business, by a strong bipartisan vote of 18 to 3. I am confident when this bill comes to the floor it will receive bipartisan support from the entire Senate.

So it is time to get this bill, Trade Promotion Authority, on the Senate floor and get it passed. Renewing Trade Promotion Authority will help level the global playing field and create countless opportunities for our workers, our farmers, and our businesses.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on Senator GRASSLEY's request?

The PRESIDING OFFICER. There remain 45 seconds.

Mr. LOTT. I ask unanimous consent he be allowed an additional 10 minutes so I may address some questions to him.

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

Mr. LOTT. I thank my colleagues for allowing that.

Mr. President, I say to Senator GRASSLEY from Iowa that I appreciate his remarks today, and I appreciate the work he has done in this area. I know he feels very strongly about the need for free trade and having open markets, but also that it be fair trade.

I know it is very important to a State such as Iowa, which not only is very much involved in the manufacturing area but particularly in agriculture because we could export a lot more of our agricultural products. So I thank him for the position he takes as a Senator from the great State of Iowa but also as a leader on the Finance Committee, both as former chairman and now as ranking member.

I emphasize, once again, the point he made that this Trade Promotion Authority was reported out of the Finance Committee by a vote of 18 to 3, which was a very wide, bipartisan vote.

I should note both the majority leader and minority leader voted for that package. Yet this bill has been languishing. The House passed this legislation on December 6 of last year. I think the Senate should have acted last year. It did not. I think it is imperative that we act within the near future.

I inquire of Senator GRASSLEY, has he been given any indication as to when this might come to the Senate for full Senate action? Does he know what commitments have been made?

Mr. GRASSLEY. We were told sometime this spring. Spring is fleeting. That is why I hope we can get a date definite that it will be brought up and it can be passed.

It will be particularly fruitful and beneficial to the President to have

Trade Promotion Authority now as he goes to the international conference at Monterey this week. It would be nice if he had it as he is going to visit Peru; as he is going to visit El Salvador. Whenever the President is going to go, this issue always comes up.

As I talked to Bob Zoellick, the U.S. Trade Representative who does our negotiations, the fact that the President does not have this authority weakens our position at the international conferences we attend, particularly now as we are beginning negotiations in Geneva, on what is called the Doha Round—it was agreed to last November, a brand new round of negotiations that hopefully will be finalized for about 3 years—for the President to be credible and his people to be credible at the negotiating table, we must have Trade Promotion Authority.

Mr. LOTT. My impression is that after we complete the energy legislation, and presumably the campaign finance reform issue—I guess that could be even after the Easter recess—the next order of business would be the budget resolution. Then Senator DASCHLE indicated we would go to trade at that point. I am not sure exactly what that means I presume sometime in late April or May.

But I do agree we need to act on this legislation. It is very unfortunate we did not move the Andean Trade Promotion Authority, which has also been reported by the House and been reported out by the Finance Committee but has not been cleared by the Senate. The President will be going to Peru this very week. The ambassadors and foreign ministers and Presidents of those countries, the Andean countries, had requested this legislation be passed, and indicated to me it had gone beyond being an issue of trade; it had gotten to be a very serious political problem in those countries. I am wondering about what exactly is the U.S. commitment to opportunity, trade options, and prosperity in those regions.

Of the countries which Senator GRASSLEY has listed, more and more countries are trading with these countries in Central and South America. We are really not in there the way we should be.

Recently, I had occasion to be in Spain, and I was surprised to find how much involvement Spain has in Central and South America, including, I believe, Spain owning the second largest bank in Central America.

That is just one example of what has happened there. These countries have an ever-growing number of free trade agreements. Yet the United States has only three trade agreements.

Is that correct?

Mr. GRASSLEY. We negotiated three trade agreements. Of these countries, 111 have negotiated 130 trade agreements.

Mr. LOTT. Mr. President, I am also very much worried. It appears that the way this will be brought to the floor, once again, is setting it up in such a

way that the Senate may not be able to act. On bill after bill, we have seen that recently. That happened with the stimulus bill. It happened with agriculture. We are not sure what the outcome is going to be on the energy bill.

When you bring a bill to the floor, and the substance of that bill is such that we have to write it on the floor of the Senate, that is a problem. But in the case of trade, I also see that we are being told it has to be coupled with trade adjustment assistance.

While there is a bipartisan feeling that there needs to be some assistance available in dealing with dislocated workers, at least on the interim basis, it includes, for instance, health care provisions that are going to be extremely controversial.

To say that bill has to come to the floor providing COBRA health insurance provisions for trade adjustment assistance in order to get trade promotion authority is to set ourselves up in such a way that it will be very hard—and maybe even impossible—to get this very important legislation through.

Does Senator GRASSLEY care to comment on that?

Mr. GRASSLEY. It is a very divisive issue. As Senator LOTT brought up about tax benefits for COBRA insurance, there was divisiveness during the debate on economic stimulus, and it kept economic stimulus from passing.

It seems to me that a bill that was voted out of committee by 18 to 3 should not be handled in any other spirit than the spirit of that vote within the Finance Committee, which is typical of the way the Senate ought to work, and also a follow-on of how our committee has always worked to produce good bills which have come out of the committee most of the time with bipartisan support.

In so many other areas other than just this one, I compliment my Democrat counterpart, Senator BAUCUS, and his staff for trying to work through some of the disagreements that might come up on the floor of the Senate.

I think there is a terrible pressure for more to be done, and that it is going to be divisive. I hope we can get past that. For instance, in the case of health insurance and incentives for the unemployed to have health insurance, that is a very worthy issue. But that ought to come up in the context of dealing with the issue, as the President has presented it, of tax credits for all of the uninsured so they will be able to buy health insurance. We should not take that issue up with the very narrow part of the unemployed because of the relationship to trade. That should come up as an issue for all of the uninsured, and we should deal with that as a separate issue.

Mr. LOTT. Mr. President, I thank Senator GRASSLEY for his comments. I take this occasion to emphasize that particular point, and serve notice that this could be an area of major concern and a serious problem in producing a

result on trade promotion authority. It would be a tragic example if we do not succeed in this area. Once again, that would mean the Senate has failed to do its work, especially after such good bipartisan work has been done in committee.

I encourage Senator GRASSLEY and Senator BAUCUS to continue in the spirit in which they reported this bill from committee to the full Senate.

I yield the floor.

Mr. GRASSLEY. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

OPPOSITION TO THE SECTION 245(i) PROVISION AND AMNESTY FOR ILLEGAL ALIENS

Mr. BYRD. Mr. President, last week, CNN broke the news that, six months after the attacks on the World Trade Center and the Pentagon, the Immigration and Naturalization Service finally provided a confirmation notice to a Florida flight school that two of the suicide hijackers who died on September 11 had been approved for student visas.

The American people must have been shaking their heads in dismay. Certainly many politicians viewed the incident with incredulity and anger. Our President said he was "plenty hot." The Attorney General promised an investigation. Legislators and pundits have called for the restructuring—and even for the abolishment—of the INS.

I find it hard to understand the apparent shock. That this incident occurred should come as no surprise to anyone who has read anything in recent months about the inept manner in which our immigration system is apparently operating. In the aftermath of the September 11 attacks, the American people heard repeatedly about the lapses in our immigration laws that allowed these terrorists to enter our country. Three of the terrorists were in the country on expired visas and should have been deported. Countless federal reports and investigations have concluded that INS is plagued by backlogs and delays. The agency has little sense of who is crossing our borders, and can't track individuals once they are inside the country.

As if to try to provide some logic for its bumbling, the INS said in a statement last week that it had no information at the time that it approved these student visas that either man was tied to terrorist groups. I hardly find any comfort in that. It doesn't explain why Mohammed Atta's visa extension kept winding its way through the bureaucratic process for months after he became recognized internationally as a brutal terrorist.

Since September 11th, the Administration has sought to reassure the American people that this government was taking steps to reinforce that invisible barrier that ostensibly protects our citizens from foreign threats. The

American people were told that this government is doing all that it can to strengthen our borders and make Americans safe.

But then this CNN report is unveiled, reinforcing the negative impression that most Americans have of our Nation's border security.

If the American people went to bed last Tuesday night in dismay over this latest INS debacle, they must have been absolutely dumbfounded when they awoke Wednesday morning to learn that the House of Representatives had passed, at the request of the President, what amounts to an amnesty for hundreds of thousands of illegal aliens, many of whom have not undergone any—any—background or security check.

Supporters of the House-passed extension of the so-called Section 245(i) provision were quick to claim that it is not an amnesty. The issue, they argue, is where you fill out your paper work—here or abroad. That is nonsense—N-O-N-S-E-N-S-E, nonsense. Section 245(i)—amnesty is amnesty—pure and simple.

The section 245(i) provision, which expired last April, allows undocumented immigrants to seek permanent residency without leaving the United States, if—if—they pay a \$1,000 fee and have a close relative or employer sponsor them. Without the provision, these immigrants would be forced to leave the country, and under tougher illegal immigration reforms passed in 1996, be barred from reentering for up to 10 years.

If waiving tougher penalties for illegal aliens is not a form of amnesty, then I don't know what is.

Those who support reviving the 245(i) provision impress upon us that there are many, many individuals who came to this country legally, but became lost in the huge backlog of paperwork at the Immigration and Naturalization Service. Thus their visas expired while they were awaiting the processing of paperwork and they continued to live in the United States illegally and undetected.

I don't doubt that many of these individuals are well-meaning and have attempted to follow the law. I recognize that many of these individuals, if not for some type of legal exemption, will have to leave the country and be separated from their families. But we must not forget that three of the September 11 terrorists were living in the United States on expired visas. An additional two terrorists—Mohammad Atta and Marwan al-Shehhi tried to change their visa status while they were in the United States, and, thus, were allowed to begin their flight training at a Florida school. And as we learned in these last few days, not only did the Immigration and Naturalization Service never catch them, but months after September 11, the Immigration and Naturalization Service was still issuing paperwork clearing the way for these two terrorists to enter the stream of American society.

These terrorists weren't hiding from the system, they were exploiting the flaws in the system. Reviving the 245(i) provision reopens another crack in the system through which a potential terrorist can crawl. What the CNN story says to me is not that we should be more lenient with visa applicants, but that we should be much tougher, with visa applicants.

The section 245(i) provision poses a dangerous risk to our border security by compromising the all-important State Department background checks being conducted on potential immigrants in their home countries. By allowing hundreds of thousands of illegal aliens to apply for permanent residency in our country, section 245(i) allows them to sidestep face-to-face interviews at U.S. consulates in their own countries. U.S. consular officers abroad offer unmatched expertise in their host country's social conditions. They are knowledgeable of police records. They are knowledgeable of fraudulent document operations. They are knowledgeable of political extremist groups. Under section 245(i), U.S. consulate officers would not fully exercise this expertise in screening immigrants for permanent residency.

Supporters of the 245(i) provision will tell us that we can rely on a thorough INS background check. Ha-ha. Don't forget that if the visa applicants fail the INS security check, they are already inside the country. If they fail that check, they are already inside this country. And because of the ineptitude of the INS, they may have been living in this country for months and, who knows, perhaps years. We cannot afford to have a weaker visa screening standard for illegal aliens who are given the opportunity to permanently reside in our country.

Moreover, an extension of the 245(i) provision would contribute significantly to the INS' dangerously overloaded processing backlog. The Immigration and Naturalization Service currently faces a backlog of roughly 4 million cases, and we can expect an additional half a million visa application filings if section 245(i) is revived. The fact that the INS is notifying a Florida flight school of Mohammed Atta's student visa approval 6 months after the September 11 attacks clearly suggests that the Immigration and Naturalization Service cannot handle further increases in its workload. What's more, it does not make a whit of sense to place these new obligations on an agency that both the administration and Members of Congress are suggesting will undergo dramatic reforms in the coming months.

All of that is to say nothing about the message that we send abroad to potential immigrants who are waiting patiently to legally enter this country. Section 245(i) acts as an incentive, a lure, for illegal immigration by suggesting that it is quicker and more convenient to enter the country illegally than to wait outside the United

States to complete the visa application process.

These are serious concerns that the Senate will need to address before it acts on this issue. The American people and the Congress should know the answers to these questions. In fact, there are a number of questions that ought to be raised as we consider changes to our immigration system, but I am becoming increasingly doubtful that the administration really wants to provide the answers.

The administration has been very quiet about its reasons for asking the Congress to renew the 245(i) provision. The White House issued only a three-paragraph statement last week in supporting the House-passed extension of 245(i), which states in the first paragraph:

The Administration strongly supports House passage of H.R. 1885 . . . This legislation reflects the Administration's philosophy that government policies should recognize the importance of families and help to strengthen them.

Mr. President, I support recognizing the importance of families. I am sure that every Senator here is all for families. In fact, I have yet to meet an anti-family politician.

But this Government's first obligation, especially in light of what happened on September 11, ought to be that of protection of American families, and the 245(i) provision does not meet that test in the wake of September 11.

Last week, the Homeland Security Director unveiled a color-coded system to alert Americans of varying levels of terrorism threats. Governor Ridge warned that the United States remains on an elevated threat level and that the corresponding yellow light signifies that there is still a "significant threat" of a terrorist attack. Certainly, the administration would want to explain to the American people, as well as to the Congress, why an amnesty that streamlines and shortcuts background checks for illegal aliens is not a threat to our domestic security.

The suggestion has been raised in the media that the House passed this amnesty, at the President's request, so that Mr. Bush would have a legislative achievement to tout at his meeting with Mexican President Vicente Fox this week. The broader amnesty for 3 million illegal Mexican immigrants that the President proposed prior to the September 11 attacks has been indefinitely shelved, and it has been suggested that an extension of the section 245(i) provision is a substitute for that proposal. Last week the Washington Times quoted the majority whip in the other body as saying, "The president says he needs it, and we're going to do it." The paper also quoted a Republican aide saying, "That's the only reason we're doing it. What the president wants, the president gets."

I hope that is not the case. I hope that party politics is not the sole consideration in a matter as grave as this.

The suggestion has also been raised that the House passed an extension of Section 245(i), and included it as part of a so-called border security bill, to pressure the Senate into quickly passing similar border security legislation that is pending before it. Well, this Senator from West Virginia will not be pressured into passing legislation. The Senate is a deliberative body. Senators have a responsibility to consider and to thoroughly debate legislation that comes before this body, especially legislation that raises as many concerns as section 245(i). I raise these concerns and I shall continue to raise them. The administration chose not to address these concerns last week when the House acted on the 245(i) provision.

Mr. President, the American people and the Congress cannot be expected to have confidence in our efforts to secure our borders, if they see the administration advocating legislation that seems to fly in the face of tighter border security. The administration must explain why, on the same day that the Homeland Security Director would issue an elevated state of alert, the White House would push through the House an amnesty for illegal aliens that would weaken our visa screening processes. Doesn't make much sense, does it? The right hand seems not to know what the left hand is doing.

It is lunacy—sheer lunacy—that the President would request, and the House would pass, such an amnesty at this time. That point seems obvious to the American people, if not to the administration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE CREDIT CARD USE

Mr. GRASSLEY. Mr. President, it is quite obvious to everybody that the United States is at war and that every effort must be made to support our men and women in uniform, particularly those who are putting their lives on the line. And who knows, that might be anybody who is in the military at a time of war. You don't go to war if you don't go to war to win.

It is with some frustration that I address the Senate on a problem within the Department of Defense where it seems as if everybody is not pulling together as a team ought to pull together in order to win the war.

I want to share my views on the latest results of an ongoing oversight investigation of the Department of Defense credit card use. This is a joint effort supported by the General Accounting Office. I have had the privilege of

teaming up with Congressman HORN of California on this issue. What we are trying to do is put the spotlight on a very costly problem at the Department of Defense. The Pentagon is a bureaucratic place and, as most bureaucratic places, if there are problems, the glare of the public spotlight is never welcome. But shedding light is the heart and soul of one of our most important responsibilities as Members of Congress, and that is to do oversight and make sure the laws are faithfully executed and that the money is spent according to the intent of Congress. Too often, we just spend our time worrying about passing laws rather than making sure laws are followed and money is spent according to the intent of Congress. So oversight is very important.

This is a way of bringing exposure to problems, and exposure is a great remedy enhancer. Every time I peer into the inner recesses of the Department of Defense credit card account, I see more abuse and fraud and that makes me ask myself: How bad can it really get? So we need to keep the spotlight on full power and the beam focused until we get to the bottom of the pit and figure out what needs to be done.

Today there are 1.7 million Department of Defense credit cards in circulation that generate over \$9 billion in expenditures annually. There are two types of credit cards: purchase cards and travel cards. There are 1.4 million travel cards versus only 200,500 purchase cards. Most of the dollars, however, are on purchase card transactions, albeit that there is only about 12 percent as many purchase cards as travel cards. So we have \$6.1 billion per year generated versus \$3 billion for the travel cards.

A credit card, as everybody knows, is a financial instrument. It is, in fact, a license to spend money. Every shred of evidence that I have seen says that the internal controls at the Pentagon are weak or nonexistent. Credit cards in a zero-controlled environment are very dangerous and not very good for the taxpayers of this country. That means there is an army of 1.7 million strong, authorized to spend money with no checks and balances. The potential for abuse and fraud is virtually unlimited.

I understand the thinking behind the credit cards when they were first put out by the Defense Department. That thinking and the theory behind it is very good. Unfortunately, it is the execution that is so poor. We want the men and women serving in the Armed Forces to have the tools they need to carry out their duties effectively. A credit card is one of those modern devices that is supposed to make it easier for them to get the job done quickly and effectively, without a whole lot of wasteful paperwork. Who is going to argue with Government having less paperwork? But in simplifying the travel and purchase processors, each cardholder is given the authority to spend money. The authority to spend money in the name of the taxpayers is an awe-

some responsibility. That authority carries heavy responsibilities.

Unfortunately, this awesome responsibility is not taken very seriously at the Pentagon. That criticism is not directed at Secretary Rumsfeld. He is trying hard to clean up a longstanding financial mess. My criticism is directed at the bureaucrats who are supposed to oversee the program. The Department of Defense credit cards are issued willy-nilly with no credit checks. Just think of that—credit cards to people who are not given credit checks. The results are predictable. The cards are being abused with impunity. The Department of Defense credit cards are being taken on shopping sprees and the cardholders think they are immune from punishment. The sad commentary is that they are immune from punishment. They should not be, but they are. That is the way it works out, I guess.

We have zero accountability with purchase cards and zero accountability with travel cards—until recently. There is a little improvement in the area of travel cards. Now, the fact that there is zero accountability is a root cause of the problem. That is why we have to be overseeing this issue regularly—because of the lack of accountability. If there was accountability, none of this would be happening.

The General Accounting Office is reporting on how bad the problem really is. The General Accounting Office has examined 300 transactions at two Navy offices in San Diego. Now, just 300 transactions might sound to be too little to draw some conclusions, but the results just from those 300 are devastating and supports the evidence of a lack of accountability. Despite such a small sample, the General Accounting Office has uncovered extensive fraud and abuse, and more is being found each day.

This is the tip of the iceberg, and here is a sample of how these credit cards are abused: in bars, strip joints, and gambling casinos; for large cash withdrawals from ATM machines; clothing at upscale department stores, such as Macy's and Nordstrom; designer leather goods and expensive luggage; gift certificates, \$1,500 each; \$200 robots at Toys 'R Us; groceries, kitchen appliances, and home computers. Get this. They were even used for breast enlargement operations. You name it, it seems as if the people who have these credit cards do it, and it is all personal business. If they need it, they buy it with Department of Defense plastic, and they keep what they buy, no questions asked.

Now, there is a proposal to raise the purchase limit from \$2,500—where it is now—to \$25,000. As I see it, if that price goes up, if that purchase limit goes up, new cars and homes are next, rather than groceries and home computers.

The General Accounting Office's 300-transaction sample, with just 300 people being investigated, yielded over a half million dollars in fraudulent and abusive purchases. Either the tax-

payers or the bank gets stuck with the bill, depending upon which card is used. So in the case of the purchase card, when shopping is done, the Government is responsible for paying the bill, and most bills are paid promptly with no questions asked. With a purchase card, the taxpayers get shafted upfront. To my knowledge, the Government has never asked anyone to return an unauthorized purchase or repay the money, even when abuse is known to the authorities.

In the case of travel cards, by comparison, the responsibility of the individual cardholder goes with the travel card expenses. The taxpayer at this point is out of the loop, at least upfront, but I will tell you how they get stuck in the end.

When the cardholder of a travel card incurs legitimate travel expenses, that person is supposed to file a travel voucher, get reimbursed, and then pass the money on to the bank; in this case, the Bank of America has all these credit cards.

All too often, the cardholder simply pockets the money, the tax dollars, and then the bank, when the cardholder does not pay the bill, is left holding the bag. When the travel card is used to cover personal expenses, which happens with alarming regularity, those bills are paid late, very late, sometimes never, and in this case the military personnel or the Department of Defense employees have no interest charges, so the abuser gets an interest-free loan.

The bank has equipped the Pentagon with an antifraud detection device. It is called EAGLS. It gives agency program coordinators an online capability to detect unauthorized transactions on any account, and it only takes a second to determine if a trooper is getting cash at a local ATM machine without orders, but it does not work because no one is minding the store.

As I said at a hearing last July when I first brought this up, if the Pentagon knows this is happening and if the Pentagon does nothing, it seems to me that makes the Department of Defense party to this bank robbery, and the robbery is still in progress.

We have a bank upfront sustaining unacceptable losses and all consumers doing business with that bank pay higher prices, and in the end the taxpayers get shafted, too, because when the bank has to write off this bad debt, it is written off as a business expense and that bank pays less corporate taxes to the Federal Treasury.

The only difference with the purchase card is the taxpayers get shafted upfront. In the case of Bank of America being shafted first, if they have to write this off as bad debt—and there is a lot of bad debt—they do not pay as much taxes, and so the taxpayers pay anyway.

The bank has reached a breaking point. Remember, this is the Bank of America. It is losing too much money. So on February 11, 2001, the bank fired

a warning shot across the bow. The bank is turning up the pressure. It declared its intent to cancel the U.S. Army account, 413,029 of these cards at midnight, this month, this year. That got somebody's attention in a hurry, and negotiations are underway between the Bank of America and the Department of Defense.

Mr. President, you might say there is a glimmer of hope on the horizon, and the reason for hope comes from a brandnew Department of Defense policy called salary offsets. One might call it garnishment of salary.

Before I explain this new policy, it is important to understand why the Department of Defense travel card program is teetering on the brink of disaster.

As of November last year, 46,572 Department of Defense personnel had defaulted on more than \$62 million in official travel expenses, and the bad debt was growing at the rate of \$1 million per month, making the Department of Defense default rate six times the industry average.

Here is a government, which is supposed to be setting a good example, having a default rate six times what the bank would normally expect from anybody else using credit cards.

For a business that is interested in profit, a pile of bad debt, like what I am talking about, with no accountability makes for an intolerable situation. Something had to give.

In October of last year, the bank and Department of Defense agreed to take action. The salary offset program was born. There are now 31,579 accounts enrolled in the offset program; in other words, a garnishment of wages. So far, the offset payments total \$5.2 million.

Salary offsets provide some measure of accountability, but there are limitations. For one, the money was taken from the bank in big chunks, but it is repaid in little dribbles here and there over a long period of time. There are loopholes. Ten percent of the unpaid accounts will slip right through the net due to retirements, bankruptcies, and dollar offset limits. The bank still expects about \$2 million to \$4 million a year to fall through the cracks and be written off as bad debt, but that is considered somewhat better because that is consistent with the industry average.

In addition, most of the older accounts in default will never be captured by offsets. The bank will still have to eat \$40 million of unrecoverable debt. Even though there is not any hard data yet, the bank expects salary offsets to reduce the default rate, in their words, to negligible levels. That is the good news, but there is still bad news.

Salary offsets are having little or no effect on the high delinquency rates. Delinquencies have actually risen since the salary offset policy has been put in place. That is because offsets do not kick in for 120-plus days, 4 months past billing. Payments are due within 30 days of billing.

Today the Department of Defense has outstanding balances of \$370 million. About 30 percent of the dollars owed for official travel expenses are more than 30 days past due, and 15 percent are 60 days past due. One in five Department of Defense accounts is overdue for payment. That is four to five times the industry average.

The 3-month gap between the payment due date and offsets means the bank has to float a loan—it is a free loan for Department of Defense abusers—that costs the bank \$4 million to \$5 million a year.

Wouldn't you like to get an interest-free loan this way by using a Government credit card?

A prime driver behind delinquencies is the use of the card to cover personal expenses. Mr. President, you may remember I mentioned several cases in a speech last year about egregious abuse of the Department of Defense credit cards. There is the case of Marine Sgt. A. Lopez who ran up a \$19,581 bill for personal expenses and then left the service and the unpaid bill when his enlistment was up.

We have a person by the name of P. Falcon, Army, with an unpaid bill of \$9,847, including \$3,100 spent at a nightclub. We have a dead sailor named T. Hayes who spent \$3,521; Q. Rivera, Army Reserve, whose wife spent \$13,011 on a shopping spree in Puerto Rico. And we have R. Walker, Air National Guard, with an unpaid balance of \$7,428, including his wife's gambling debts.

Now, in the past 8 months, since this was exposed, only one of these accounts has been paid off, and that was P. Falcon, who had the bill for \$9,847, including \$3,100 spent at the nightclub. He has paid his bill. Every expense posted to his account was personal. However, he is under investigation.

The others have the same large, unpaid balances that I told my colleagues about last July. Some are under investigation. More aggressive offsets and late fees might help to bring this kind of abuse to a screeching halt. I hope the Defense Department proceeds down that course.

Some real leadership at the top would also help. One of the most powerful elements of leadership is a setting of examples of excellence. Setting a good example should include paying credit card bills on time.

Officers in our military branches should always set the example. Unfortunately, the bad news is there are 713 commissioned officers who have defaulted on \$1.1 million in charges. All of these accounts are in chargeoff status or unpaid for 7 months or more. The rank of these officers ranges from junior lieutenants up to senior colonels and a Navy captain. Individual unpaid balances top out at \$8,000. Some of the charges on these accounts look suspicious and need investigation.

Commissioned officers who run up \$1.1 million in bad debts set a terrible example for the rank and file. Somebody over in the Pentagon needs to come down hard on officer scofflaws.

Credit card abuse in the military will never stop until officers clean up their act. I have provided a list of these 713 commissioned officers who defaulted on their accounts, along with the unpaid balance for each officer. I have also sent a letter to Secretary Rumsfeld because I want him to see the list and determine what action should be taken in this matter because officers should be setting an example, although anybody who commits this sort of action is doing wrong, particularly in time of war when every resource we have in the Defense Department and elsewhere ought to go towards winning that war.

One last example: The General Accounting Office has uncovered a disturbing case involving alleged purchase and travel card fraud by one person, Ms. Tanya Mays. She was assigned to the Navy Public Works Department San Diego. Ms. Mays took her purchase card on a Christmas shopping spree, and in a few short days ran up a bill of \$11,551 at Macy's, Nordstrom, and Circuit City. She bought gift certificates worth \$7,500, a Compaq computer, Amana range, groceries, and clothing, all at taxpayer expense.

She presented the bill to her Navy supervisor who signed and certified for payment, and it was paid in full. She also used her travel card to buy airline tickets for her son that cost another \$722. When Ms. Mays left the Public Works Department, she was allowed to keep her purchase card. I guess they figured she might need it again, and they were right. She did, this time for a personal car rental, and Public Works gladly paid the bill.

I find this Mays case very troublesome. She has allegedly made a number of fraudulent purchases. Yet there seems to be a total disregard for accountability. Ms. Mays has not been asked to repay the money she allegedly stole. No disciplinary action has been taken. In fact, she was moved to a bigger job and given a promotion in October 2001. She is now assigned to the Army's top level financial management office in the Pentagon, and I am told she is in charge of cash integration.

When one of these cases is put under a microscope, it seems as if the whole problem comes into sharper focus.

Her case is not unique. There is another one. I am going to call him Nick. His last name is Fungcharoen. I am not going to repeat that, obviously. He used his travel card exclusively for personal expenses. Over a period of 2 years, he charged nearly \$35,000, including medical expenses of \$4,000. On the surface, it appears as if he spent most of the money romancing a waitress he met at the Hooter's Bar and Grill in Jacksonville, FL. Her name was Jennifer Gilpin.

After they got to know each other, she asked him for money to have her breast enlargement operation. He agreed and took her to a surgeon. Dr. John J. Obi, M.D., performed the operation, and Nick used his Department of Defense credit card to pay the bill.

When the relationship soured, the case ended up in small claims court. Nick had retired on disability and wanted his money back. The judge became alarmed that Nick testified proudly he had used his government-issued credit card to pay the doctor. Nick whipped out the card in the courtroom and showed it to the judge. The judge examined the card and read the inscription that says, "for official government travel only."

The judge stated in total disbelief, "You paid for this breast enlargement with a government credit card?"

After the revelation, the judge simply said, "Let's not go there."

That case is unique. It is unique because the cardholder paid his bill, though not always on time. So I have two problems with all of that.

The point is, we have to get this stopped. We have to make sure all of the resources of the Defense Department are not used for playing games with government credit cards but are used to make sure we win the war on terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be allowed to speak for 25 minutes.

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

The Senator from Indiana is recognized.

Mr. LUGAR. I thank the Chair.

(The remarks of Mr. LUGAR pertaining to the introduction of S. 2026 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. LUGAR. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, if morning business is closed, what would be the order before the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate would proceed to H.R. 2356.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Is there any more time for morning business?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I ask for the regular order.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

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

The assistant legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, today with the opening of this debate, we take the first step toward passing the McCain-Feingold/Shays-Meehan bill in the Senate and take one of the final steps toward banning soft money.

I am grateful for all the hard work that has brought us to this moment—of course, the work done by the reform community, the work done by the outstanding leaders in the other body to pass this bill last month, and, most of all, the work done by my colleagues here in the Senate, under the leadership of Senator MCCAIN of Arizona.

A year ago, we had an excellent debate about campaign finance reform here on this floor. In fact, it began almost exactly a year ago, on March 19. We had an outstanding exchange of ideas, we held numerous votes, and we worked hard on both sides of the issue. I believe that that debate enriched this body, and that it enriched the McCain-Feingold bill.

In the end, the will of the Senate was done, and we passed the bill in a strong bipartisan vote of 59–41. A year later, we are here again on the floor working to pass reform. But this time it is different. This time, we already know where the Senate stands. And we know that all that stands between this bill and the President's desk is the Senate's final consideration of the bill this week.

With the strong vote for McCain-Feingold last year, the Senate recognized the importance of our responsibility as representatives of the people and as stewards of democracy. As long as we allow soft money to exist, we risk damaging our credibility when we make the decisions about the issues that the people elected us to make.

The people sent us here to wrestle with some very tough issues. They have vested us with the power to make decisions that have a profound impact on their lives. That is a responsibility that we take very seriously. But today, when we weigh the pros and cons of legislation, many people think we also weigh the size of the contributions we got from interests on both sides of the issue. And when those contributions can be a million dollars, or even more, it seems obvious to most people that we would reward, or at least listen especially carefully to, our biggest donors.

So a year ago we voted to change the system. And now, both bodies have fully and fairly debated the issues and discussed the merits of this bill. We have given this important issue the time and consideration it deserves. Now, very simply, it is time to get the job done. It is time to get this bill to the President.

I believe the Senate is ready to repair a broken system. And make no mistake

about it, the way the soft money and issue ad loopholes are being abused today has devastated the campaign finance system. More than that, these loopholes have weakened the effectiveness of this body and cast doubt on the work we do. They have weakened the public's trust in government; in a very real sense, they have weakened our democracy.

I know many of us here are tired of seeing headlines that imply that legislative outcomes here are not a result of our own will or good judgment, but a result of our desire to please wealthy donors. We are tired of those headlines, and so are the American people. The people know that the system can function better when soft money doesn't render our hard money limits meaningless, and when phony issue ads don't make a joke of our election laws. And they also know that this is our best chance in years to do something to effect real change.

This week we can show them, just as we did a year ago in this Senate, that we are ready for change, and that we are going to make that change happen.

As we embark on this discussion about campaign finance reform on the floor today, it is remarkable how much has changed since the Senator from Arizona and I introduced this bill in September of 1995, and even since we stood here a year ago. Both sides of Capitol Hill have finally acknowledged the demand of the American people that we ban soft money contributions, after years of soft money scandals and embarrassments that have chipped away at the integrity of this body.

As many commentators have noted, the collapse of Enron gave the campaign finance reform issue momentum prior to the House vote in February. But I would note that our effort has been given momentum by many other campaign finance scandals that have occurred just in the last few years. I think they are actually more than we care to remember.

Soft money has had an increasingly prominent role in party fundraising over the last 12 years. In 1988 the parties began raising \$100,000 contributions for the Bush and Dukakis campaigns—an amount unheard of before the 1988 race. By the 1992 election, the year I was elected to this body, soft money fundraising by the major parties had doubled, rising to \$86 million. In successive election cycles the amount of soft money raised by the parties has simply skyrocketed. In 2000 soft money totals were more than five times what they were in 1992. It was already a lot in 1992. In 2000, it was five times already what it had been 8 years earlier.

And along with the money, came the scandals—soft money and scandals have gone hand in hand for more than a decade now. First, the mere fact that soft money was being raised in such enormous amounts was a scandal in the early 1990s. But then we had the Lincoln Bedroom, and the White House

Coffees, and Charlie Trie and John Huang and Johnny Chung. And then, of course, the Presidential pardons coming under suspicion at the conclusion of the Clinton administration. We faced questions in this body as we considered bills regulating tobacco and telecommunications and the Patients' Bill of Rights, while at the same time we raised soft money from the industries and interest groups that had a huge stake in those bills. The public watched with increasing skepticism as we appeared to act—or fail to act—on legislation based on the demands of wealthy soft money donors. With the enormous influx of soft money being raised by both parties, with every vote we cast the public wondered, and had reason to wonder, was it the money?

Of course of late we have seen yet another scandal take shape—the Enron debacle. As the Enron story unfolded, I think many of us were reminded why the Supreme Court, in its famous 1976 Buckley versus Valeo decision, said that the appearance of corruption, not just corruption itself, justifies congressional action to place some limits on our campaign finance system.

In the Buckley case, the Supreme Court understood that public mistrust of government is destructive to democracy. From a constitutional point of view, it hardly matters whether that mistrust is based on actual misconduct or simply its appearance.

In the case of Enron's collapse, the need to address public mistrust has been paramount for Congress and the administration as they have investigated the company's alleged wrongdoing. When a corporation such as Enron leaves devastated employees and fleeced shareholders in its wake, the public depends on us—on Congress and the administration—to determine what went wrong and defend the public interest. But the potential for a conflict of interest in a case such as this is clear: Many of the elected officials who were asked to sit in judgment of Enron, including Members of Congress, the Attorney General, and the President of the United States, have been accepting, and even asking for, campaign contributions from Enron for years. And the political parties have pocketed more than \$3.5 million in unregulated, unlimited soft money from Enron since 1991.

Congress has moved forward with the investigations into Enron's conduct, despite the potential conflict of interest the political contributions might pose. The reality is that this is all too familiar territory for Congress. Every day Members of Congress accept huge campaign contributions with one hand and vote on issues affecting their contributors with the other. And, every day the public naturally questions whether their Representatives are giving special treatment to the wealthy interests that fund their campaigns and bankroll their political parties.

The Enron scandal, and all the soft money scandals that have come before,

illustrate the permanent conflict of interest—the permanent conflict of interest—that unlimited soft money contributions to the parties have created for elected officials in the Capitol and at the White House. Both parties have gladly accepted Enron's soft money contributions over the years, and now those contributions are compromising our ability to address the Enron collapse, and countless other issues that come before the Congress. More than that—more than that—they compromise the public's confidence in our ability, and our will, to do anything about it.

While eliminating soft money will not cure the campaign finance system of every ill, it will, in fact, end a system of unlimited donations that has blatantly put political access and influence up for sale. Enron is just one in a long line of corporations, unions, and wealthy individuals that has exploited the soft money loophole to buy influence with Congress and the executive branch at the very highest levels. So banning soft money will help to untangle the web of money and influence that has made Congress and the White House so vulnerable to the appearance of corruption for far too long.

In the coming days we will face the final test of this long legislative battle and take our final steps toward enacting these hard-fought reforms into law. Passing campaign finance reform is within our grasp, and so, finally, is a renewed integrity for our democratic process.

Of course, while the soft money ban is central to the bill, and is the most important feature of the bill, this bill contains reforms on a variety of other issues.

I say to the Presiding Officer, of course, you were one of the principal authors of very important provisions relating to so-called phony issue ads that make the bill even stronger.

A number of amendments were added on the Senate floor last year that improved and strengthened the bill. Almost all of them are in the bill now before us that we hope, by the end of the week, will be sent to the President.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD immediately following my statement.

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

(See exhibit 1.)

Mr. FEINGOLD. Thank you, Mr. President.

Mr. President, the debate is finally here. Our bipartisan coalition is strong and resolute. And the moment for reform has arrived.

After 6½ years of work on this bill, and more than a decade of scandals that have threatened the integrity of our legislative process, I do believe this body is ready to get the job done for the American people. I believe the American people have waited long enough.

Mr. President, I yield the floor.

EXHIBIT No. 1

THE BIPARTISAN CAMPAIGN REFORM ACT OF 2002—SECTION BY SECTION ANALYSIS TITLE I: REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101(a). Soft Money of Political Parties. Creates new Section 323 of the Federal Election Campaign Act (FECA) to prohibit soft money in federal elections.

Sec. 323(a). National Committees. Prohibits national party committees and entities controlled by the parties from raising, spending, or transferring money that is not subject to the limitations, prohibitions, and reporting requirements of the FECA (i.e., soft money).

Sec. 323(b). State, District and Local Committees. Subject to the Levin amendment, requires any money spent on "Federal election activities" by state or local parties, and entities controlled or acting on behalf of those parties or an association of state or local candidates to be subject to the limitations, prohibitions, and reporting requirements of the FECA (i.e., hard money.) This will close the state party loophole. "Federal election activities" are defined in Section 101(b) of the bill.

Under the Levin amendment, the section permits state or local parties to spend soft money on voter registration and get out the vote activity that does not mention a federal candidate as long as no single soft money donor gives more than \$10,000 per year to any state or local party organization for such purposes, the money is not spent on broadcast advertising other than ads that solely mention state or local candidates, the money is not raised by federal candidates, national parties, or party committees acting jointly. The spending of this money will require an allocation of hard money to soft money. The state or local party organization must raise the hard and soft money for this allocation on its own, and money to be spent under this provision may not be transferred between party organizations.

Sec. 323(c). Fundraising Costs. Requires national, state, and local parties to use hard money to raise money that will be used on Federal election activities, as defined by the bill.

Sec. 323(d). Tax-Exempt Organizations. Prohibits national, state, and local parties or entities controlled by such parties from making contributions to or soliciting donations for 501(c) organizations which spend money in connection with federal elections or 527 organizations (other than entities that are political committees under the FECA, state/district/local party committees, or state or local candidates' campaign committees). This provision will prevent the parties from collecting soft money and laundering it through other organizations engaged in federal electioneering.

Sec. 323(e). Federal Candidates. Prohibits federal candidates or individuals holding federal office and any entities established, financed, controlled, or acting on behalf of such candidates or officeholders from raising or spending soft money in connection with federal elections. The restrictions of this section do not apply to federal officeholders who are running for state office and spending non-Federal money on their own elections, so long as they do not mention other federal candidates who are on the ballot in the same election and are not their opponents for state office. The restrictions also do not prevent a federal candidate or officeholder from attending, speaking at, or appearing as a featured guest at a fundraising event for a state or local political party.

Candidates are permitted to solicit up to \$20,000 from an individual per year specifically for voter registration and get out of

the vote activities carried out by 501(c) organizations. The provision also clarifies that candidates may solicit unlimited funds for 501(c) organizations where the solicitation does not specify the use of the money, and the organization's principal purpose is not voter registration or get out the vote activities.

Sec. 323(f). State Candidates. Prohibits candidates for state or local office from spending soft money on public communications that promote or attack a clearly identified candidate for Federal office. Exempts communications which refer to a federal candidate who is also a candidate for state or local office.

Taken together, these soft money provisions are designed to shut down the soft money loophole as comprehensively as possible. By including entities established, maintained, controlled, or acting on behalf of federal and state officeholders and candidates, they also prohibit so-called "leadership PACs" or "candidate PACs" from raising or spending soft money in connection with Federal elections and are designed to prevent the evasion of the law by federal or state candidates or officeholders using 501(c)(4) or 527 organizations.

Sec. 101(b). Definitions. Provides definitions for certain terms used in the soft money ban.

Federal election activity means voter registration activities within 120 days before a federal election, get out the vote activity and generic campaign activity in connection with an election in which federal candidates are on the ballot (even if state candidates are also on the ballot), and public communications that refer to a clearly identified federal candidate and support or oppose a candidate for that office (regardless of whether those communications expressly advocate the election or defeat of a candidate.) These are the activities that state parties must pay for with hard money (except as specifically provided under the bill).

Generic campaign activity means campaign activities like general party advertising that promote a political party but not a candidate.

Public communication means a communication to the general public by means of broadcast, cable, satellite, newspaper, magazine, outdoor advertising, mass mailing, telephone bank, or any other general public political advertising.

Mass mailing is a mailing of more than 500 identical or substantially similar pieces within any 30 day period.

Telephone bank means more than 500 calls of an identical or substantially similar nature within a 30 day period.

Sec. 102. Increased contribution limits for state committees of political parties. Increases the amount that individuals can give to state parties from \$5,000 to \$10,000. See Section 307 for additional increases in contribution limits.

Sec. 103. Reporting requirements. Requires national political party committees, including congressional campaign committees to report all receipts and disbursements and state party committees to report all receipts and disbursements and state party committees to report all receipts and disbursements for Federal election activities and receipts and disbursements for activities permitted by the Levin amendment (i.e., spending of capped soft money donations on certain forms of voter registration and get-out-the-vote). Requires itemized reporting of receipts or disbursements of over \$200. Eliminates the building fund exception to the FECA's definition of contribution. Accounts to raise money for office buildings were one of the original soft money accounts before the loopholes exploded in the 1996 election

with the use of soft money for political advertising.

TITLE II: NON-CANDIDATE CAMPAIGN EXPENDITURES

SUBTITLE A—ELECTIONEERING COMMUNICATIONS

Section 201–203 have come to be known as the "Snowe-Jeffords amendment."

Sec. 201. Disclosure of Electioneering Communications. Requires anyone who spends over \$10,000 in a calendar year on electioneering communications to file a disclosure statement within 24 hours after reaching that amount of spending and again within 24 hours of each additional \$10,000 of spending. Electioneering communications are defined as broadcast, cable or satellite communications that mention the name or show the likeness of a clearly identified candidate for Federal office within 60 days of a general election or 30 days of a primary election, convention, or caucus, and which is targeted to the candidate's state/district. Electioneering communications do not include news broadcasts, communications that constitute independent expenditures because they contain express advocacy, or candidate debates and advertisements for candidate debates. The FEC may promulgate additional exceptions for advertisements that do not attack, oppose, promote or support a clearly identified Federal candidate.

The disclosure statement must identify the person or entity making the disbursement, the principal place of business of that person if it is not an individual, the amount of each disbursement of over \$200 and the identify of the person receiving the disbursement, and the election to which the communication pertains and the candidate or candidates who are identified. If the disbursement is made from a segregated account to which only individuals can contribute, the disclosure statement must also reveal the names and addresses of the contributors of \$1,000 or more to that account. If the disbursement is not made from such a segregated account then all donors of \$1,000 to the organization making the expenditure must be disclosed. Money in the segregated account can be used for purposes other than electioneering communications, and the spending on other activities need not be disclosed, but all contributors to the account must be informed that their money might be used for electioneering communications.

Sec. 202. Coordinated Communications As Contributions. Makes clear that electioneering communications that are coordinated with candidates or with political parties are deemed to be contributions to the candidate supported by the communication. Because contributions to candidates are limited in the case of individuals, or prohibited in the case of groups (other than through a PAC), this provision essentially prohibits electioneering communications from being coordinated with candidates or parties.

Sec. 203. Prohibition of Corporate and Labor Disbursements for Electioneering Communications. Bars the use of corporate and union treasury money for electioneering communications. Corporations and unions are prohibited from spending their treasury money on electioneering communications, and groups and individuals may not use corporate or union treasury money for such ads (corporations and unions could finance such advertisements through their political action committees). The provision includes a number of special operating rules designed to prevent evasion of this prohibition through pass-throughs, laundering, or contribution swaps. 501(c)(4) and 527 organizations, which are technically corporations, are permitted to make electioneering communications as long as they use individual

money contributed by U.S. citizens, U.S. nationals, or permanent legal residents and make the disclosures required by Section 201 (but see Section 204). If they derive income from business activities or accept contributions from corporations or unions, they must pay for electioneering communications from a separate account to which only individuals can contribute.

Sec. 204. Rules Relating to Certain Targeted Electioneering Communications. Withdraws Section 203's exemption for 501(c)(4) or 527 organizations that run electioneering communications targeted to the electorate of the candidate mentioned in the communications. The net effect of this provision is to apply the Snowe-Jeffords prohibition on running sham issue ads paid for with corporate or union treasury funds to non profit advocacy groups (501(c)(4)'s) and political organizations (527's). Should this provision be struck down as unconstitutional, the prohibition on the use of union or for-profit corporation treasury money for electioneering communications would remain intact, as would the disclosure requirements.

SUBTITLE B—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 211. Definition of Independent Expenditure. Clarifies the statutory definition of independent expenditure to mean an expenditure expressly advocating the election or defeat of a clearly defined candidate that is not made in coordination with a candidate.

Sec. 212. Reporting Requirements for Certain Independent Expenditures. Requires any person, including a political committee, who makes independent expenditures totaling \$10,000 or more until the 20th day before the election to file a report with the FEC within 48 hours. An additional report must be filed within 48 hours of any additional independent expenditures of \$10,000 or more. In the last 20 days before the election, a report must be filed within 24 hours of each independent expenditure totaling more than \$1,000.

Sec. 213. Independent Versus Coordinated Expenditures by Party. Requires political parties to choose in each election between making the limited expenditures permitted to be coordinated with a candidate under 2 U.S.C. §441a(d) and making unlimited independent expenditures. Parties would make that choice with their first expenditure with respect to a particular election after their nominee has been chosen. If a party makes an independent expenditure, it may not make a coordinated expenditure with respect to that election. If it makes a coordinated expenditure, it may not make an independent expenditure. For purposes of this section, all national and state party committees are considered to be one entity so a national party cannot make an independent expenditure if a state party has made a coordinated expenditure with respect to a particular candidate.

Sec. 214. Coordination with Candidates or Political Parties. Provides that an expenditure made by a person, other than a candidate, in coordination with a political party will be treated as a contribution to the party. In addition, the FEC's current regulations on coordinated communications paid for by persons other than candidates are repealed nine months after enactment. The provision instructs the FEC to promulgate new regulations on coordination between candidates or parties and outside groups, addressing a number of different situations where coordination might be found. It provides that the new regulations shall not require formal collaboration or agreement to establish coordination.

TITLE III: MISCELLANEOUS

Sec. 301. Use of Contributed Amounts for Certain Purposes. Codifies FEC regulations

relating to the personal use of campaign funds by candidates. Contributions will be considered converted to personal use if they are used for an expense that would exist irrespective of the campaign or duties as an officeholder, including home mortgage or rent, clothing, vacation expenses, tuition payments, noncampaign-related automobile expenses, and a variety of other items.

Sec. 302. Prohibition of Fundraising on Federal Property. Amends 18 U.S.C. §607 to provide controlling legal authority that it is unlawful to solicit or receive a campaign contribution from a person who is located in a federal room or building. It is also unlawful to solicit or receive a campaign contribution while located in federal room or building.

Sec. 303. Strengthening Foreign Money Ban. Prohibits foreign nationals from making any contribution to a committee of a political party or any contribution in connection with federal, state or local elections, including any electioneering communications. This clarifies that the ban on contributions to foreign nationals applies to soft money donations.

Section 304. Modification of Individual Contribution Limits in Response to Expenditures From Personal Funds. Allows Senate candidates who face opponents who spend large amounts of their personal wealth to raise larger contributions from individual donors. The provision sets up three different "triggers" that vary according to the size of the candidate's state. When a wealthy candidate's personal spending passes the first trigger amount, the individual contribution limits are tripled. At the second trigger, the opposing candidate can raise six times the limits from individual donors. And at the third trigger, party coordinated spending limits are lifted. The amount of additional fundraising or spending at all trigger levels is limited to 110% of the amount of personal wealth spent. The provision also prohibits all candidates from raising contributions to repay loans they make to their own campaigns of over \$250,000. Section 316 further limits the amount of additional fundraising that can be done by Senate candidates under this provision: See section 319 for a similar provision applicable to House candidates.

Sec. 305. Limitation on Availability of Lowest Unit Charge for Federal Candidates Attacking Opposition. Requires candidates seeking to avail themselves of the lowest unit charge for advertising available under Section 315(b) of the Communications Act of 1934 to provide written certification that if they refer to another candidate in the advertisement they will include in the advertisement a photo of themselves and a clearly legible statement that they have approved and paid for the ad. Both items must appear in the ad for no less than four seconds.

Sec. 306. Software for Filing Reports and Prompt Disclosure of Contributions. Requires the FEC to promulgate standards for software vendors to develop software that will allow political committees to report receipts and disbursements to the FEC immediately, and allow the FEC to immediately post the information on the Internet immediately. Once such software is available, the FEC is required to make it available to all persons required to file reports. Once software provided to a person required to report, it shall be used notwithstanding the current time periods for filing reports.

Sec. 307. Modification of Contribution Limits. Provides for increases in certain contribution limits. The maximum amount that an individual can give to a federal candidate is increased from \$1,000 to \$2,000 per election. These limits will be indexed for inflation. The maximum amount that an individual can give to a national committee of a polit-

ical party each year is increased from \$20,000 to \$25,000. The maximum aggregate amount that an individual can give to parties, PACs, and candidates combined per year is increased from \$25,000 per year (current law) to \$95,000 per cycle, including not more than \$37,500 per cycle to candidates, and reserving \$20,000 per cycle for the national party committees. The amount that a senatorial campaign committee can contribute to a Senate candidate is increased from \$17,500 to \$35,000. All of the limits increased in this section are indexed for inflation beginning with a base year of 2001, and the increased limits apply to contributions made on or after January 1, 2003.

Sec. 308. Donations to Presidential Inaugural Committee. Requires a Presidential Inaugural Committee to file a report with FEC within 90 days of the inauguration disclosing all donations of \$200 or more. Foreign nationals (as defined in 2 U.S.C. §41e(2)) are prohibited from making any donation to an Inaugural Committee. The FEC is required to make public and post on the Internet any Report filed under this section within 48 hours of its receipt.

Sec. 309. Prohibition on Fraudulent Solicitation of Funds. Prohibits a person from fraudulently misrepresenting that he or she is speaking, writing, or otherwise acting on behalf of a candidate or political party for the purpose of soliciting campaign contributions.

Sec. 310. Study and Report on Clean Money Election Laws. Requires the GAO to conduct a study of the clean money, clean election systems in Arizona and Maine. The study shall include a number of statistical determinations with respect to the recent elections in those states and describe the effect of public financing on the elections in those states. The GAO shall report its findings to Congress within a year of enactment.

Sec. 311. Clarity Standards for Identification of Sponsors of Election-Related Advertising. Amends and supplements the FECA's current requirements that the sponsors of political advertising identify themselves in their ads. Additional provisions include: (1) applies the requirements to any disbursement for public political advertising, including electioneering communications; (2) requires the address, telephone number, and Internet address of persons other than candidates who purchase public political advertising to appear in the ad; (3) requires candidate radio ads to include a statement by the candidate that he or she has approved the communication; (4) requires a television ad to include the same audio statement along with a picture of the candidate or a full screen view of the candidate making the statement, and a written version of that statement that appears for at least 4 seconds; and (5) requires persons other than candidates to run ads to include a statement that that person "is responsible for the content of this advertising."

Sec. 312. Increase in Penalties. Increases from one year to five years the maximum term of imprisonment for knowing and willful violations of the FECA involving the making, receiving, or reporting of any contribution, donation, or expenditure aggregating \$25,000 or more during a calendar year. Provides that criminal fines of up to \$250,000 may also be assessed for prohibited contributions or expenditures of that amount, or of up to \$100,000 for violations totaling less than \$25,000 in a year.

Sec. 313. Statute of Limitations. Extends the statute of limitations for violations of the FECA from three to five years.

Sec. 314. Sentencing Guidelines. Directs the U.S. Sentencing Commission to: (1) within 90 days of the effective date promulgate a guideline, or amend an existing guideline,

for penalties under FECA and related election laws; and (2) submit to Congress an explanation of any such guidelines and any legislative or administrative recommendations regarding enforcement. Specifies considerations for such guidelines, including that they reflect the serious nature of violations of the FECA and the need to aggressive and appropriate law enforcement action to prevent violations.

Sec. 315. Increase in Penalties Imposed for Violation of Conduit Contribution Ban. Increases the maximum civil penalty that can be assessed by the FEC for a violation of the conduit contribution prohibition in 2 U.S.C. §441f from the greater of \$10,000 or 200 percent of the contribution involved to \$50,000 or 1,000 percent of the amount involved. Increases the maximum term of imprisonment for a criminal violation of the conduit contribution ban involving amounts of between \$10,000 and \$25,000 from one to two years, and increases the maximum criminal penalty to the greater of \$50,000 or 1,000 percent of amount involved. The minimum criminal penalty shall be 300 percent of the amount involved.

Sec. 316. Restriction on Increased Contribution Limits by Taking into Account Candidate's Available Funds. Modifies the amount of additional fundraising that a candidate who faces a wealthy opponent can do under the increased contribution limits set out in Section 304. If the non-wealthy candidate has raised more money than the wealthy candidate, the amount of fundraising under the increased contribution limits is decreased by one half of the difference between the two candidates fundraising (excluding the amount of personal wealth that the wealthy candidate has contributed) as of June 30 and December 31 of the year before the election.

Sec. 317. Clarification of Right of Nationals of the United States to Make Political Contributions. Clarifies U.S. Nationals are allowed to make political contributions.

Sec. 318. Prohibition of Contributions by Minors. Prohibits anyone 17 years of age or younger from making political contributions.

Sec. 319. Modification of Individual Contribution Limits for House Candidates in Response to Expenditures from Personal Funds. Allows House candidates who face opponents who spend large amounts of their personal wealth to raise larger contributions from individual donors. When a wealthy candidate's personal spending exceeds \$350,000, the individual contribution limits are tripled. In addition, party coordinated spending limits are lifted. The total amount of permitted additional fundraising and party expenditures is limited to the "opposition personal funds amount." That amount is determined by taking the opponent's personal wealth spending and subtracting the amount the candidate spends of his or her own personal wealth and one-half of the fundraising advantage, if any, that the candidate may have over the opponent. Thus, the amount of additional fundraising and party expenditures can never exceed the amount of personal wealth devoted by the opponent.

TITLE IV: SEVERABILITY; EFFECTIVE DATE

Sec. 401. Severability. Provides that if any provision of the bill is held unconstitutional, the remainder of the bill will not be affected.

Sec. 402. Effective Date. Provides that the Act will take effect on November 6, 2002 (the day after the 2002 election), except for the increased contributions limits contained in section 307. After November 6, 2002, the parties may spend any remaining soft money only for debts or obligations incurred in connection with the 2002 election (including any

runoff or recount) or any previous election, but only for expenses for which it would otherwise be permissible to spend soft money. No soft money may be spent on office buildings or facilities after the effective date.

Sec. 403. Judicial Review. Provides that any action for declaratory or injunctive relief to challenge the constitutionality of any provision of the Act or any amendment made by it must be filed in the United States District Court for the District of Columbia where the complaint will be heard by a three judge court. Appeal of an order or judgment in such an action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal must be taken by notice of appeal filed within 10 days of the judgment and a jurisdictional statement must be filed within 30 days of the entry of a final decision. The District Court and the Supreme Court must expedite the case. Allows a Member of Congress to intervene in support of or in opposition to a party to the case. The Court may make orders that similar positions be filed jointly or be represented by a single attorney at oral arguments.

TITLE V: ADDITIONAL DISCLOSURE PROVISIONS

Sec. 501. Internet Access to Records. Requires the FEC to make all designations, reports, statements, and notifications available on the Internet within 48 hours of receipt.

Sec. 502. Maintenance of Website of Election Reports. Requires the FEC to maintain an Internet site to make all publicly available election reports accessible to the public and to coordinate with other agencies that receive election-reports to allow such reports to be posted on the FEC's site in a timely manner.

Sec. 503. Additional Monthly and Quarterly Disclosure Reports. Requires candidates to file quarterly reports instead of semi-annual reports in non-election years. National parties are required to file monthly reports rather than having a choice between monthly and quarterly reports.

Sec. 504. Public Access to Broadcasting Records. Requires radio and television broadcasting stations to maintain records of requests to purchase political advertising time, including requests by candidates or by advertisers intending to communicate a message relating to a political matter of national importance. The records must be made available for public inspection and must include the name and contact information of person requesting to purchase the time, the date and time that the advertisement was aired, and the rates charged for the time.

Mr. DODD. Mr. President, first, I want to acknowledge my good friend, colleague and ranking member on the Rules Committee, Senator MITCH MCCONNELL of Kentucky.

While he and I may be on opposite sides of this issue, we are on the same side of another issue—the election reform legislation which is now pending before the Senate. I would much prefer to be with him on an issue rather than against him.

I think all my colleagues agree that he is a formidable advocate for his position. Even if a resolution is clear on this legislation at the end of the day, I suspect this will not be the end of Senator MCCONNELL's advocacy with regard to campaign finance reform issues.

I turn now to the matter at hand. I rise today to express my optimism that

Congress will enact real campaign finance reform this week.

We must not use this week to merely re-debate legislation already fully debated and adopted by both chambers of Congress.

Only final passage is the proper tribute to the culmination of years of extraordinary bicameral and bipartisan leadership provided by my good friends and colleagues.

In the Senate, the leaders of campaign finance reform are Senator JOHN MCCAIN of Arizona and Senator RUSS FEINGOLD of Wisconsin. In the House, the leaders are Congressman CHRISTOPHER SHAYS of Connecticut and Congressman MARTIN MEEHAN of Massachusetts.

On February 14, 2002, the Shays-Meehan Bipartisan Campaign Finance Reform Bill, H.R. 2356, was adopted by a vote of 240-189 in the House. On April 2, 2001, the McCain-Feingold Bipartisan Campaign Finance Reform bill, S. 27, was adopted by a vote of 59-41 in the Senate.

Interestingly, today is only one day short of being a full year from when the Senate started debate on the McCain-Feingold measure—March 19, 2001.

Last year, I was honored to serve as floor manager for the Senate debate on campaign finance reform legislation. I was equally as honored to be counted as one of the 59 votes to adopt the McCain-Feingold bill.

I stand in the same shoes today. It is a high honor to serve as floor manager of the Senate debate on the Shays-Meehan measure. I will be equally as honored to be counted among the many Members who will vote in a bipartisan manner to adopt this reform bill.

I congratulate my colleagues in both chambers for the hard-fought success that this legislation reflects.

I especially wish to take this time to extend my sincere congratulations to my good friend, Congressman CHRIS SHAYS.

It is with a sense of parochial pride in this House action that the major co-sponsor of the legislation, who is a longstanding friend of mine and a Member of the Connecticut delegation, has been a principled advocate of campaign finance reform for years.

I want to express the tremendous sense of pride of all the people of Connecticut to CHRIS SHAYS for his outstanding efforts to achieve real campaign finance reform on behalf of all Americans.

Our Senate debate will only confirm that the House merely adopted virtually the same bill as the Senate approved after a robust debate on April 2, 2001.

In general, both bills would change the way political parties raise and spend money, regulate issue advertising, increase contribution limits, improve disclosure requirements, and make other changes to campaign finance law.

Specifically, both bills would ban unrestricted "soft money" contributions

to political parties by corporations, unions, and individuals;

Both bills would restrict end-of-campaign advertising funded by organizations that name a Federal candidate;

Both bills would increase the aggregate limits on contributions by individuals to candidates, PACs, and parties; and

Both bills would improve disclosure of campaign finance activity.

There are a few minor differences between the House and Senate passed bills. For example, there is a difference in the contribution limits for an individual.

Under the House bill, an individual may contribute a total of \$95,000 in 2 years to candidates, PACs, and parties. Under the Senate bill, an individual may contribute a total of \$37,500 in 1 year to candidates, PACs, and parties. Under both bills, an individual is nevertheless limited to an annual maximum contribution of \$37,500 to candidates.

Another difference between the two bills is that the House bill eliminates Senator TORRICELLI's amendment requiring the lowest unit rate for the purchase of broadcast advertisements.

Finally, the House bill extends to House candidates the "millionaires amendment."

These are all very minor differences that serve to make the two bills substantially the same. As a result, the Senate would not benefit from an extended debate on re-hashing the same issues in this version of the Shays-Meehan legislation. Last year's open and full Senate debate on these same issues in McCain-Feingold remains sufficient for our purposes today, which is to pass comprehensive campaign finance reform.

It is my fervent hope that we pass this legislation with a minimum amount of debate. This is not a "mission impossible," given the fact that the House bill is virtually a mirror image of the Senate-passed bill.

The Senate already participated in weeks of full, open and unrestricted debate on campaign finance reform. And the Senate already voted on both the substance of the bill and all relevant amendments to the bill.

Now the question becomes whether yet another extended Senate debate will serve to ensure certain improvements in the bill or, to the contrary, only serve to ensure further delay of the bill?

On balance, I believe the risk of delay far outweighs the potential for legislative improvements. There is no perfect legislation. Attempting to craft perfect legislation only serves to jeopardize the Senate's ability to send this measure to the President for signature.

Instead of becoming law, the Shays-Meehan bill would be on yet another journey. It would be a candidate for a Senate-House conference or additional House debate. Either of these scenarios would kill any real chance to enact campaign finance reform in the 107th Congress.

I urge my colleagues to consider this road well traveled for decades. It is time to resist exploring new and substantive forks in the road.

As do many of my colleagues on both sides of the aisle, I feel strongly about the need for comprehensive campaign reform. Time and again we have seen thoughtful, appropriate—and, I must emphasize, bipartisan—efforts to stop the spiraling money chase that afflicts our political system, only to see a minority of the Senate block further consideration of the issue.

It is almost as if the opponents of reform are heeding the humorous advice of Mark Twain, who once said, “Do not put off until tomorrow what can be put off till day-after-tomorrow just as well.”

It is now long past the day-after-tomorrow. We simply cannot afford to wait any longer to do something about the tidal wave of special-interest money that is drowning our system of government.

Oscar Wilde once observed that “A cynic is a person who knows the price of everything and the value of nothing.” I fear that the exploding dominance of money in politics has created a similar atmosphere of cynicism in our political system—an environment where the value of ideas, of debate, of people in general, is overwhelmed by the price tag of free speech and political success.

The worst aspect of the current financing system is its affect on eroding public confidence in the integrity of our political process.

The real concern is that the escalating amounts of money pouring into our elections is having a corrupting influence on our political system. The public perception of the problems of corruption and the appearance of corruption is that large political contributions to candidates and political parties provide those donors with preferred access and influence over American public policy—and the average American has neither the access nor influence in Washington.

The more money that is required to run for office, the more influence that the donors—wealthy individuals, corporations, labor unions, and special interest groups—have over elected officials and public policy.

The real harm to avoid is having the concerns of the average voters completely usurped by the money and influence of these powerful individuals, corporations, and interest groups.

It is this concern—the relationship of money to power—that is casting a vote of “no confidence” in the integrity of our electoral process. It is this devastating harm of corruption and the appearance of corruption that campaign finance reform seeks to avoid. To date, Congress has an unacceptable record since we have only sought to avoid the remedy for the harm.

Unfortunately, not only does historical data tend to support this pessimistic view—the current data sustains this view.

Take a cursory look at raising and spending soft money in the November 2000 Presidential and congressional elections. It sends one message—our financing system is in urgent need of repair.

According to the center for responsive politics, the total amount spent on the 2000 Presidential and congressional campaigns was approximately \$3 billion. This price tag is up from \$2.2 billion in 1996 and \$1.8 billion in 1992.

According to the Federal Election Commission, the Democratic and Republican parties raised \$1.2 billion in 2000—a 36 percent increase over the \$881 million raised by the parties in 1996.

In that same period, democrats raised over \$245 million in soft money, while Republicans raised over \$249 million in soft money. The parties use soft money funds for so-called issue ads and other so-called party building activities.

In that same period, Democrats raised over \$275 million in “hard money,” while Republicans almost doubled that amount in fundraising with over \$465 million in hard money. The parties use hard money funds for direct contributions to candidates and other activities to advocate the election or defeat of candidates for Federal office.

The Brennan Center for Justice at New York University School of Law conducted a study on television advertising in the 2000 Federal elections. The Brennan Center found that the Presidential election was the first election in history where the major national political parties spent more on television ads than the candidates themselves spent—the Democratic and Republican national committees together spent over \$80 million on TV ads, a lot more than the \$67 million spent by Vice-President Gore and Governor Bush.

The Brennan Center found that the vast amount of money spent by the parties on TV ads was “soft money,” the unregulated and unlimited party donations from corporations, labor unions, and wealthy individuals.

The Brennan Center found that spending by groups in congressional campaigns on so-called issue ads increased from \$10 million in 1998 to \$32 million in 2000.

Finally, the Brennan Center also found that only a small percentage of party soft money is spent for get-out-the-vote and voter mobilization activities. Only 8.5 cents of every dollar goes to GOTV and voter registration activities while 40 cents of every dollar goes to purchase ads to support or defeat candidates for Federal office.

In contrast to all this financial participation in elections, according to the Federal Election Commission report on the 2000 Federal elections, just under 105.4 million Americans voted in the Presidential election. That is 51 percent of the Census Bureau’s estimated voting age population of over 205.8 million Americans.

The voter turnout figure of 51 percent in 2000 was somewhat higher than

the 49 percent turnout for the 1996 Federal elections—the first time in modern political history when less than half of the eligible electorate turned out to vote for President.

This means that the voter turnout has declined sharply—from over 63 percent of the voting age population in 1952 to slightly over 51 percent of the voting age population in 2000.

Arguably, while there are no accurate national statistics, it is sufficient to project that there is only a small percentage of individual donors with average income who actually contribute to political campaigns.

These statistics tell the story of a system in which a small percentage of individual donors are making ever larger contributions, while at the same time more and more voters have lost such confidence in our elections that they do not even feel it is worthwhile to vote.

Do any of us really believe this is acceptable? Do any of us believe that this is not a system in need of comprehensive reform?

If we are to break the grip that money currently holds on our campaigns, we must enact legislation that will stop the flow of unregulated money in the political system and limit the flow of regulated money into Federal campaigns.

We must restore common sense by eliminating the opportunities for legalisms and loopholes that mock the spirit of our campaign finance laws. We must give those who enforce the law the resources they need to ensure that the campaign financing system is lawful and fair.

I look forward to participating in the process of winding-down the campaign finance debate. I also look forward to working with my colleagues—on both sides of the aisle—and to adopting this moderate legislation that restores the proper balance of money to politics and restores the American people’s confidence in our current financing system.

I urge each of my colleagues to put aside any and all partisanship and personal ambitions to join me in de-emphasizing the importance of money in politics.

This is not a complicated task. We desperately need to ensure that the average American is heard in Washington over the din of special interest voices. We must ensure that the exercising of Americans’ free speech in the political process is not governed by the price tag contribution amounts that can be raised and spent on Federal elections. As Supreme Court Justice Stevens wrote in the *Nixon v. Shrink Missouri Government PAC* case, “Money is property, money is not speech.”

This is why Congress has an obligation to enact comprehensive, meaningful, and real campaign finance law and pass the law now.

The action we take today will signal to all Americans that exercising their first amendment right to free speech

and association outside the beltway has now been heard inside the beltway.

Americans have waited long enough. Congress has the first opportunity in a generation to clean up a political system that most Americans believe is polluted by campaign contributions, or the appearance of such pollution. There is no room for wavering or using a philosophical, legal or factual excuse for killing this legislation. This is a real chance to curb the role of money in politics.

It has been decades since Congress took similar comprehensive action with the enactment of the Federal Election Campaign Act of 1971. The one thing we cannot afford to do is wait any longer—now is the time to enact the Shays-Meehan/McCain-Feingold legislation. The American people have waited long enough!

I fully support this legislation as the best effort that Congress can make to enact real campaign finance reform. I stand ready to do what I can to make reform a reality in the 107th Congress.

I yield the floor.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I ask unanimous consent that I may be allowed to speak for 10 minutes as in morning business.

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

COMMENDING THE COURAGE OF INGRID BETANCOURT, CLARA ROJAS, MARTHA DANIELS, AND THE COLOMBIAN PEOPLE

Mr. DODD. Mr. President, just an hour or so ago, I made a call to Colombia, South America, and spoke with the husband of Ingrid Betancourt, who, as many may know, is the woman candidate for President of Colombia who was recently kidnaped.

I expressed to Ingrid Betancourt's husband the sincere hopes of all of us here that his wife be returned to safety soon, that she be allowed to continue in her efforts as a candidate in that country in the upcoming presidential election, and I told Mrs. Betancourt's family that the hopes and prayers of all of us in the United States are with them in these very difficult hours.

Colombia is a nation under tremendous stress and pressure, and the level of violence there has tremendously escalated since the collapse of the Pastrana-FARC peace talks. President Pastrana has tried his entire Presidency to come up with a peaceful resolution of the 40-year-old conflict in that country, and he deserves great

credit for the efforts he has made from the very first days of his Presidency up until just a few days ago, when those talks finally broke down completely.

Currently, rebel forces are doing everything in their power to compromise the fragile democracy of that country. Guerrillas have bombed electrical towers, bridges, and waterworks while mining highways and increasing the number of roadblocks on Colombia's streets. As a result, more than 110 towns, representing 10 percent of Colombia's urban centers, have been left in darkness, and 76 municipalities in 6 provinces have had their phone service cut out completely.

Colombian citizens are living each day in fear while enduring tremendous domestic hardship. President Pastrana has warned his people more attacks are likely, and the citizens of Colombia are frightened, to put it mildly.

Even worse, FARC rebels have undertaken a violent offensive against public figures, stepping up the frequency of political attacks that were already too common in the months before the collapse of the peace talks on February 20. For years, the FARC—the organization I described—and other rebel forces in Colombia, have financed their violent siege of terror by kidnaping Colombian citizens and demanding ransom. When the ransom is not paid, the hostages are killed, and new hostages are taken. It is a vicious cycle that repeats over and over again, taking a toll on the spirit of this beleaguered nation. Indeed, at this point close to 4,000 people have died in Colombia since the beginning of hostilities; kidnappings are about 3,000 a year. At the same time, rebel groups have executed several political figures, including mayors, judges, members of the legislature, and candidates. As elected officials ourselves, this is a development that we should be particularly enraged by, and one that should draw the attention and concern of all people in democratic countries around the globe.

On March 3, Martha Catalina Daniels, a Colombian Senator, was tortured and killed near Bogota by guerrilla fighters while attempting to negotiate the release of hostages kidnaped by leftist rebels. After her torture, she was shot at close range with two bullets to the head, and then dumped in a ravine off a country road. A staffer and a friend of Senator Daniels were also killed in this vicious attack against decency and democracy, not to mention the value of human life.

Senator Daniels was the fourth member of the Colombian Congress to be killed since the middle of last year while working in her elected capacity as a representative of the Colombian people. Could you imagine similar events happening in our Capitol? There would be tremendous public outcry, and the Government would respond swiftly and decisively. Just because this crime happened in conflict-torn Colombia does not mean that we should allow this execution to pass by

without public comment or outcry in this, the greatest Congress on the planet. We must stand with our democracy-loving colleagues around the world in condemning these attacks. This crime was a vicious and merciless murder of a dedicated and courageous public servant and her staff who were simply doing their jobs—jobs that we and our staffs do everyday. In recognition of this commitment, Senator Daniels' sacrifice will not be forgotten by the Colombian people or her friends in America. Her death will not be in vain.

Yet the assault on democracy in Colombia is not only targeted at those who hold office. Rebels also have targeted national candidates for public office as Colombia prepares for an upcoming presidential election. On February 23, Colombia presidential candidate Ingrid Betancourt, and her chief of staff, Clara Rojas, were seized while driving toward the southern war zone of San Vicente del Caguan. Mrs. Betancourt's driver and two journalists accompanying her were held and released, but Mrs. Betancourt and Ms. Rojas were kept in custody—a clear sign that this kidnaping was intended to send a signal to the political class in Colombia. The FARC, who are believed to have perpetrated this crime, currently hold five other politicians hostage and are attempting to cripple democracy in this Nation by force. However, the Colombian Government rightly refuses to negotiate with these terrorists for fear that concessions would encourage even more kidnapings in the future, and the situation is presently at a standoff.

Mrs. Betancourt has been allowed to fax her family to assure them of her well-being, and she has expressed her concern for her family, friends, and country. Even now, as a prisoner, she stands by her democratic principles. As she suffers, she seeks to bring international attention to the problem of violence in Colombia through her plight. Mrs. Betancourt's daughter has stated that her mother has indicated her desire that people be conscious of what is happening in Colombia and recognize that a war is going on in that country every day. She seeks to use her own situation as a rallying point for the international community against violence in Colombia.

I spoke to Mrs. Betancourt's husband this afternoon, and expressed my sympathy to him and his family, and my admiration for his courageous wife, and expressed as well those same sentiments on behalf of all of us in this Chamber. I pray for her safe and quick return.

Attention in America is rightly focused on Afghanistan and the war against terrorism. However, we cannot allow the brave sacrifices of people like Ingrid Betancourt to go unnoticed. We have to reserve some of our attention to expend on the festering problems of Colombia. If we turn our backs on this corner of the world, I fear that we may see another situation arise like that

which we saw when we ignored Afghanistan after the Soviet occupation. We cannot and should not allow this to happen.

And so, I ask my colleagues on both sides of the aisle to be deeply aware of the sacrifices of people such as Martha Daniels, Ingrid Betancourt, and their staffs. They have paid the ultimate price for their commitment to democracy and have shown great courage by serving as politicians in such a volatile and strife-torn country. Their service is a testament to the democratic commitment of the vast majority of Colombian people, a commitment that was reconfirmed on March 11, when huge numbers of Colombians went to the polls even though they had been threatened with violence as they sought to execute their constitutionally given right to vote.

Colombia is a troubled country in desperate need of our assistance and the assistance of other democratic nations around the globe. But the spirit of democracy lives on in the dedicated public servants and citizens of our friend and neighbor to the South.

I want the Colombian Government, and more importantly the people of Colombia, to know their courage and sacrifice has been noted by the American people and by this individual in this body speaking. I am very confident, on behalf of all of us in this Chamber in urging the FARC and other organizations to cease in the abduction of political figures, to cease in the abduction of innocent civilians, in that country and to go back to the bargaining table and try to figure out a way to resolve this four-decade old conflict. The deaths and the abductions shredding this country deserve the attention of this Congress, the American people, and freedom-loving people everywhere.

I ask my colleagues to take an active interest in this problem and act as friends of Colombia. The Colombian people, people like Ingrid Betancourt and Martha Daniels, deserve no less.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague, Senator DODD, for a very eloquent and compelling statement in regard to the tragedies that are going on in Colombia today. I think he does very well in expressing the sentiments of all the Members of the Senate. I thank him for that eloquent comment.

Colombia must be looked at not just as a place we worry about in regard to drugs coming into this country, not just as a country that we have to partner with to try to deal with our mutual drug problem, the production of drugs, and the huge consumption of drugs in the United States, although we are partners in that effort, but we also must understand that what is going on in Colombia is a direct threat to the democracy of Colombia.

Senator DODD has spelled out very well what has been going on. We do have a longstanding democracy in this

hemisphere, a democracy that has been a friend of the United States for many years that is, in fact, imperiled. When we make a decision about what assistance we can and will give in the future, we need to keep that in mind.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 2027 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2027 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF RANDY CRANE TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the hour of 5:38 having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 705, which the clerk will report.

The legislative clerk read the nomination of Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Parliamentary inquiry, Mr. President. When is the vote scheduled?

The PRESIDING OFFICER. It is scheduled for 5:50 p.m.

Mr. LEAHY. Is there time reserved to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes.

Mr. LEAHY. I understood the Senator from Vermont had 10 minutes.

The PRESIDING OFFICER. The time is divided equally between 5:38 and 5:50.

Mr. LEAHY. I thank the Chair.

Mr. President, we are voting on our 42nd judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Senator majority changed. With the confirmation of Robert Randall Crane to the U.S. District Court for the Southern District of Texas—and I predict we will accept him—the Senate will have resolved 7 judicial emergencies since we returned to session a few short weeks ago, 14 judicial emergencies since I became chairman.

As of this week, the Senate has confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under the Republican leadership. I have heard some inaccurate statements—I am sure innocently enough but mistakenly—by my friends on the other side of the aisle. As of this week, we will have confirmed, in 9 months, more judges than were confirmed in 4 of the 6 total years under the Republican leadership. In fact, the number of judicial confirmations over these past 9 months exceeds the number of judicial nominees confirmed during all 12 months for the years 2000, 1999, 1997, and 1996.

During the 6½ years the Republicans controlled the Senate, judicial nominations averaged 38 a year. We have done more than that in 9 months. 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.

On the chart we took 9-month increments. In the first 9 months that the Republicans led the committee, they had 9 hearings; we had 14; they confirmed 36 and we confirmed 42. Looking at the first 3 months of the session, we will have confirmed 14. During the first 3 months of each session they were in charge the following occurred: In March 1995, they confirmed 9; in March of 1996, they confirmed 0; by March of 1997, they confirmed 2; by March of 1998, the high-water mark, they had 12; by March of 1999, they had 0; by March of 2000, they had 7; by March of 2001, they had 0; we have done 14.

We tried to have a pace faster than the Republicans when they chaired the Judiciary Committee, when they controlled the Senate, and so far we have done that. Some have expressed concern how this Senate, under this leadership, has handled nominations of President Bush. So far he will have won 41 out of 42 nominations. As great as the football team is in Nebraska, they would be delighted to win 41 out of 42, as would any team.

In 1999, when the Republicans controlled the Senate, in the whole year, they confirmed 26 district judges and 7 circuit judges. In the year 2000, for the whole year, they confirmed 31 district judges and 8 circuit judges. In the first 6 months of last year, when they controlled the Senate, they had 0. In the past 9 months—remember, these are comparing whole years—in the past 9 months, we have had 35 district judges, 7 courts of appeal.

Take the average number of days between nomination and confirmation, figuring we have to wait extra time for the ABA: they took 182 one year; 212 days another year; 232, another; 178, another; 196, another. The Democrats average considerably less.

Reviewing today's nominations illustrates the effect of the reform process that the Democratic leadership has spearheaded.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. LEAHY. Mr. President, I see no other Member seeking recognition. I ask consent the vote still be at 5:50 and I be allowed to use the time until 5:50.

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

Mr. LEAHY. Mr. President, we will have a vote today on Randy Crane. There are Members who have stated, because the Democrats took over the full committee in July of last year, we would try to do the same thing to the Republicans that the Republicans did to the Democrats; that is, slow up and refuse to confirm judges. Of course, the figures show the opposite. The speedy confirmation of Randy Crane to the district court in Texas illustrates the effect of the reforms on the process that the Democratic leadership has spearheaded.

Despite the poor treatment of too many Democratic nominations through the practice of anonymous holds and other tactics employed during the past 6½ years, Randy Crane will be filling a judicial emergency vacancy seat that has been vacant since the year 2000 when the new position was created.

I worked with the Senators from Texas and other Senators along the southwestern border to fill this vacancy. In fact, Randy Crane is the second Federal judge confirmed from Texas in just the past few months.

Not too long ago when the Senate was under Republican control, it took 943 days to confirm Judge Tagle to the Southern District of Texas. She was nominated in August of 1995 and made to wait until March of 1998, stalled for 3 years, then passed unanimously—a lot different than the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing. I recall 2 years ago, Ricardo Morado, who served as mayor of San Benito, TX, was nominated for a vacancy and never got a hearing or vote. They could have had those votes. We could have moved forward to fill those vacancies. This Senate and this Judiciary Committee is trying to fill them. They could have long ago been filled by nominees from President Clinton, but the fact is the Republicans refused to even allow a vote. We are not doing the same.

Unlike the many judicial nominees who were given a hearing but never allowed to be considered by the committee, we try to make sure President Bush's nominees get both a hearing and a vote by the committee. Until Judge Edith Clement of Louisiana received a hearing on her nomination to the Fifth Circuit last year, after the shift in majority, there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995. In fact, we confirmed the first new judge of the Fifth Circuit in 6 years, even though there was a judicial circuit emergency.

Jorge Rangel was nominated to the Fifth Circuit in 1997 and never received a hearing on his nomination, or a vote, in 15 months. Enrique Moreno was

nominated for the Fifth Circuit in 1999 and he never received a hearing on his nomination or a vote by the committee.

H. Alston Johnson was also first nominated to the fifth circuit in 1999 and never received a hearing on his nomination or a vote by the committee in 1999, 2000, or the beginning of 2001.

Despite the support of both of his home State Senators, 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 fifth circuit, Judge Edith Brown Clement and Judge Charles Pickering, were treated fairly. Both received hearings less than 6 months after their nominations.

In fact, Judge Clement was the first fifth circuit nominee to receive a hearing since Judge James Dennis had a hearing, when Senator BIDEN chaired the Senate Judiciary Committee in 1994. She is the first person to be confirmed to that circuit since Judge Dennis' confirmation in 1995.

In contrast to recent, past practices, we are moving expeditiously to consider and confirm Randy Crane, who was nominated in September, received his ABA peer review in November, participated in a hearing in February, was reported by the committee in March and is today being confirmed.

This nominee has the support of both Senators from his home State and appears to be the type of qualified, consensus nominee that the Senate has been confirming to help fill the vacancies on our Federal courts. I congratulate Mr. Crane and his family on his confirmation today.

Following the votes on the Pickering nomination last Thursday by the Judiciary Committee, there have been a number of unfounded and unfair attacks against Democratic members of the Judiciary Committee. Reasonable people can disagree about whether Judge Pickering deserved a promotion, given his record as a judge. I am sorry, however, that some have chosen to make that committee action into an unfortunately acrimonious fight.

It is unfortunate that some are going out of their way to intervene, for example, in a matter before the Rules Committee, and objected to a bipartisan request for oversight funds—to be evenly divided between the committee's majority and minority—in order better to fulfill our increased oversight responsibility and make sure that agencies such as the FBI and the INS are doing their jobs appropriately.

In the wake of September 11, Senator HATCH and I submitted the joint request on behalf of the committee with oversight jurisdiction over the Department of Justice and its components. We wanted to assess the management, training, and resource lapses in the FBI, INS, and in the other Department of Justice agencies to ensure that these agencies know what they did wrong

and to avoid a recurrence of those tragic events.

We were reminded just last week of the need for this kind of oversight when additional problems at the INS surfaced. It is too bad that some are choosing to obstruct this important effort.

That retribution is now threatening the important work of the committee and the functioning of the Senate. I hope we are not entering an era in which any disagreement is vilified, and harsh, inappropriate rhetoric, is employed to make political points with the extreme elements.

This scorched earth campaign in which unrelated nominations and bills and oversight responsibilities are being compromised is not in the best interests of the Senate.

I recall that even in our disappointment after the Republicans rejected the nomination of Judge Ronnie White in a party-line floor vote in 1999, I proceeded to vote for the confirmation of Ted Stewart of Utah.

The committee vote on the Pickering nomination was not a sneak attack or a "lynching."

It was not a nomination of which Senators had indicated that would vote one way and then went into a closed party caucus and were instructed to vote another. It was not a party-line vote insisted upon by party leaders. It was not a matter in which the committee held a pro forma hearing and then refused over a period of weeks and months to bring the matter to the committee agenda for an up or down vote.

It was not a circumstance where the nominee was not afforded the opportunity to hear Senators' concerns and respond to those concerns. It was not a circumstance where the nominee was not asked about concerns and cases and his own actions at his hearing.

This was a case in which I responded to the request of a Senator to proceed to schedule a quick hearing on a judicial nomination.

As Senators reviewed this nomination, they had concerns. They asked the nominee about those concerns. The committee assembled a record, which was the record of the nominee's official actions as a Federal judge. The committee then held a follow-up hearing to allow the nominee another opportunity to make his best case and respond to Senators' concerns and then provided a further opportunity through written questions and answers.

After delaying committee action for 2 weeks at the request of the Republican leader and the ranking Republican on the committee, we met and debated the merits of the nomination for over 4 hours before voting.

I believe that the members of the Judiciary Committee based their votes on their review of the record and their having measured the nominee against the standard each Senator must develop for voting on lifetime appointments to the Federal courts. I regret

that some are questioning the motives of Senators.

The Senators on the Judiciary Committee, both Republican and Democratic, are seeking to exercise their responsibilities with respect to their votes appropriately, on the merits and in accordance with their standards for such matters.

In spite of fair treatment, hearings and a vote, on Thursday, attacks arose suggesting that Senate Democrats have imposed an unconstitutional religious test to the nomination of Judge Pickering to the appellate court. I hesitate to dignify such a scurrilous allegation with a response, but I feel I must set the record straight. The Democratic members of the committee have never inquired into Judge Pickering's religion. It had no place in the deliberations.

These charges, that the Democratic Senators on the committee have voted against Judge Pickering based in any way based on his religion are outrageous, unfounded, and untrue. Whether a nominee goes to church, temple, or mosque, or not, has not been used by anyone in this Senate in the consideration of a judicial or any nominee.

Article VI of the United States Constitution requires that "no religious test shall ever be required as a qualification to any office or public trust under the United States." In accordance with the separation of church and state embodied in our Constitution, no religious test has been applied to this nominee or any other.

I recall the recent reports indicated that Justice Scalia had recently commented on the religion of judges and suggested that Federal judges who are Catholic should consider resigning if imposing the death penalty was a moral problem for them. But no Senator, at any time during the consideration of the Pickering nomination, commented unfavorably on his religion.

The responsibility to advise and consent on the President's nominees is one that I take seriously and the other members of the Judiciary Committee take seriously. Senator SCHUMER and Senator FEINSTEIN chaired fair hearings on Judge Pickering's nomination. I regret that they and others on the committee have been subjected to unfair criticism and attacks for fulfilling their duties.

Some of our Democratic Senators have been receiving calls and criticism based on their religious affiliations. That is wrong. Other Senators have been insulted and called names for asking questions of the nominee and for disagreeing with this choice for the court of appeals. That is regrettable.

There are strongly held views on both sides. But while Democrats and most Republicans have kept to the merits of this nomination, it is unfortunate that some have chosen to vilify, castigate, unfairly characterize, and condemn without basis Senators work-

ing conscientiously to fulfill their constitutional responsibilities.

I also want to express concerns about recent statements from the administration, including from the President, that the Senate's treatment of judicial nominees "hurts our democracy."

This statement reveals an unsettling misunderstanding of the fundamental separation of powers in our Constitution and the checks and balances in the Founder's design.

In our democracy, the President is not given unchecked powers to pack the courts and to give lifetime appointments to anyone who shares certain ideological views.

Instead, the Constitution provides a democratic check on the power of appointment by requiring the advice and consent of the Senate.

Each Senator on the committee made up his or her own mind on whether to vote for the promotion of Judge Pickering to the Court of Appeals. The Senators on the committee studied Judge Pickering's record as a judge. The committee's vote was part of our democratic process.

This democratic check on the President's appointment power demonstrates our democracy in action, not action that "hurts our democracy." By having fair hearings and voting on nominees, up or down, the Judiciary Committee is proceeding as it should.

The administration should not throw gasoline onto this combustible situation. It could, instead, recognize its role in sending division nominations to the Senate and seek to work with us to find and appoint consensus nominees.

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.

Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are ignoring recent history.

There were an unusually high number of retirements taken by Federal judges after the November 2000 election. Moreover, by the time the Senate was permitted to reorganize after the change in majority, the number of vacancies have reached 105 and was rising to 111, including 32 vacancies on the courts of appeals. That is the situation I inherited and the Democratic majority in the Senate was faced with last summer.

Since then this is the 42d judicial nominee to be confirmed, including seven judges to the courts of appeals. Contrary to what some might say, the Democratic majority has actually been keeping up with attrition and we have started moving the vacancy numbers in the right direction—down. By contrast, from January 1995, when the Republican majority took over control of the Senate until they relinquished it in June 2001, Federal judicial vacancies rose by 65 percent, from 63 to 105.

Already, in less than 9 months in the majority, we have made more progress than was made in 4 whole years of Republican leadership, 2000, 1999, 1997, and, of course, 1996.

Within the past 9 months, after the change in majority, we have confirmed 42 judges, including 7 to the courts of appeals.

In all of 2000, the Senate confirmed fewer, only 39 judges, and in 1999 fewer still, only 33 judges, with 7 to the courts of appeals.

We are doing what the Republican majority did not do: keeping up with the rate of attrition and moving the numbers in the right directions. Tomorrow we are scheduled to hold another hearing on another court of appeals nominee, at the request of Senator ENZI.

I hope this nominee will turn out to be uncontroversial and well-regarded by people from both sides of the aisle.

Our task is made easier when the President works with members of both parties to nominate consensus nominees who are not outside of the mainstream and whose record demonstrates that they will follow precedent, not try to find a way around it.

Tomorrow's hearing will be our 15th for judicial nominees within the last 9 tumultuous months. That is more hearings on judges than the Republican majority held during any full year. In only 9 months we have confirmed as many court of appeals nominees, seven, as the Republican majority averaged per year while they were in control.

Indeed, in the 76 months in which a Republican majority recently controlled the pace of judicial confirmations only 47 judges were confirmed to the 78 vacancies that existed on our Federal courts of appeals. We have confirmed seven in less than 9 months already. The Republicans went one entire congressional session, 1996, refusing to confirm even a single court of appeals nominee.

We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time. We have drastically shortened the average time for confirmation proceedings.

What had grown during Republican control to over 230 days on average is now down to 74 days from receipt of the ABA peer review to confirmation for the 42 judges we have confirmed over the last 9 months.

However, because the Republicans refused to hold hearings on so many of President Clinton's nominees there were an enormous number of vacancies we inherited. Under Democratic leadership, we have tried to fill those vacancies as quickly as possible.

By moving first on the nonideological and well qualified of President Bush's nominees we can fill the most vacancies in the least amount of time. With controversial, less qualified

judges we spend much more of time. With consensus, well-qualified nominees we could have confirmed a dozen judges in the same amount of time the committee devoted over the last 5 months to the Pickering nomination.

It is not possible to repair the damage caused by long standing vacancies in several circuits overnight, but we are contributing to improved conditions in the 5th, 10th, and 8th circuits, in particular. We will do our best to remedy as many circumstances as possible.

I understand we have time before the vote. The distinguished ranking member has come to the floor. I yield the floor.

Mr. HATCH. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will say a few words before the vote. I ask unanimous consent I be permitted to proceed for a few minutes.

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

Mr. HATCH. Mr. President, the vote will still be at 5:50 because Senators have commitments.

Mr. President, I rise to support the nomination of Robert Randall Crane to be U.S. District Judge for the Southern District of Texas.

I have had the pleasure of reviewing Mr. Crane's distinguished legal career, and I have come to the conclusion that he is a fine lawyer who will add a great deal to the federal bench in Texas.

Randy Crane is a native Texan who graduated with honors from the University of Texas School of Law when he was only 22 years old. He clerked for the McAllen, Texas, firm of Atlas & Hall during the summers of 1986 and 1987, joined the firm as a full-time associate in 1988, and became a partner in 1994. During his fourteen-year legal career, Mr. Crane has handled primarily civil cases, including commercial litigation, personal injury matters, and toxic torts. He has also gained valuable experience in several criminal cases, including a large federal drug conspiracy case.

Mr. Crane currently serves as a Director of the Texas-Mexico Bar Association, which seeks to promote cross-border dialogue of common legal issues, resolution of cross-border legal issues, education about United States and Mexico legal systems, and attorney networking for answering questions about the two legal systems.

I have every confidence that Randy Crane will serve with distinction on the federal district court for the Southern District of Texas.

Mr. President, I must take a moment to respond to some of the comments made by my colleague, the distinguished Senator from Vermont, regarding the pace of judicial confirmations. The Senator has made much of comparing the pace of confirmations under Republican and Democratic control of the Judiciary Committee. This has in-

involved comparing 9 months to 12 months, 9 months to 9 months, 3 months to 3 months, and so on. Of course, anyone knows that you can manipulate statistics to achieve the result you want. I find the bottom line numbers to tell a more compelling story. And the bottom line is that we have 94 vacancies in the Federal judiciary today—the exact same number as we did at the end of last session, and only slightly fewer than we did when the Democrats took control of the Senate in June of last year.

The bottom line numbers are even more compelling when you look at the number of circuit court vacancies.

When Senate Democrats took over the Judiciary Committee in June of last year, there were 31 circuit court vacancies, and there remain 31 circuit court vacancies today. This does not represent progress—it represents stagnation.

In contrast, at the end of 1995, which was the Republicans' first year of control of the Judiciary Committee during the Clinton administration, there were only 13 circuit vacancies.

In fact, during President Clinton's first term, circuit court vacancies never exceeded 21 at the end of any year—including 1996, a presidential election year, when the pace of confirmations has traditionally slowed.

Moreover, there were only 2 circuit nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit nominees were left hanging in committee at the end of last year.

Last Thursday, Senator LOTT introduced a resolution calling for the confirmation of each of the circuit court judges nominated by President Bush on May 9 of last year.

We are coming up on the one-year anniversary of those nominations, and yet only 3 of the 11 nominees have had hearings and confirmation votes. All of these nominees have received qualified or well-qualified ratings from the American Bar Association.

This is problematic because it is no secret that there is a vacancy crisis in the federal circuit courts, and that we are making no progress in addressing it.

A total of 22 circuit nominations are pending in the Judiciary Committee. But we have confirmed only one circuit judge this year, and only seven since President Bush took office.

In light of the vacancy crisis, we cannot afford to let only 10 Senators defeat a circuit nominee. This is a question of process, not of seeking favorable treatment.

For all these reasons, it is imperative to support Senator LOTT's resolution to get hearings and votes for our longest pending circuit nominees. Given the vacancy crisis in our circuit courts, I cannot imagine anyone voting against it.

Mrs. HUTCHISON. Mr. President, I rise today to speak on behalf of Randy

Crane, who is the next nominee for the Federal judiciary who will be voted on by the Senate this afternoon. I am proud to support Randy Crane's nomination to be a Federal judge for the Southern District of Texas.

Texas' Southern District has the third highest number of filings of criminal cases in the country. It is tremendously overburdened. The non-partisan Judicial Conference of the United States has designated the court as a "judicial emergency."

Randy Crane has an outstanding record of academic qualifications, legal experience, and public service to make him an excellent Federal judge. He has been unanimously approved by the American Bar Association.

A graduate of the University of Texas at Austin, Randy Crane received his law degree with honors at the University of Texas School of Law at the age of 22. He is currently a partner with one of the outstanding law firms of Texas, Atlas & Hall, a law firm in McAllen, TX. He has been active in the State bar of Texas and a director of the Texas-Mexico Bar Association.

Randy Crane is a native of south Texas, and he is of Mexican American heritage. Randy Crane has strong relationships within the local community. He is highly respected and has been very active in McAllen. Everyone I have talked to who lives in McAllen knows Randy Crane and thinks so highly of him.

His community involvement includes working with the McAllen Independent School District helping children, trying to make sure they have a quality public education system in McAllen. He is active with the American Cancer Society, youth soccer, and Little League baseball.

I urge my colleagues to support the nomination of Randy Crane to the Federal bench. This is a vacancy that needs to be filled quickly, and we have a quality candidate to fill that need.

The President has made this nomination, and his nomination has received bipartisan support. So I look forward to a unanimous vote on behalf of Randy Crane, and getting help down to this Southern District that so desperately needs the attention because of its high caseload.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New York (Mr. SCHUMER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the

Senator from Arizona (Mr. McCAIN), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. KYL) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—91

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

NOT VOTING—9

Bond	Johnson	McCain
Harkin	Kyl	Schumer
Helms	Landrieu	Torricelli

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The majority leader is recognized.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002—Continued

CLOTURE MOTION

Mr. DASCHLE. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 318, H.R. 2356, a bill to provide bipartisan campaign reform:

Russell D. Feingold, Tom Daschle, Tim Johnson, Byron L. Dorgan, Bob

Graham, Daniel K. Inouye, Joseph R. Biden, Jr., Patty Murray, James M. Jeffords, Jeff Bingaman, Debbie Stabenow, Max Baucus, E. Benjamin Nelson, Harry Reid, Richard J. Durbin, Jon Corzine, Thomas R. Carper.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, we anticipate a cloture vote on Wednesday on campaign reform. I have talked with the Senator from Kentucky. I am not averse to—in fact, I would encourage our colleagues to return to the energy bill and continue the debate on the energy bill. But if Senators have a desire to speak on campaign reform, to be heard on it, they are certainly entitled to do so. We will be on campaign reform on Wednesday.

If we get a unanimous consent agreement, it may be for a shorter period of time. Barring that, we will then stay on it through the end of the period, assuming we get cloture on Wednesday.

Mr. MCCONNELL. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. MCCONNELL. I want to give the leader an update. We have had very fruitful negotiations today on the technical corrections package. I see my friend from Wisconsin. We have been bouncing back and forth for a couple of days. We are very close to finishing that. I hope we will be able to enter into a unanimous consent agreement that would advance the cloture vote sooner and have a limited time agreement under which you can have a scheduled cloture vote; then, hopefully, some kind of agreement related to the technical package—a Senate resolution that both sides agree on, with a brief debate, giving the proponents and opponents of the bill enough time to describe their views, and then go to final passage, all of which I hope can be done in a few hours. I am optimistic that it won't take much of the Senate's time to complete this job.

I see my friend from Wisconsin on the floor. I hope he will see things the same way I do and we might be able to get this off of your plate sometime tomorrow.

Mr. DASCHLE. Madam President, I am very pleased to receive that report. I look forward to talking more with the Senator from Kentucky, the Senator from Wisconsin, and others, as the day unfolds tomorrow.

Senators should be prepared, beginning tomorrow morning, for votes. We will see if we can schedule some debate on the energy bill and move forward with amendments on the energy bill until some agreement can be reached.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

MISSILE DEFENSE TESTING AND THE BALLISTIC MISSILE THREAT

Mr. COCHRAN. Madam President, there have been two important events relating to missile defense programs

that occurred last week, which I would like to bring to the attention of the Senate.

First is the successful test last Friday night of our Nation's long-range missile defense system. This was the fourth successful test against an intercontinental ballistic missile and it was much more complicated than earlier tests have been, in that the target warhead was accompanied by three decoys. Despite the presence of these countermeasures, the interceptor was able to destroy the ICBM warhead.

The target warhead was launched on a missile from California, nearly 5,000 miles from the interceptor. The target warhead itself was a cone about 4 feet high and 2 feet wide at its base. The decoys were about the same size. Sensors were able to track these objects along their flightpath and give their location to a battle management system. The battle management system computed an intercept point and launched the interceptor. The interceptor missile received information about the target's position and characteristics, and while it was still several hundred miles from the target warhead, the kill vehicle separated from its booster rocket, its infrared sensors then detected the target, and its guidance system fired small rocket motors to guide the vehicle into a collision with the warhead. The target was destroyed by the force of this collision. All of this took place in just a few minutes in outer space, at closing speeds in excess of 20,000 miles an hour.

This impressive event cannot be considered routine, but it is becoming regular. The regularity with which our missile defense testing is succeeding is very encouraging. Although slowed down by uncertain funding and ABM Treaty restrictions in the past, the missile defense program is now showing the benefits of the support provided by Congress over the past few years and of the new seriousness with which President Bush has attacked this problem.

There is still much technical work to be done, and problems are bound to occur, as they do in all weapons programs. But the continued testing success of our ground-based missile defense system—as well as in other missile defense systems such as the Patriot PAC-3 and the sea-based mid-course system—suggests that we are steadily making progress and moving toward the time when we will no longer be defenseless against ballistic missile attack.

The other event I want to mention in this context was last week's testimony before our Governmental Affairs Subcommittee on International Security by Mr. Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs at the CIA. Mr. Walpole testified on an unclassified CIA report published last December entitled "Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015." Compared with

the 1999 version of this report, Mr. Walpole said the missile threat to the United States had increased in significant ways. He also said specifically, where it was previously judged that the United States would probably face an intercontinental ballistic missile threat from Iran by 2015, it is now said by our intelligence community to be most likely the same level of threat assigned to North Korea. And North Korea's Taepo Dong-2 missile, which previously was assessed at having a range of up to 6,000 kilometers, is now judged to have a range of 10,000 kilometers if configured with two rocket stages, and 15,000 kilometers if it is equipped with a third stage, as was its predecessor.

A 15,000 kilometer range is sufficient, according to Mr. Walpole, to reach all of North America with a payload large enough to carry a nuclear weapon. The report notes that the proliferation of missile technology also has become worse. The witness said Iran was now assuming a more significant role as a supplier of this technology to other nations. Finally, Mr. Walpole noted that the United States needs to be vigilant against both terrorism and long-range missile threats, saying:

We've got to cover both threats.

As we fight a war against terrorism, we cannot lose sight of the fact that other threats are just as serious. The CIA's report on the missile threat is a timely reminder of that, and last Friday's successful missile defense test is an encouraging sign that we are making progress in preparing to answer that threat.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

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

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

90TH ANNIVERSARY OF GIRL SCOUTS OF AMERICA

Mr. LOTT. Mr. President, I rise on this occasion to wish a happy 90th Anniversary to the Girl Scouts of the USA, and invite my colleagues to join me in recognizing the organization in their 90th year of building character, confidence, and skills necessary for success in girls throughout the country. Founded on March 12, 1912, when Juliette Gordon Low assembled 18 girls from Savannah, GA, Girl Scouts of the USA has grown to a current membership of 3.8 million, making it the largest organization for girls in the world. On March 16, 1950, the Girl Scouts of the USA became the first national organization for girls to be granted a Federal charter by Congress.

I am proud to say that Girls Scouts in the State of Mississippi are active

and growing stronger every day. I recently visited with Kitty Mauffray, Dorothy Shaw, Ann Billick, Jean Lee, Dr. Mary Cates, and Rowell Saunders, representatives from the Girl Scouts Councils of Mississippi. I am pleased to know that at the present time, with 45,000 girls enrolled, 1 out of 9 girls in Mississippi is a Girl Scout. I am sure that these numbers will continue to grow.

I would also like to recognize the Girl Scouts of Mississippi for their commitment to community service. Not only do they routinely visit nursing homes, help to beautify our cities and towns, and work to improve the quality of life for children less fortunate than themselves, but I understand that in the aftermath of September 11, Girl Scouts across Mississippi worked to collect donations and created many cards of sympathy and support for victims of this national tragedy. The Girl Scout Law states that each scout will do her best to "make the world a better place," and I think that these girls have done just that.

Girl Scouts of the USA recognizes that girls need leadership skills, self-assurance, and social conscience to become strong women. I offer my sincere congratulations to the Girl Scouts of the USA for fulfilling this need, and wish them the best of luck in the future as they continue to help girls grow strong and instill values that will last a lifetime.

Ms. CANTWELL. Mr. President, I rise today to congratulate the Girl Scouts on their 90th anniversary celebration which took place on March 12, 2002.

The first Girl Scout meeting took place in Savannah, GA on March 12, 1912 when Juliette Gordon Low gathered eighteen girls together. Ninety years later, with 3.7 million members, the organization continues to offer girls of all ages, races and socio-economic backgrounds the opportunity to grow, develop friendships, challenge themselves, and gain valuable life experiences.

There are 40,000 Girl Scouts in my home state of Washington. These girls are among millions nationwide who are preparing themselves to be future leaders. By examining high-tech careers, developing money management skills, participating in the arts and sports, and learning about other cultures, Girl Scouts are making themselves well rounded individuals who will no doubtedly lead our country to great things in the years to come. Girl Scouts serve to better our environment, our community and our country.

I would like to highlight the accomplishments of one of my constituents, Girl Scout Katie Grimes. Katie is one of ten women to receive the National Women of Distinction Award which recognizes women who have demonstrated enormous courage and strength. Katie, using many of the skills she developed in the Girl Scouts, founded the Federal Way Autism Sup-

port Group in Federal Way. Katie, who herself is autistic, is well aware of the acute needs of autistic individuals and their families and worked diligently to establish the first support group in her community. I am pleased that the Federal Way Autism Support Group now supports over ninety families in the area and I am hopeful that Katie's organization will serve as a national model to provide comfort and assistance to the thousands of people who are afflicted with autism.

I was thrilled to have been invited by my State Girl Scouts Councils to join in the first Honorary Congressional Girl Scout Troop. I am pleased to join my female colleagues, Representatives JO ANN EMERSON and ELLEN TAUSCHER, and Senators HUTCHISON and MIKULSKI as a member of this troop. I look forward to working with my colleagues in Troop Capitol Hill, and Girl Scout troops across the country to identify the many challenges facing girls and young women today and ways we can assist them to overcome these obstacles.

Again, I wish to congratulate the Girl Scouts on their 90th anniversary milestone and thank them for the important and valuable work that they continue to do.

Mr. ALLEN. Mr. President, I rise today in recognition of the 90th anniversary of the Girl Scouts of the USA.

Girl Scouting began on March 12, 1912, when founder Juliette Gordon Low assembled 18 girls from Savannah, GA. She believed all girls should be given the opportunity to develop physically, mentally and spiritually. Girl Scouts of the USA was chartered by the U.S. Congress on March 16, 1952.

That belief in personal development has evolved into today's Girl Scout mission; to help all girls grow strong.

The Girl Scouts have grown leaps and bounds from that first meeting of 18 girls in 1912. There are more than 233,000 troops throughout the United States and Puerto Rico available to all girls ages 5-17. Today, there is a membership of 3.8 million worldwide, making it the largest organization in the world for girls. More than 50 million women are Girl Scout alumnae, including my wife, Susan, and our daughter, Tyler.

We celebrate today the principles on which the Girl Scouts were founded: Empowering girls to develop their full potential; teaching girls to relate well with others; developing values that provide the foundation for sound decision-making; and making positive contributions to society.

Girl Scouting continues to apply these principles to current issues with programs that encourage girls to bridge the digital divide; pursue careers in science, math and technology; learn how to manage money; and to grow into healthy, resourceful citizens.

Troop meetings take place without regard to socioeconomic or geographic boundaries. Meetings take place in homeless shelters, migrant farm

camps, and juvenile detention facilities. There are even meetings which assist girls who are relocating, whether across the State or around the world, with support and help them adjust to new locations. The Girls Scouts mobilized immediately following September 11 to provide resources for girls and their families dealing with fear and loss.

Let us commend this organization for the positive role it has played in the lives of million of girls and women in Virginia, across the Nation, and around the world. I applaud their efforts and wish them the best for another tremendous 90 years of Girl Scouting in the USA.

Mr. HAGEL. Mr. President, I rise today to congratulate the Girl Scouts of America on their 90th Anniversary.

Since Juliette Gordon Low founded the Girl Scouts in 1912, this organization has provided young girls with the leadership skills to make a difference in their communities and our world. Girl Scouts teach self-confidence, responsibility and integrity at a young age and these core values stay with girls throughout their lives.

Today, more than 3.7 million girls in over 233,000 troops are learning new skills, developing talents and building friendships across geographic, ethnic and socioeconomic lines. Through scouting, Girl Scouts participate in community service projects, cultural exchanges, athletic events and educational activities. None of this would be possible without the generosity and commitment of parents and community members who donate their time to help shape the lives of young girls through the Girl Scouts.

In Nebraska, I represent more than 20,000 Girl Scouts. I am also a proud Girl Scout parent.

I congratulate and thank the Girl Scouts on their 90th year.

46TH ANNIVERSARY OF TUNISIA'S INDEPENDENCE

Mr. LIEBERMAN. Mr. President, I rise today to acknowledge the anniversary on March 20 of the independence of Tunisia, an Arab republic and friend of the United States for forty-six years. Americans of my generation recall the principles advanced by Tunisia's first leader, Habib Bourguiba, in setting the country on its historic course, liberty, modernity and religious tolerance. Today, under President Zine Abidine Ben Ali, the country continues its substantial progress toward establishing an export-oriented market economy, raising real per capita income, combating poverty, educating its girls and boys equally well, and improving the standard of living for all its citizens. As we applaud these achievements, we also wish the Tunisian people and their leaders perseverance and success in building a society of justice, civil rights, and pluralistic, participatory democracy.

This body and the American people today can thank Tunisia for its stead-

fast support during its membership on the United Nations Security Council in 2001. In the weeks and months after September 11, the Security Council adopted several resolutions that embodied U.S. objectives for combating global terrorism and freeing Afghanistan from the yoke of a repressive regime that granted safe haven to al-Qaida. Tunisia, the sole Arab member state on the Council at that time, worked closely and constructively with the United States in that crucial diplomacy.

So, on this, the 46th anniversary of Tunisia's independence, we recognize an international friend and express our commitment to continued cooperation and mutual progress over the years to come. We are fortunate to count Tunisia among our friends and partners in North Africa, the Middle East, and on the global stage.

4-H 100TH ANNIVERSARY

Mr. DEWINE. Mr. President I rise today to recognize the National 4-H organization upon its 100th anniversary this year. The organization, symbolized by the famous four leaf clover, has become synonymous with rural America and agriculture. While 4-H has its roots in many States, I am proud to say that the youth organization got its primary start in my home State of Ohio—in Springfield.

I would like to take a few minutes today to remind my colleagues about how 4-H evolved into what it is today. In doing so, we need to step back and remember what our Nation was like at the beginning of the 20th century and how the field of agriculture was suffering from the industrial revolution.

As a result of the industrial revolution, our nation experienced, for the first time, a greater number of people living in cities than in small, rural agricultural communities. As a new generation of farmers were talking about moving to "the big city," many began to fear a lapse in the traditional teaching techniques in which parents taught their children how to farm. Additionally, the industrial revolution brought about new technologies, many of which greatly affected farming techniques. At first, unfortunately, few people knew about these technologies—let alone how to use them. As concerns continued to grow, many communities were forced to develop programs that sought new and innovative ways of teaching the next generation of farmers.

The most successful of these programs was created in Springfield, OH. It was there, in 1902, that Albert B. Graham, superintendent of the Clark County school system, first established agricultural classes. Recognizing that many people would have a difficult time with the concept of learning farming outside of the family, Graham established a club that offered Saturday morning classes in the basement of the county building. Families coming into town to do their weekly shopping could

drop off their children at the courses. In a sense, it was a form of daycare, but one in which the boys and girls were kept busy learning how to examine soil with litmus paper and how to tie knots and splice ropes. They even examined droplets of milk under microscopes.

Eventually, Graham expanded this program with help from the Ohio Agricultural Experiment Station and the dean of agriculture at The Ohio State University, itself a land-grant college. Ohio State took quickly to this course concept, as it offered the university an effective way to communicate with farmers throughout Ohio. By 1903, Graham's agriculture club had over 100 members, and by 1904, 13 such county-wide clubs had been organized in Ohio. You might say that Graham had planted the seed for the 4-H organization, and it sprouted quickly.

It didn't take long before similar clubs grew nationally. Around this time, a clover became a commonly known symbol for club members, who wore the symbol on their lapels. Another landmark for 4-H came in 1906, when Thomas Campbell, an assistant to George Washington Carver, was hired to establish youth farming organizations for African-American farmers in the south. At a time in our Nation when the racial divide ran deep, 4-H was clearly ahead of its time.

By 1914, a mere decade after 4-H's creation, President Woodrow Wilson signed the Smith-Lever Act into law, establishing the Cooperative Extension System. This system offered a mechanism through which 4-H programs could receive Federal funds.

Now jump forward to today. The 4-H organization continues to be one the most active youth organizations in our Nation, with chapters not only in the United States, but throughout the world. 4-H clubs have expanded from rural to urban areas, where they provide a new of group kids with essential leadership skills and community service involvement. National 4-H meetings have even become platforms for presidents and other national officials to voice their ideas for agriculture and other policies.

The fear of an agriculture system eroding away with the expansion of cities continues to this day, as we have witnessed the massive growth in urban sprawl. But, this merely furthers the need for 4-H. Although today's 4-H organization may be larger than the original 100 members and our communication has increased from town meetings to Internet chat rooms, the organization's principles of Head, Heart, Hands, and Health remain the same. Without question, the lessons and skills 4-H members learn will last a lifetime.

I am proud to know that organizations, like 4-H, are there to help guide our next generation of farmers, teachers, and even elected officials toward a better tomorrow. I also am proud to say that my wife, Fran, and I have had

children go through the 4-H program for 24 straight years now—in fact, last year was our eighth and youngest child, Anna's first year in 4-H.

I congratulate 4-H on their centennial anniversary, and I wish them the best for their next 100 years.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL JOHN S. PARKER

• Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Maj. Gen. John S. Parker of the U.S. Army Medical Corps. Major General Parker has served our Nation for more than 39 years. He has distinguished himself and the Army Medical Command while serving in several positions of increasing responsibility. Major General Parker capped his illustrious career as Commander of the United States Army Medical Research and Material Command at Fort Detrick, MD.

During his extraordinary military service, General Parker has shaped every part of the Army Medical Department, from direct patient care, training, personnel management, and installation management, to doctrine development, policymaking, research and medical product development. His mark on military medicine extends far beyond the Department of Defense and into the international community.

We in the Senate saw the important work of Ft. Detrick in researching defenses against biological attacks when Senator DASCHLE received an anthrax-laden letter last October. Major General Parker's command responded by swiftly and accurately identifying the anthrax here on Capital Hill.

Major General Parker's service embodies the best traditions our military services have to offer. This soldier, statesman, scientist, and commander has displayed the highest level of commitment to our most precious resource, America's armed forces.

I thank John and his wife Julie for their tireless dedication to serving the United States and the Army. They have served our Nation with honor. I wish John and Julie well as they enter a new phase of their lives.●

TRIBUTE TO AGNES SCULLY FISTER

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Agnes Scully Fister, who died January 9, 2002, at the age of 85.

Agnes made it easy for people to remember her, leaving behind a legacy as a loving wife, mother, grandmother, and friend. She was a unique individual who cherished life, enjoyed going to church, and loved meeting and talking to people. She married Louis A. Fister and was blessed with a wonderful family that included four sons and two daughters. Agnes will be remembered for many different reasons, not the

least of which is her dedication to her family and friends.

A native of Kentucky, Agnes was born in Lexington to Ed and Sarah Scully. She graduated high school from St. Catherine's Academy and later went on to work as a children's clothing buyer for retail stores such as Purcell's, Embry's, Wolfe Wiles, McAlpins, and Tots 'n Teens.

Agnes was a devoted Catholic and a long-time member of St. Paul Catholic Church. St. Paul played a significant role in Agnes' life and is where she was baptized, received first Holy Communion, was confirmed, and married. Upon her passing away, St. Paul is also where her family and friends gathered to say their goodbyes and to celebrate her life.

I am certain the legacy left behind by Agnes Fister will live on. I offer my deepest condolences to her family, especially her children, 20 grandchildren, and 26 great grandchildren. I ask my colleagues to join me in honoring the memory of Agnes Scully Fister. She was an outstanding Kentuckian and will be missed.●

TRIBUTE TO DUANE HARRIS

• Mr. MILLER. Mr. President, I rise today in recognition and honor of my friend and an outstanding public servant, Mr. Duane Harris of St. Simons Island, GA. Duane will be retiring on April 1 of this year from his position as the Director, Coastal Resources Division, of the Georgia Department of Natural Resources. His retirement comes after some three decades of service to the people of the State of Georgia and this Nation.

Duane has served in the very important position of Coastal Director since 1982, during a time of extraordinary challenge for the Department of Natural Resources. The Coastal Division encompasses all of our beautiful Golden Isles where we take great pride in our magnificent beaches, salt water and fresh water wetlands, and the living creatures that depend on those ecosystems for life itself.

In Georgia, as elsewhere in our Nation, the coastal area is where we find some of the greatest pressures for development and population growth, and the inevitable confrontation between those pressures and environmental protection. And in this difficult arena, Duane Harris has served with remarkable distinction.

Duane joined the Georgia DNR on July 1 of 1970. His service to the State's coastal resources through the years has been diverse and distinguished. In his initial job of Wildlife Biologist he worked in developing the baseline characterization of marine fisheries resources in Georgia, including assessing shrimp and blue crab stocks and formulating management decisions regarding harvest seasons in specific areas. He conducted a coast-wide inventory of Georgia's oyster resources and was one of the founders of Georgia's very pop-

ular Artificial Reef Program in the 1970's. He has championed that program's growth to a system that now consists of more than 30 inshore and offshore reefs, providing an essential marine habitat.

Duane was instrumental in the establishment and expansion of the Coastal Division's 24-hour on-call network, which has provided round-the-clock response to fish kill, sea turtle and marine mammal strandings since the 1980's. He has personally responded to numerous situations involving strandings and injured birds, sea turtles, and porpoises. Duane is the contact that local officials, the Coast Guard, Law Enforcement, and coastal citizens call upon when no one can be reached. He has also worked tirelessly as a volunteer for DNR's annual Weekend for Wildlife celebration since its inception in 1989.

Let me also note that Duane is not simply someone who works to enforce a rulebook. He is an innovative and thoughtful planner who helps shape new policies. For example, during the 1990's, he played a pivotal role in the passage of far-reaching legislation to benefit Georgia's unique coastal environment when he spearheaded the successful regulatory implementation of The Protection of Tidewaters Act, O.C.G.A. Sections 52-1-1 through 52-1-10, and the Right of Passage Act, O.C.G.A. 52-1-30 through 52-1-39, in 1992, culminating in the removal by 1999 of the last remaining river houses that were causing environmental degradation and other problems.

Duane worked very hard to provide information to local municipalities and county governments about the benefits of a federally-approved Georgia Coastal Management Program, and has assisted in the development of the Georgia Coastal Management Act, O.C.G.A. Section 12-5-320, in 1997, and its very successful implementation since that time.

Over the past 4 years, Duane Harris spearheaded the efforts to regulate driving on Georgia's remote barrier island beaches in a manner consistent with the Shore Protection Act. Duane took the lead on all required administrative procedures, facilitating a lengthy citizen advisory process initiated in August 1998. He formulated the resulting regulations to afford the needed protection to shorebirds, nesting sea turtles, and the fragile dune environment while accommodating the interests of legally-recognized property holders. This was a sensitive and controversial issue, for which he forged a reasonable system of regulation. Following adoption of these rules in December 1998, he worked to implement them prior to the onset of the 1999 sea turtle nesting season.

Duane recently led the deliberations of a diverse Marsh Hammocks Advisory Council in an examination of the issue of development of coastal marsh hammocks and back barrier islands. His regional and national conservation service includes serving as chairman of

both the South Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission.

At the State and local level, he has brought a marine conservation perspective to the numerous boards, steering committees, task forces, civic and service organizations on which he has served, including the Leadership Georgia Board of Trustees, the Brunswick Rotary, the Brunswick-Golden Isles Chamber of Commerce, and the Keep Brunswick-Golden Isles Clean and Beautiful Board. In recognition of his marine conservation expertise and contributions, he is member of the Skidaway Foundation Board.

This outline of Duane's career gives us an appreciation of his professional record, but it does not come close to illuminating the strength of his career. It takes a leader of special qualities to meet the challenges of administering the laws and regulations that govern coast areas. It takes a person of accomplishment in scientific skills, but it also takes a person of patience, honesty, and integrity. And it takes a person who can deal directly and effectively with immediate and difficult problems.

That is why Duane, in my mind, embodies the special qualities of public service that are so important to this Nation. I know that many of my colleagues have had distinguished careers of service to local and State governments prior to their election to the Senate. Service in the Senate is an extraordinary honor and an extraordinary responsibility and opportunity. At the same time, we are in many ways insulated from the direct consequences of policies on the lives of people.

As Lieutenant Governor and then Governor of Georgia, I had the privilege of face-to-face contacts with citizens in need, and I struggled with the difficult task of solving real and immediate problems. I learned that it is men and women like Duane Harris who are truly the "hands-on" public servants throughout this great country. They must, on a daily basis, operate the enforcement programs that transform laws and regulations into action. They must make quick decisions that affect people's lives and livelihoods.

I am proud to have known Duane Harris for many, many years as both a dedicated public servant and a friend. I will also add that he is one of the best fishermen you will ever have the opportunity to meet, and I understand that after some 30 years of service to the State of Georgia, that is exactly what he plans to do, go fishing. Except that he will be doing that as a professional fishing guide with his own boat.

Duane is still a young man, and I know that as a private citizen he and his accomplished wife, Carol, will continue to be a source of great strength and leadership to their community. He is the kind of man who will always carry out his work with unselfish energy and sound values.

On behalf of all of my colleagues in the United States Congress, I would

like to thank Duane Harris for his devotion to his duty and express my heartfelt thanks for a job well done. ●

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-5744. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Report concerning Energy Fleet Alternative Fuel Vehicle Acquisition for Fiscal Year 2000 and the Department's plans for Fiscal Years 2001 and 2002; to the Committee on Energy and Natural Resources.

EC-5745. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on March 15, 2002; to the Committee on Small Business and Entrepreneurship.

EC-5746. A communication from the Assistant Director, Office of the General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Financial Responsibility Program: Spending Limitations" ((RIN1120-AA49)(64 FR 72798)) received on March 14, 2002; to the Committee on the Judiciary.

EC-5747. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report concerning the Commission's Budget Request Justification for Fiscal Year 2003; to the Committee on Rules and Administration.

EC-5748. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability" (RIN2900-AK66) received on March 15, 2002; to the Committee on Veterans' Affairs.

EC-5749. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Claims Based on Exposure to Ionizing Radiation" (RIN2900-AK87) received on March 15, 2002; to the Committee on Veterans' Affairs.

EC-5750. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 41, Listing Standards and Conditions for Trading Security Futures Products" (RIN3038-AB87) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5751. A communication from the Acting Executive Director, Commodities Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 1, 3, 4, 140, and 155; Rules Relating to Intermediaries of Commodity Interest Transactions (66 FR 53510, October 23, 2001)" (RIN3038-AB56) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5752. A communication from the Under Secretary, Research, Education, and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Availability of Information National Agricultural Statistic Service" (CFR Part 3601) received on March 15, 2002; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-5753. A communication from the Under Secretary, Research, Education and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Availability of Information, Economic Research Service" (7 CFR Part 3701) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5754. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to Horse Protection Enforcement for calendar year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5755. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning Student Loan Interest Rate Amendments; to the Committee on the Budget.

EC-5756. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, report numbers 564 through 571 of the Pay-As-You-Go Calculations dated December 25, 2002; to the Committee on the Budget.

EC-5757. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, report numbers 572 and 573 for the Pay-As-You-Go Calculations dated December 25, 2002; to the Committee on the Budget.

EC-5758. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Radionuclides in Drinking Water: A Small Entity Compliance Guide"; to the Committee on Environment and Public Works.

EC-5759. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Administration and Resources Management, received on March 15, 2002; to the Committee on Environment and Public Works.

EC-5760. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report concerning the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-5761. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information regarding a nomination confirmed for the position of Assistant Administrator for Solid Waste and Emergency Response, received on March 15, 2002; to the Committee on Environment and Public Works.

EC-5762. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information regarding a nomination confirmed for the position of Assistant Administrator for Environmental Information, received on March 15, 2002; to the Committee on Environment and Public Works.

EC-5763. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Research and Development, received on March 15, 2002; to the Committee on Environment and Public Works.

EC-5764. A communication from the Director of Regulations Policy and Management

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption; Correction" (Doc. No. 00F-1482) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5765. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Final Monograph; Partial Stay; Final Rule" (RIN0910-AA01) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5766. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Exports: Notification and Record Keeping Requirements" (Doc. No. 98N-0583) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5767. A communication from the Director of Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5768. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Foreign Establishment Registration and Listing" (RIN0910-AB21) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, Prescription Drug User Fee Act Financial Report for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-5770. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-5771. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments" (RIN0960-AF31) received on March 15, 2002; to the Committee on Finance.

EC-5772. 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 "LMSB Fast Track Dispute Resolution Pilot Program" (Notice 2001-67, 2001-49) received on March 15, 2002; to the Committee on Finance.

EC-5773. 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 "Weighted Average Interest Rate Update Notice" (Notice 2002-9) received on March 15, 2002; to the Committee on Finance.

EC-5774. A communication from the Assistant Secretary of Legislative Affairs, Depart-

ment of the Treasury, transmitting, pursuant to law, the first Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor; to the Committee on Finance.

EC-5775. A communication from the Administrator of the Department of Human Services, transmitting, pursuant to law, a notification on the status of a report on the impact of payment rates adopted by states Medicaid programs when they meet their obligation to pay for Medicare cost-sharing on behalf of qualified Medicare beneficiaries (QMBs) received on March 15, 2002; to the Committee on Finance.

EC-5776. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Modifications of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals" (42 CFR Part 447) received on March 15, 2002; to the Committee on Finance.

EC-5777. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (66 FR 53114)" (44 CFR Part 65) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5778. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Determinations 66 FR 53112" (Doc. No. FEMA-D-7515) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5779. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 66 FR 53117" (44 CFR Part 67) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5780. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 66 FR 53115" (Doc. No. FEMA-P-7606) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5781. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Real Estate Settlement Procedures Act Statement of Policy 2001-1: Clarification of Statement of Policy 1999-1 Regarding Lender Payments to Mortgage Brokers, and Guidance Concerning Unearned Fees Under Section 8(b)" ((RIN2502-AH74) (FR-4714-N-01)) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5782. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Strengthening the Title I Property Improvement and Manufactured Home Loan Insurance Programs and Title I Lender/Title II Mortgage Approval Requirements" ((RIN2502-AG95) (FR-4246-F-02)) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5783. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Affordable Housing Program Amendments" (RIN3069-AB04) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 2025. A bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 2026. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 2027. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 920

At the request of Mr. BREAU, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1295

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 1295, a bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1876

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1876, a bill to establish a National Foundation for the Study of Holocaust Assets.

S. 1924

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1978

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. RES. 132

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—MARCH 14, 2002

By Mr. BINGAMAN:

S. 2018. A bill to establish the T'uf 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 March 14, 2002, with instructions that if one Committee reports, the other Committee have twenty calendar days, excluding any period where the Senate is not in session for more than three days, to report or be discharged.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce a bill that would create a unique area within the Cibola National Forest in New Mexico, entitled the T'uf Shur Bien Preservation Trust Area. The importance of this bill cannot be overstated. It would resolve, through a negotiated agreement, the Pueblo of Sandia's land claim to Sandia Mountain, an area of significant value and use to all New Mexicans. The bill would also maintain full public ownership and access to the National Forest and Sandia Mountain Wilderness lands within the Pueblo's claim area; clear title for affected homeowners; and grant the necessary rights-of-way and easements to protect private property interests and the public's ongoing use of the Area.

The need for this bill and the basis for Sandia Pueblo's claim arise from a 1748 grant to the Pueblo from a representative of the King of Spain. That grant was recognized and confirmed by Congress in 1858, 11 Stat. 374). There remains, however, a dispute over the location of the eastern boundary of the Pueblo that stems from an 1859 survey of the grant. That survey fixed the eastern boundary roughly along the top of a foothill on the western slope of the mountain, rather than along the true crest of the mountain. The Pueblo has contended that the interpretation of the grant, and thus the survey and

subsequent patent, are erroneous, and that the true eastern boundary is the crest of the mountain.

In the early 1980's, the Pueblo approached the Department of the Interior seeking a resurvey of the grant to locate the eastern boundary of the Pueblo along the main ridge of Sandia Mountain. In December 1988, the Solicitor of the Department of the Interior issued an opinion rejecting the Pueblo's claim. The Pueblo challenged the opinion in federal district court and in 1998, the court issued an Order setting aside the 1988 opinion and remanding the matter to Interior for further proceedings. *Pueblo of Sandia v. Babbitt*, Civ. No. 94-2624, D.D.C., July 18, 1998. The Order was appealed but appellate proceedings were stayed for more than a year while a settlement was being negotiated. Ultimately, on April 4, 2000, a settlement agreement was executed between the United States, Pueblo, and the Sandia Peak Tram Company. That agreement was conditioned on congressional ratification, but remains effective until November 15, 2002.

In November, 2000, the Court of Appeals of the District of Columbia Circuit dismissed the appeal for lack of jurisdiction because the District Court's action was not a final appealable decision. Upon dismissal, the Department of the Interior proceeded with its reconsideration of the 1988 Solicitor's opinion in accord with the 1998 Order of the District Court. On January 19, 2001, the Solicitor issued a new opinion that concluded that the 1859 survey of the Sandia Pueblo grant was erroneous and that a resurvey should be conducted. Implementation of the opinion would therefore remove the area from its National Forest status and convey it to the Pueblo. The Department stayed the resurvey, however, until after November 15, 2002, so that there would be time for Congress to legislate the settlement and make it permanent.

To state the obvious, this is a very complicated situation. The area that is the subject of the Pueblo's claim has been used by the Pueblo and its members for centuries and is of great significance to the Pueblo for traditional and cultural reasons. The Pueblo strongly desires that the wilderness character of the area continue to be preserved and its use by the Pueblo protected. Notwithstanding that interest and use, the Federal Government has administered the claim area as a unit of the National Forest system for most of the last century and over the years has issued patents for several hundred acres of land within the area to persons who had no notice of the Pueblo's claim. As a result, there are now several subdivisions within the external boundaries of the area, and although the Pueblo's lawsuit specifically disclaimed any title or interest in privately-owned lands, the residents of the subdivisions have concerns that the claim and its associated litigation have resulted in hardships by clouding titles to land. Finally, as a unit of the National forest system, the areas has

great significance to the public and in particular, the people in the State of New Mexico, including the residents of the Counties of Bernalillo and Sandoval and the City of Albuquerque, who use the claim area for recreational and other purposes and who desire that the public use and natural character of the area be preserved.

Because of the complexity of the situation, including the significant and overlapping interests just mentioned, Congress has not yet acted in this matter. In particular, concerns about the settlement were expressed by parties who did not participate in the final stages of the negotiations. I have worked with those parties to address their concerns while still trying to maintain the benefits secured by the parties in the Settlement Agreement. I believe the legislation that I have introduced today is a fair compromise. It provides the Pueblo specific rights and interests in the area that help to resolve its claim with finality but also, as noted earlier, maintains full public ownership and access to the National Forest system lands. In that sense, using the term "Trust" in the title recognizes those specific interests but does not confer the same status that exists when the Secretary of the Interior accepts title to land in trust on behalf of an Indian tribe.

Most importantly, the bill I am introducing today relies on a settlement as the basis for resolving this claim. Although other approaches have been circulated, this bill is the only one with the potential to secure a consensus of the interested parties. Not only is a negotiated settlement the appropriate manner by which to resolve the Pueblo's claim, it also allows for a solution that fits the unique circumstances of this situation. To my knowledge, Sandia Pueblo's claim is the only Indian land claim that exists where the tribe may effectively recover ownership of federal land without an Act of Congress. Nonetheless, the parties have negotiated a creative arrangement to address the Pueblo's interest, protect private property, and still maintain public ownership of the land. That is to be commended and I am proud to introduce this legislation to preserve the substance of that arrangement.

the Medal of Honor; to the Committee on Veterans' Affairs.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Living American Hero Appreciation Act. This legislation honors those Americans that have exhibited the highest levels of courage. It ensures that the recipients of the Medal of Honor receive the recognition and support that they earned through their acts of bravery. As the war on terrorism progresses, I believe that it is important that we remember those that have already fought for our Nation, and placed themselves in peril in order to defend our freedom.

As the senior Senator from Arkansas, I'm very proud that my State has produced over 20 Medal of Honor recipients. Three of these courageous individuals still live in Arkansas. Clarence Craft of Fayetteville and Nathan Gordon of Morrilton received their medals as a result of heroism in World War II. Nick Bacon of Little Rock was cited for his courage in Vietnam. Nick has continued his service to our Nation as the Director of the Arkansas Department of Veterans Affairs.

This legislation will ensure that our Nation's Medal of Honor recipients receive the recognition that they've earned. It will raise their special pension to \$1,000 a month. More significantly, though, it will ensure that recipients receive pension payment for the period between the act of heroism for which the individual was given the medal, and the actual issuance of the medal. These courageous individuals should not be penalized for administrative delays in issuing the decoration. Finally, this bill includes increased criminal penalties for the unauthorized purchase, possession of a Medal of Honor, and for false impersonation of a Medal of Honor recipient.

I want to thank Congressman CURT WELDON for his hard work in getting this bill passed by the House of Representatives. It is my privilege to introduce the Senate version of this bill, and I look forward to working with my colleagues for its swift passage.

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. 2025

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 "Living American Hero Appreciation Act".

SEC. 2. INCREASE IN RATE OF SPECIAL PENSION FOR MEDAL OF HONOR RECIPIENTS AND RETROACTIVITY OF PAYMENTS TO DATE OF ACTION.

(a) INCREASE IN SPECIAL PENSION.—Section 1562(a) of title 38, United States Code, is amended by striking "a special pension at the rate of" and all that follows through the period at the end and inserting "a special pension, beginning as of the first day of the first month that begins after the date of the act for which that person was awarded the Medal of Honor. The special pension shall be

at the rate of \$1000, as increased from time to time under section 5312(a) of this title."

(b) COST OF LIVING ADJUSTMENT.—Section 5312(a) of such title is amended by inserting after "children," the following: "the rate of special pension paid under section 1562 of this title,".

(c) LUMP SUM PAYMENT FOR EXISTING MEDAL OF HONOR RECIPIENTS.—The Secretary of Veterans Affairs shall, within 60 days after the date of the enactment of this Act, make a lump sum payment to each person who is, immediately before the date of the enactment of this Act, in receipt of the pension payable under section 1562 of title 38, United States Code (as amended by subsection (a)). Such payment shall be in the amount equal to the total amount of special pension that the person would have received had the person received special pension during the period beginning as of the first day of the first month that began after the date of the act for which that person was awarded the Medal of Honor and ending with the last day of the month preceding the month that such person's special pension in fact commenced. For each month of such period, the amount of special pension shall be determined using the rate of special pension that was in effect for that month.

SEC. 3. CRIMINAL PENALTY FOR UNAUTHORIZED PURCHASE OR POSSESSION OF MEDAL OF HONOR OR FOR FALSE PERSONATION AS A RECIPIENT OF MEDAL OF HONOR.

(a) UNAUTHORIZED PURCHASE OR POSSESSION.—Section 704 of title 18, United States Code, is amended—

(1) in subsection (a) by striking "IN GENERAL.—Whoever" and inserting "IN GENERAL.—Except as provided in subsection (b), whoever"; and

(2) by amending subsection (b) to read as follows:

"(b) MEDAL OF HONOR.—

"(1) IN GENERAL.—Whoever knowingly wears, possesses, manufactures, purchases, or sells a Medal of Honor, or the ribbon, button, or rosette of a Medal of Honor, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITIONS.—As used in this subsection:

"(A) The term 'Medal of Honor' means—

"(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14;

"(ii) a duplicate medal of honor issued under section 3754, 6256, or 8753 of title 10 or under section 504 of title 14; or

"(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8751 of title 10 or under section 501 of title 14.

"(B) The term 'sells' includes trades, barter, or exchanges for anything of value."

(b) FALSE PERSONATION.—(1) Chapter 43 of such title is amended by adding at the end the following new section:

"§ 918. Medal of honor recipient

"(a) Whoever falsely or fraudulently holds himself out as having been, or represents or pretends himself to have been, awarded a medal of honor shall be fined under this title or imprisoned not more than one year, or both.

"(b) As used in this section, the term 'medal of honor' means a medal awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"918. Medal of honor recipient."

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS—MARCH 18, 2002

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

S. 2025. A bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse of fraud relating to

By Mr. LUGAR:

S. 2036. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, I rise today to introduce the Nunn-Lugar/CTR Expansion Act. My bill would authorize the Secretary of Defense to use up to \$50 million of unobligated Nunn-Lugar/Cooperative Threat Reduction funds for non-proliferation projects and emergencies outside the states of the former Soviet Union.

In 1991, I introduced the Nunn-Lugar/Cooperative Threat Reduction legislation with former Senator Sam Nunn of Georgia. The program was designed to assist the states of the former Soviet Union in dismantling weapons of mass destruction and establishing verifiable safeguards against the proliferation of those weapons. For more than 20 years the Cooperative Threat Reduction Program has been our country's principal response to the proliferation threat that resulted from the disintegration of the custodial system guarding the Soviet nuclear, chemical, and biological legacy.

The Nunn-Lugar program has destroyed a vast array of former Soviet weaponry, including 443 ballistic missiles, 427 ballistic missile launchers, 92 bombers, 483 long-range nuclear air-launched cruise missiles, 368 submarine ballistic missile launchers, 286 submarine launched ballistic missiles, 21 strategic missile submarines, 194 nuclear test tunnels, and 5,809 nuclear warheads that were mounted on strategic systems aimed at us. All this has been accomplished at a cost of less than one-third of 1 percent of the Department of Defense's annual budget. In addition, Nunn-Lugar facilitated the removal of all nuclear weapons from Ukraine, Kazakhstan, and Belarus.

Nunn-Lugar also has launched aggressive efforts to safeguard and eliminate the former Soviet chemical and biological weapons arsenals. The Nunn-Lugar Program has been used to upgrade the security surrounding these dangerous substances and to provide civilian employment to tens of thousands of Russian weapons scientists. We are now beginning efforts to construct facilities that will destroy the Russian arsenal of chemical warheads.

The continuing experience of Nunn-Lugar has created a tremendous non-proliferation asset for the United States. We have an impressive cadre of talented scientists, technicians, negotiators, and managers working for the Defense Department and for associated defense contractors. These individuals understand how to implement non-proliferation programs and how to respond to proliferation emergencies. The bill I am introducing today would permit and facilitate the use of Nunn-Lugar expertise and resources when non-proliferation threats around the world are identified.

The Nunn-Lugar/CTR Expansion Act would be a vital component of our national security strategy in the wake of the September 11 attacks. The problem we face today is not just terrorism. It is the nexus between terrorists and weapons of mass destruction. There is little doubt that Osama bin Laden and al-Qaeda would have used weapons of mass destruction if they had possessed them. It is equally clear that they have made an effort to obtain them.

The al-Qaeda terrorist attacks on the United States were planned to kill thousands of people indiscriminately. The goal was massive destruction of institutions, wealth, national morale, and innocent people. We can safely assume that those objectives have not changed. As horrible as the tragedy of September 11th was, the death, destruction, and disruption to American society was minimal compared to what could have been inflicted by a weapon of mass destruction.

Victory in this war must be defined not only in terms of finding and killing Osama bin Laden or destroying terrorist cells in this or that country. We must also undertake the ambitious goal of comprehensively preventing the proliferation of weapons of mass destruction.

Let me propose a fairly simple and clear definition of victory. Imagine two lists. The first list is of those nation-states that house terrorist cells, voluntarily or involuntarily. Those states can be highlighted on a map illustrating who and where they are. Our stated goal will be to shrink that list nation by nation. Through intelligence sharing, termination of illicit financial channels, support of local police work, diplomacy, and public information, a coalition of nations led by the United States should seek to root out each cell in a comprehensive manner for years to come and maintain a public record of success that the world can observe and measure. If we are diligent and determined, we can terminate or cripple most of these cells.

But there should also be a second list. It would contain all of the states that possess materials, programs, or weapons of mass destruction. We should demand that each of these nation-states account for all of the materials, programs, and weapons in a manner that is internationally verifiable. We should demand that all such weapons and materials be made secure from theft or threat of proliferation, using the funds of that country and supplemented by international funds if required. We should work with each nation to formulate programs of continuing accountability and destruction.

Victory, then, can be succinctly stated: we must keep the world's most dangerous technologies out of the hands of the world's most dangerous people. This requires diligent work that shrinks both lists. Both lists should be clear and finite. The war against terrorism will not be over until all nations on the lists have complied with these standards.

Despite the tremendous progress realized by the Nunn-Lugar program in the former Soviet Union, the United States continues to lack even minimal international confidence about many foreign weapons programs. In most cases, there is little or no information regarding the number of weapons or amounts of materials a country may have produced, the storage procedures they employ to safeguard their weapons, or plans regarding further production or destruction programs. We must pay much more attention to making certain that all weapons and materials of mass destruction are identified, continuously guarded, and systematically destroyed.

As the United States and our allies have sought to address the threats posed by terrorism and weapons of mass destruction in the aftermath of September 11, we have come to the realization that, in many cases, we lack the appropriate tools to address these threats. Traditional avenues of approach such as arms control treaties and various multilateral sanction regimes have met with some success, but there is still much work to do. In some cases, it is unlikely that the existing multilateral frameworks and non-proliferation tools retain much utility. In fact, several nations have announced their intention to continue to flout international norms such as the Non-Proliferation Treaty.

Beyond Russia and other states of the former Soviet Union, Nunn-Lugar-style cooperative threat reduction programs aimed at weapons dismantlement and counter-proliferation do not exist. The ability to apply the Nunn-Lugar model to states outside the former Soviet Union would provide the United States with another tool to confront the threats associated with weapons of mass destruction.

The precise replication of the Nunn-Lugar program will not be possible everywhere. Clearly, many states will continue to avoid accountability for programs related to weapons of mass destruction. When nations resist such accountability, other options must be explored. When governments continue to contribute to the WMD threat facing the United States, we must be prepared to apply diplomatic and economic power, as well as military force.

Yet we should not assume that we cannot forge cooperative non-proliferation programs with some critical nations. The experience of the Nunn-Lugar program in Russia has demonstrated that the threat of weapons of mass destruction can lead to extraordinary outcomes based on mutual interest. No one would have predicted in the 1980s that American contractors and DOD officials would be on the ground in Russia destroying thousands of strategic systems. If we are to protect ourselves during this incredibly dangerous period, we must create new non-proliferation partners and aggressively pursue any non-proliferation opportunities that appear. The Nunn-

Lugar/CTR Expansion Act would be a first step down that road. Ultimately, a satisfactory level of accountability, transparency, and safety must be established in every nation with a WMD program.

My legislation is designed to empower the Administration to respond to both emergency proliferation risks and less-urgent cooperative opportunities to further non-proliferation goals. When the Defense Department identifies a non-proliferation opportunity that is not time sensitive, when the near-term threat of diversion or theft is low, it should consult with Congress. In such a scenario my bill would require the Secretary of Defense to notify the appropriate congressional entities of his intent to utilize unobligated Nunn-Lugar funds and to describe the legal and diplomatic framework for the application of non-proliferation assistance. Congress would have time to review the proposal and consult with the Department of Defense. This process would closely parallel the existing notification and obligation procedures that are in place for Nunn-Lugar activities in the former Soviet Union.

However, proliferation threats sometimes require an instantaneous response. If the Secretary of Defense determines that we must move more quickly than traditional consultation procedures allow, my legislation provides the Pentagon with the authority to launch emergency operations. We must not allow a proliferation or WMD threat to "go critical" because we lacked the foresight to empower DOD to respond. In the former Soviet Union the value of being able to respond to proliferation emergencies has been clearly demonstrated. Under Nunn-Lugar the United States has undertaken time-sensitive missions like Project Sapphire in Kazakhstan and Operation Auburn Endeavor in Georgia that have kept highly vulnerable weapons and materials of mass destruction from being proliferated.

This type of scenario does not mean Congress will abandon its oversight responsibilities; the Secretary of Defense will be required to report to the appropriate congressional entities within 72 hours of launching of a mission describing the emergency and the conditions under which the assistance was provided. The review process permits Congress to investigate the incident and decide if the authority needs to be restricted or amended.

In consulting with the administration on this legislation, we explored how to create the flexibility necessary to respond to WMD threats while protecting congressional prerogatives and maintaining the necessary checks and balances. Accordingly, I have included several conditions beyond the strenuous reporting requirements.

First, my bill permits the Secretary of Defense to provide equipment, goods, and services but does not include authority to provide cash directly to the project or activity. This preserves one

of the basic tenets of the program: Nunn-Lugar is not foreign aid. In fact, more than 80 percent of Nunn-Lugar funds have been awarded to American firms to carry out dismantlement and non-proliferation assistance programs in the former Soviet Union.

The bill also requires the Secretary of Defense to avoid singling out any particular existing Nunn-Lugar project as an exclusive or predominate source of funds for emergency projects outside the former Soviet Union. In other words, it is my intent that the Pentagon utilize resources from a number of different Nunn-Lugar projects so as to reduce any impact on the original, on-going Nunn-Lugar program in the former Soviet Union. The Secretary also is required to the maximum extent practicable, to replace any program funds taken on emergency operations in the next annual budget submission or supplemental appropriations request.

Lastly, if the Pentagon employs the emergency authority to carry out non-proliferation or dismantlement activities in two consecutive years in the same country, the Secretary of Defense must submit another report to Congress. This report would analyze whether a new Nunn-Lugar-style program should be established with the country in question. If the Pentagon has successfully carried out cooperative threat reduction activities 2 years in a row with a country, we should explore how to expand this cooperation. We should also recognize that where sustained cooperation has been developed it is likely to be more efficient to provide assistance through an established Nunn-Lugar-style program.

The Nunn-Lugar/CTR Expansion Act can make valuable contributions to the implementation of the war on terrorism and our non-proliferation policy. It is not a silver bullet, and it cannot be used in every circumstance, but it is our best option in carrying out cooperative non-proliferation activities outside the former Soviet Union.

There are always risks when expanding a successful venture into new areas, but we must give the Administration every opportunity to interdict and neutralize the proliferation of weapons of mass destruction. This new venture, like its predecessor, will take time to organize and to establish operating procedures. But I am hopeful that a decade from now, we will look back on this effort and rejoice in our persistent and successful efforts to provide great security for our country and the world at critical moments of decision.

I ask my colleagues to join with me in passing this important legislation.

By Mr. DURBIN (for himself, Mr. DEWINE and Mr. FEINGOLD):

S. 2027. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Madam President, today I have introduced a new bill

along with Senator MIKE DEWINE, a Republican from Ohio, and Senator RUSS FEINGOLD, a Democrat from Wisconsin, which intends to address the U.S. response to the scourge of conflict diamonds.

In war-torn areas in Africa, rebels and human rights abusers, with the complicity of some governments, have exploited the diamond trade, particularly alluvial diamond fields, to fund their guerrilla wars, to murder, rape, and mutilate innocent civilians, and kidnap children to be part of their guerrilla forces.

Since November, the press has reported a connection between al-Qaida operatives and conflict diamonds. Those connections were noted in advance of the September 11 attack. It stands to reason that when we have a terrorist organization and a country such as the United States in concert with its allies trying to trace the financial transactions that fund this terrorism, the terrorists will look for some other coin of the realm, some other way to fund their operations. Conflict diamonds turned out to be one of the most easy, portable, and least detected way to do it.

It is quite clear that Hezbollah, another terrorist organization in the Middle East, has had a long history of dealing in conflict diamonds.

While the conflict diamond trade comprises anywhere from an estimated 3 to 15 percent of the legitimate diamond trade, it threatens to damage an entire industry worldwide, an industry that is important to the economies of many countries and critical to a number of developing countries in Africa.

How does it work?

The terrorists go into the diamond fields where the natives of West Africa are trying to find these alluvial diamonds in the streams and the mud as they used to pan for gold in California and Alaska. They terrorize the local natives. They line them up in a row and walk through and hack off their feet and their hands until the natives and the miners in the circumstance are absolutely terrified. They threaten them with mutilation, with rape, and torture, destroying their villages and their lives. They literally become slaves to these terrorists, who then grab the diamonds and sell them into the terrorist networks.

Governments, the international diamond industry, and nongovernmental religious organizations have worked hard to address this complicated issue. They have set an impressive example of public and private cooperation. For the last 18 months, many countries involved in the Kimberly Process have been working to design a new regimen to govern the trade in rough diamonds. About 70 percent, by some estimates, of all the diamonds that are mined and found in the world are sold in the United States. The United States needs to show a leadership role in dealing with conflict diamonds so the terrorists know it is not going to be easy. We

are going to make it more difficult. We are going to try to establish controls so we know if diamonds were brought into the trade by illegal or legal means.

Last year, I introduced a bill called the Clean Diamonds Act, S. 1084, along with Senators DEWINE and FEINGOLD, to reflect the consensus that had developed between the religious and human rights communities and the diamond industry on the U.S. response to this issue. Senator JUDD GREGG, who had introduced his own amendments and legislation dealing with this issue in the past, joined in cosponsoring our bill, as did a bipartisan group of 11 additional Senators.

In the House of Representatives, Congressmen TONY HALL and FRANK WOLF have been leaders on this issue. They introduced several bills to address it. They worked with the Ways and Means Committee and the administration to pass the bill last November, H.R. 2722, the Clean Diamonds Trade Act, which, while a step forward, I am afraid, did not do enough to meet the original intent of our congressional effort. I had hoped Senator DEWINE, Senator FEINGOLD, and I might be able to work out an agreement with the administration to make some changes to strengthen the House-passed bill, but unfortunately that has not happened.

In the meantime, the international effort is continuing. Talks that we hope will one day lead to a final session of the Kimberly Process are underway today, tomorrow, and Wednesday in Ottawa. I am concerned key issues remain unresolved or have been addressed in ways that could undermine the whole initiative, leading to the failure to produce an effective Kimberly agreement.

Specifically, the negotiators need to address the issues of independent monitoring, the collection of reliable statistics, and the need for a coordinating body to implement the agreed-upon system of controls on rough diamond exports. In addition, the U.S. General Accounting Office, in its February 13 testimony entitled "Significant Challenges Remain in Deterring Trade in Conflict Diamonds," outlined other potential witnesses in transparency, accountability, and risk assessment, particularly relating to controls from the mine to export.

We have decided we need to introduce a new, stronger Senate version of the Clean Diamonds Trade Act to move this issue forward and to address developments such as the revelations about terrorist exploitation of diamonds and the potential weaknesses in the international agreement.

Think about these diamonds moving across the world. You can put a fortune in your hand, put it into your pocket, and walk through any metal detector undetected. You can carry them on an airplane around the world, use them as people would use gold ingots or checking accounts. They are fungible wherever you go.

Our bill includes a broad definition of conflict diamonds, so it covers the conflicts in the Democratic Republic of the Congo, not simply areas that have been singled out by the United Nations Security Council resolutions. Our definition also covers the terrorists named by President George Bush in his Executive Order 13224.

The House bill does not give the authority to the President that he has already under the International Emergency Economic Powers Act and has already in fact exercised to implement existing U.N. Security Council resolutions, nor does the House bill require the President to do anything to respond to this problem.

Our bill requires the President to prohibit the importation of rough diamonds from countries not taking effective measures to stop the trade in conflict diamonds if that prohibition is in the foreign policy interest of the United States.

It is clear to me those responsible for the conflict diamond trade will stop at nothing in their efforts to circumvent the international efforts being negotiated. To transform a rough diamond into a polished diamond for purposes of import classification, all someone needs to do is make one cut. That distinction in the House-passed bill is a terrible loophole. The importation of polished diamonds or jewelry containing diamonds is a potentially huge loophole as well through which conflict diamonds could have been imported into the United States. The House-passed bill did not protect against that loophole.

The House bill also does not require but only permits the President to prohibit the importation of specific shipments of polished diamonds or jewelry containing diamonds into our country, if he has credible evidence they were produced from conflict diamonds. Our bill requires it.

Our bill also permits the President to prohibit the importation of polished diamonds and jewelry containing diamonds from countries that do not take effective measures to stop the trade in conflict diamonds.

With these two provisions, we hope to send a strong message that the United States will close the polished diamond and diamond jewelry loopholes so that American consumers can have confidence that the diamond they buy for an engagement, an anniversary, or another milestone in their lives is from a legitimate and responsible source.

Finally, our bill eliminates the safe harbor provision contained in the House bill which would allow circumvention of the Kimberly Process before an agreement were even finalized. While these negotiations are proceeding and while we are trying to secure the cooperation of all parties concerned, this is not the time to undercut it.

The world was shocked and horrified by the murder, mutilation, and terror

imposed on the people of Sierra Leone by rebels funded with conflict diamonds. The moral outcry by religious and human rights groups galvanized governments and the diamond industry to address the problem. Now is the time to close the deal and to secure an effective agreement, not an exercise in public relations. Now is also the time to have strong U.S. legislation to say to the world the United States will do as much as it can to stop this scourge.

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

S. 2027

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 "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels, state actors, and terrorists to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights advocates, the diamond trade as represented by the World Diamond Council, and the United States Government recently began working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Angola and Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely for a period of 12 months the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Angola and Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. In order to put an end to the emergency situation in international relations, to maintain international peace and security, and to protect its essential security interests, and pursuant to its obligations under the United Nations Charter, the United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the “Kimberley Process”, toward devising a solution to this problem. As the consumer of a majority of the world’s supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Articles XX and XXI of the General Agreement on Tariffs and Trade 1994 allow members of the World Trade Organization to take measures to deal with situations such as that presented by the current trade in conflict diamonds without violating their World Trade Organization obligations.

(8) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(9) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CONFLICT DIAMONDS.**—The term “conflict diamonds” means—

(A) rough diamonds the importation of which is prohibited by United Nations Security Council Resolutions because that trade is fueling conflict;

(B) in the case of rough diamonds not covered by subparagraph (A), rough diamonds used by any armed movement or an ally of an armed movement to finance or sustain operations to carry out systematic human rights abuses or attacks against unarmed civilians; or

(C) diamonds that evidence shows fund the al-Qaeda international terrorist network and related groups designated under Executive Order No. 13224 of September 23, 2001 (66 Federal Register 49079).

(2) **DIAMONDS.**—The term “diamonds” means diamonds classifiable under subheading 7102.31.00 or subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(3) **POLISHED DIAMONDS.**—The term “polished diamonds” means diamonds classifiable under subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(4) **ROUGH DIAMONDS.**—The term “rough diamonds” means diamonds that are unworked, or simply sawn, cleaved, or bruted, classifiable under subheading 7102.31.00 of the Harmonized Tariff Schedule of the United States.

(5) **UNITED STATES.**—The term “United States”, when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. MEASURES TO PREVENT IMPORTS OF CONFLICT DIAMONDS.

(a) **AUTHORITY OF THE PRESIDENT.**—Notwithstanding any other provision of law, the President shall prohibit, in whole or in part, the importation into the United States of rough diamonds, and may prohibit the importation into the United States of polished diamonds and jewelry containing diamonds, from any country that does not take effective measures to stop trade in conflict dia-

monds as long as the prohibition is consistent with the foreign policy interests of the United States, including the international obligations of the United States, or is pursuant to United Nations Security Council Resolutions on conflict diamonds.

(b) **EFFECTIVE MEASURES.**—For purposes of this Act, effective measures are measures that—

(1) meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds;

(2) meet the requirements of an international arrangement on conflict diamonds, including the recommendations of the Kimberley Process, as long as the measures also meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds; or

(3) contain the following elements, or their functional equivalent, if such elements are sufficient to meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds:

(A) With respect to exports from countries where rough diamonds are extracted, secure packaging, accompanied by officially validated documentation certifying the country of origin, total carat weight, and value.

(B) With respect to exports from countries where rough diamonds are extracted, a system of verifiable controls on rough diamonds from mine to export.

(C) With respect to countries that reexport rough diamonds, a system of controls designed to ensure that no conflict diamonds have entered the legitimate trade in rough diamonds.

(D) Verifiable recordkeeping by all companies and individuals engaged in mining, import, and export of rough diamonds within the territory of the exporting country, subject to inspection and verification by authorized government authorities in accordance with national regulations.

(E) Government publication on a periodic basis of official rough diamond export and import statistics.

(F) Implementation of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to combat trade in conflict diamonds.

(G) Full cooperation with the United Nations or other official international bodies examining the trade in conflict diamonds, especially with respect to any inspection and monitoring of the trade in rough diamonds.

(c) **EXCLUSIONS.**—The provisions of this section do not apply to—

(1) rough diamonds imported by or on behalf of a person for personal use and accompanying a person upon entry into the United States; or

(2) rough diamonds previously exported from the United States and reimported by the same importer, without having been advanced in value or improved in condition by any process or other means while abroad, if the importer declares that the reimportation of the rough diamonds satisfies the requirements of this paragraph.

SEC. 5. PROHIBITION OF POLISHED DIAMONDS AND JEWELRY.

The President shall prohibit specific entries into the customs territory of the United States of polished diamonds and jewelry containing diamonds if the President has credible evidence that such polished diamonds and jewelry were produced with conflict diamonds.

SEC. 6. ENFORCEMENT.

(a) **IN GENERAL.**—Diamonds and jewelry containing diamonds imported into the United States in violation of any prohibition imposed under section 4 or 5 are subject to the seizure and forfeiture laws, and all criminal and civil laws of the United States shall

apply, to the same extent as any other violation of the customs and navigation laws of the United States.

(b) **PROCEEDS FROM FINES AND FORFEITED GOODS.**—Notwithstanding any other provision of law, the proceeds derived from fines imposed for violations of section 4(a), and from the seizure and forfeiture of goods imported in violation of section 4(a), shall, in addition to amounts otherwise available for such purposes, be available only for—

(1) the Leahy War Victims Fund administered by the United States Agency for International Development or any successor program to assist victims of foreign wars; and

(2) grants under section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a).

SEC. 7. REPORTS.

(a) **ANNUAL REPORTS.**—Not later than one year after the effective date of this Act, and every 12 months thereafter, the President shall transmit to Congress a report—

(1) describing actions taken by countries that have exported diamonds to the United States during the preceding 12-month period to implement effective measures to stop trade in conflict diamonds;

(2) describing any new technologies since the date of enactment of this Act for marking diamonds or determining the origin of rough diamonds;

(3) identifying those countries that have exported diamonds to the United States during the preceding 12-month period and are not implementing effective measures to stop trade in conflict diamonds and whose failure to do so has significantly increased the likelihood that conflict diamonds are being imported into the United States;

(4) describing appropriate actions, which may include actions under sections 4 and 5, that may be taken by the United States, or actions that may be taken or are being taken by each country identified under paragraph (3), to ensure that conflict diamonds are not being imported into the United States from such country; and

(5) identifying any additional countries involved in conflicts linked to rough diamonds that are not the subject of United Nations Security Council Resolutions on conflict diamonds.

(b) **SEMIANNUAL REPORTS.**—For each country identified in subsection (a)(3), the President shall, every 6 months after the initial report in which the country was identified, transmit to Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that conflict diamonds are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country implements effective measures.

SEC. 8. GAO REPORT.

Not later than 3 years after the effective date of this Act, the Comptroller General of the United States shall transmit a report to Congress on the effectiveness of the provisions of this Act in preventing the importation of conflict diamonds under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 9. SENSE OF CONGRESS.

(a) **INTERNATIONAL ARRANGEMENT.**—It is the sense of Congress that the President should take the necessary steps to negotiate an international arrangement, working in concert with the Kimberley Process referred to in section 2(6), to eliminate the trade in conflict diamonds. Such an international arrangement should create an effective global system of controls covering countries that export and import rough diamonds, should

contain the elements described in section 4(b)(3), and should address independent monitoring, the collection of reliable statistics on the diamond trade, and the need for a coordinating body or secretariat to implement the arrangement.

(b) **ADDITIONAL SECURITY COUNCIL RESOLUTIONS.**—It is the sense of Congress that the President should take the necessary steps to seek United Nations Security Council Resolutions with respect to trade in diamonds from additional countries identified under section 7(a)(5).

(c) **TRADE IN LEGITIMATE DIAMONDS.**—It is the sense of Congress that the provisions of this Act should not impede the trade in legitimate diamonds with countries which are working constructively to eliminate trade in conflict diamonds, including through the negotiation of an effective international arrangement to eliminate trade in conflict diamonds.

(d) **IMPLEMENTATION OF EFFECTIVE MEASURES.**—It is the sense of Congress that companies involved in diamond extraction and trade should make financial contributions to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the President \$5,000,000 for each of the fiscal years 2002 and 2003 to provide assistance to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act.

Mr. DEWINE. Mr. President, today I wish to talk about legislation that Senator DURBIN, Senator FEINGOLD, and I introduce today to address the continued profitable sale of what we refer to as conflict diamonds. We have been working together on this matter for some time, along with our colleagues in the House of Representatives, Congressman TONY HALL from my home State of Ohio and Congressman FRANK WOLF of Virginia.

We have been working to help those in Africa who are suffering at the hands of this illicit diamond trade. Last spring, we introduced a similar bill to put pressure on the international community to implement a global agreement to stem the conflict diamond trade.

While the House passed a weaker version of that bill last November, my Senate colleagues and I have been working with the administration to pass a stronger, more meaningful bill. Unfortunately, these negotiations thus far have not been successful. That is why we join together today in the introduction of a new and even stronger measure: legislation that reflects both trade and humanitarian concerns.

The introduction now is particularly significant, as the international community begins the final session of the Kimberly Process today in Ottawa.

During these negotiations, it is critical that the United States send a strong message to the international community, a message that says we

are committed to these efforts and are fighting for a strong, effective Kimberly agreement.

Mr. President, I believe the United States must take this leadership role so we can get ultimately the strongest possible agreement. That is the message I believe our bill sends today. I will spend a few minutes talking about why this bill is so important and why it is vital we get a strong measure passed and eventually signed into law.

The diamond trade is one of the world's most lucrative industries. With its extreme profitability, it is not surprising a black market trade has emerged alongside the legitimate industry. The sale of illicit diamonds has yielded disturbing reports in the media linking even Osama bin Laden to this trade. On February 22, 2001, the U.S. District Court trial, *United States v. Osama bin Laden*, attests to this.

Additionally, there is an established link between Sierra Leone's diamond trade and well-known Lebanese terrorists.

It is also not surprising that diamond trading has become an attractive and sustainable income source for violent rebel groups around the world, particularly in Africa. The information I am talking about today in regard to terrorists has been reported in the public news media. Currently in Africa, where the majority of the world's diamonds are found, there is ongoing strife and struggle resulting from the fight for control of the precious gems. While violence has erupted in several countries, including Sierra Leone, Angola, the Congo, and Liberia, Sierra Leone in particular has one of the worst records of violence.

In that nation, rebel groups, most notably the Revolutionary United Front, the RUF, have seized control of many of that country's diamond fields. Once in control of a diamond field, the rebels confiscate the diamonds. Then they launder them on to the legitimate market through other nearby nations, such as Liberia, and ultimately finance their terrorist regimes and their continued efforts to overthrow the government.

Over the past decade, the rebels reaped the benefits of at least \$10 billion in smuggled diamonds, and the fact is it could be a lot more than that. Since the start of the rebel quest for control of Sierra Leone's diamond supply, the children of this small nation have borne the brunt of the insurgency. For over 8 years, the RUF has conscripted children, often as young as 7 or 8 years old. These soldiers and their makeshift army have ripped an estimated 12,000 children from their families. After the RUF invaded the capital of Freetown in January 1999, at least 3,000 children were reported missing.

As a result of deliberate and systematic brutalization, children soldiers have become some of the most vicious and effective fighters within the rebel factions. The rebel army, child soldiers included, has terrorized Sierra Leone's

population, killing, abducting, raping, and hacking off the limbs of victims with machetes. This chopping off of limbs is the RUF's trademark strategy.

I believe we can do something about this. We can, in fact, make a difference. We have the power to help put an end to the indiscriminate suffering and violence in Sierra Leone and elsewhere in Africa. As the world's biggest diamond customer, purchasing the majority of the world's diamonds, the United States has tremendous clout. With that clout, we have the power to remove the lucrative financial incentives that drive the rebel groups to trade in diamonds in the first place.

Simply put, if there is no market for their diamonds, there is little reason for the rebels to engage in their brutal campaigns to secure and then protect their diamonds. That is why our legislation is aimed at removing the rebels' market incentive. We need to work together with the international community to facilitate the implementation of a system of controls on the export and import of diamonds so that buyers can be certain their purchases are not fueling the rebel campaign.

Specifically, our new bill attempts to move this issue forward and to strengthen U.S. policy. For example, our bill would require the President to prohibit the importation of rough diamonds from countries not taking effective measures to stop the trade in conflict diamonds.

It also addresses potential loopholes associated with polished diamonds and diamond jewelry and includes a broader definition of conflict diamonds so that it includes conflicts in the Democratic Republic of the Congo and other areas as well.

These are a few of the important provisions that were omitted in the House version, provisions that are essential in this legislation to make the difference we want to make. I urge my colleagues in the Senate to support this new bill and send an important message to the international community. As I see it, we do have an obligation, I think a moral obligation, to help eliminate the financial incentives for the illicit traders. We owe it to those who unwittingly buy these conflict diamonds but, more importantly, we owe it to the children who have suffered far too long.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3031. Mr. ROCKEFELLER (for himself, Mr. DURBIN, Mr. BAYH, Mr. KENNEDY, Mrs. CLINTON, Mr. HARKIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. CORZINE, Mr. SCHUMER, Mrs. CARNAHAN, Mr. TORRICELLI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Mr. WELLSTONE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3032. Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. TORRICELLI, Mr. WELLSTONE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3031. Mr. ROCKEFELLER (for himself, Mr. DURBIN, Mr. BAYH, Mr. KENNEDY, Mrs. CLINTON, Mr. HARKIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. CORZINE, Mr. SCHUMER, Mrs. CARNAHAN, Mr. TORRICELLI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Mr. WELLSTONE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION — MISCELLANEOUS

SEC. 01. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2002, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2003, before the application of this section.

(c) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this section.

(d) GENERAL 1.50 PERCENTAGE POINTS INCREASE THROUGH FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsections (g) and (h), for each State for the second, third, and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal years 2003 and 2004, the FMAP (taking into account the application of subsections (a), (b), and (c)) shall be increased by 1.50 percentage points.

(e) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES THROUGH FISCAL YEAR 2004.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to sub-

sections (g) and (h), the FMAP for a high unemployment State for the second, third, and fourth calendar quarters of fiscal year 2002, or any calendar quarter of fiscal year 2003 or 2004, (and any subsequent such calendar quarters after the first such calendar quarter for which the State is a high unemployment State regardless of whether the State continues to be a high unemployment State for the subsequent such calendar quarters) shall be increased (after the application of subsections (a), (b), (c), and (d)) by 1.50 percentage points.

(2) HIGH UNEMPLOYMENT STATE.—

(A) IN GENERAL.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) AVERAGE WEIGHTED UNEMPLOYMENT RATE DEFINED.—For purposes of subparagraph (A), the "average weighted unemployment rate" for a period is—

(i) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period; divided by

(ii) the sum of the civilian labor force in each State and the District of Columbia for the period.

(f) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, with respect to the second, third, and fourth calendar quarters of fiscal year 2002, and each calendar quarter of fiscal years 2003 and 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 6 percentage points of such amounts.

(g) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396f-4); or

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(h) STATE ELIGIBILITY.—A State is eligible for an increase in its FMAP under subsection (d) or (e) or an increase in a cap amount under subsection (f) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(i) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SA 3032. Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. TORRICELLI, Mr. WELLSTONE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and

Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

DIVISION — MISCELLANEOUS

SEC. 01. DELAY IN MEDICAID UPL CHANGES FOR NON-STATE GOVERNMENT-OWNED OR OPERATED HOSPITALS.

(a) FINDINGS.—Congress finds that non-State government-owned or operated hospitals—

(1) provide access to a wide range of needed care not often otherwise available in underserved areas;

(2) deliver a significant proportion of uncompensated care; and

(3) are critically dependent on public financing sources, such as the medicaid program.

(b) MORATORIUM ON UPL CHANGES.—The Secretary of Health and Human Services may not implement any change in the upper limits on payment under title XIX of the Social Security Act for services of non-State government-owned or operated hospitals published after October 1, 2001, before the later of—

(1) September 30, 2002; or

(2) 3 months after the submission to Congress of the plan described in subsection (c).

(c) MITIGATION PLAN.—The Secretary of Health and Human Services shall submit to Congress a report that contains a plan for mitigating the loss of funding to non-State government-owned or operated hospitals as a result of any change in the upper limits on payment for such hospitals published after October 1, 2001. Such report shall also include such recommendations for legislative action as the Secretary deems appropriate.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, in consultation with the Democratic leader, pursuant to Public Law 68-541, as amended by Public Law 102-246, appoints Tom Luce, of Texas, as a member of the Library of Congress Trust Fund Board for a term of 5 years.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 728 and 729, en bloc; that the nominations be confirmed; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action; any statements appear at the appropriate place in the RECORD; and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Don Slazinik, of Illinois, to be United States Marshal for the Southern District of Illinois for the term of four years.

Kim Richard Widup, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR TUESDAY, MARCH 19, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, March 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2356, the Campaign Finance Reform Act; further, that the

Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. REID. As negotiations continue on campaign finance reform, we expect to resume consideration of the energy bill tomorrow. There are a number of important amendments on which we can work. The Feinstein amendment has been pending, and Senator KYL, I hope, will be ready to offer his amendment so we can finalize the debate on the alternative energy consideration in this bill. There are a lot of things to do tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:03 p.m., adjourned until Tuesday, March 19, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 2002:

THE JUDICIARY

RANDY CRANE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

DEPARTMENT OF JUSTICE

DON SLAZINK, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

KIM RICHARD WIDUP, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.