WASHINGTON, THURSDAY, SEPTEMBER 5, 2002

The House met at 10 a.m.

Mr. SCHAFFER led the Pledge of Allegiance.

The SPEAKER. Will the gentleman from Colorado (Mr. SCHAFFER) come forward and lead the House in the Pledge of Allegiance?

Mr. SCHAFFER 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.

Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to acknowledge and thank my constituent, Pastor Jeff Hudson of the Fredericktowne Baptist Church in Walkersville, Maryland, for offering today's opening prayer.

A graduate of the Washington Bible College and Capital Bible Seminary, Reverend Hudson is the senior pastor at Fredericktowne Baptist Church. He has served for more than 20 years. He and his wife Brenda have 2 teenage sons, Joshua and Nathan.

Pastor Hudson's invocation of God's presence in our lives continues an unbroken tradition of an Opening Prayer for the Congress. At age 81, and at a moment of deadlock during the Constitutional Convention, Benjamin Franklin said, "I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that a new Nation can rise without his aid? I therefore beg leave to move that henceforth, prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business."

Thanks to Mr. Franklin, Congress still does this.

Mr. BARTLETT of Maryland. Mr. Speaker, passed by this House, there happens to be a bill authored by our President, passed by this House, that languishes over on the other side of this building. I urge my colleagues and I urge all of those paying attention, as we come upon the September 11 anniversary where 3,000-plus lives were lost in our country, that we focus our energies and our resolve on protecting our homeland.

The President has a prescription to make America safe, and I urge the other Chamber to act upon that vision. We cannot do this alone. The House has tried. Fifty-five-plus bills remain stalled over on the desk of the majority leader of the United States Senate, and I ask and I implore someone who is listening to my voice to urge action, to urge debate, to urge passage of this vital legislation to protect this country and give the President the tools and the powers he needs.

The Speaker, pro tempore (Mr. RYAN of Wisconsin). The Chair reminds Members that they are not to urge action or characterize inaction by the other body.

Support the National Amber Alert Network Act

Mr. LAMPSON asked and was given permission to address the House for 1 minute.

Mr. LAMPSON. Mr. Speaker, in 1997 I established the Congressional Missing and Exploited Children's Caucus to provide a united and loud voice for missing children advocates within Congress. The gentleman from Florida (Mr. FOLEY) and 157 other Members work with me in this caucus today. While the caucus works to advance child safety legislation, we are also initiating
CONGRATULATIONS TO PRESIDENT BUSH
(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, I want to congratulate the President on his reaching out to Congress to seek our assent over any Iraq action. The President will also meet with Prime Minister Blair and communicate with the U.N. Our leadership in Congress were also briefed yesterday. We all know that Saddam is developing nuclear weapons. The President is reaching out to Putin of Russia, Jemin of China, and Chirac of France. He is doing the right thing.

There may be a vote here on the House floor in about 4 to 5 weeks on this action. Congress will be consulted and the President is building a consensus. We will debate the question, the simple question: Is inaction an option or not? Should we force weapons inspections as a means of building this international coalition to act against Iraq? Saddam has had 11 long years in which he has sidestepped and crawled on slowing us to inspect. Should there be a consensus first before we inspect?

Mr. Speaker, all of these questions are healthy in the debate here in Congress, and I congratulate the President in reaching out to the public and to Congress and to have this important debate.

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT
(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I have returned from Johannesburg, South Africa where I attended the World Summit on Sustainable Development. The summit produced some achievements such as the successful conclusion of the negotiations to improve water and sewer sanitation in the Third World. The U.S. delegation also successfully promoted public-private partnerships to solve some environmental problems. But when it came to climate change, it had no intercessions.

The Bush administration stands alone in refusing to deal with global warming. As a former executive, President Bush knows that no business plan will succeed without targets and timetables. Yet the President's negotiators succeeded in blocking targets and timetables to reduce the use of oil and gas and increase the use of renewable energy.

The goal of the summit was to implement a vision for a healthier and more sustainable future, but it fell short because the Bush administration has no vision beyond short-term gains for the oil and gas industry.

The U.S. risks falling behind our competitors who will develop innovative and profitable clean and efficient technologies. For the sake of our economy and our health, I urge the administration to abandon its ideological resistance to real action against climate change.

HEWLETT PACKARD'S GIVE THANKS AMERICA INITIATIVE
(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as we approach the first anniversary of one of the most tragic days in our Nation's history, our attention obviously goes to those who lost their lives and their loved ones, but we also have a renewed focus on the men and women in uniform, the first responders, policemen, firefighters, medical technicians, and also our men and women in uniform who are deployed overseas.

□ 1015

These people have dedicated their lives to protect our freedoms, and they put their safety on the line every day without any expectation of recognition.

To acknowledge the service of our public safety and military personnel, Hewlett-Packard created the “Give thanks for America” initiative, which allows families of military personnel and the general public to send video e-mail messages of appreciation to these heroes.

To date, tens of thousands of Americans have participated in this effort. Tomorrow at the Pentagon an interactive kiosk will be dedicated as a permanent exhibit, allowing service members, family members, and visitors the opportunity to join in showing their deep gratitude and faith to our military personnel.

I congratulate all those associated with this very important program for pursuing this.

EDUCATION
(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, most children in America are back in school this week, and parents in most areas have been provided more information about their schools and their child's academic performance than ever before.

Earlier this year, Education Secretary Rod Paige talked about the need for more education options. He said, “The new annual tests will provide parents with much more information about the quality of their children's schools, but if parents can't act on that information, they can't really hold their schools accountable, and the schools will not have a real incentive to improve.”

This week, the Committee on Ways and Means, in fact today, will pass the Back-to-School Tax Relief Act that gives parents options to act on the information about the quality of their child's school. The bill gives low-income parents an above-the-line tax deduction of up to $3,000 for almost any educational expense, including tutoring and tuition at private schools.

Parents deserve this freedom. They deserve the freedom to act in the best interests of their kids. As America's elementary and secondary students go back to school this month, I urge Congress to quickly pass the Back-to-School Tax Relief Act, H.R. 5193.

A TIME FOR EVERY PURPOSE
(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Good Book tells us that there is a time for every purpose under heaven. There is a time to weep and a time to mourn, and tomorrow I will join some 250 of my colleagues in this body as we travel to Federal Hall in New York City to do just that. We will gather at a place that Congress met and even adopted the Bill of Rights in the year 1789, and we will mourn with those who mourn, and we will weep with those who weep.

The last time I was in New York City, Mr. Speaker, was September 21. I stood in the ashes and on the periphery of the devastation at Ground Zero, and I expect tomorrow, as we all do, to be a deeply moving day emotionally.

But as we join to pray, let us ever remember that also we are told that there is a time for peace, but there is a time for war. As we pray for the bereaved, let us also pray for wisdom for...
our President and our leadership in this institution as we choose the times and the days ahead for war.

WE NEED A TAX POLICY WHICH WILL HELP THE ECONOMY RECOVER QUICKER

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, in my Seventh Congressional District of Michigan unemployment is going up. Some of the companies are closing. Several are moving to Mexico and other countries.

In the past, the United States has been so advanced in our productivity and our efficiency that we could put heavy taxes on business and industry, and we could impose restrictive regulations, and still be competitive in the world market. That is no longer true, Mr. Speaker. The international community is now vying for our markets, our ways of producing, trying to be more productive and take away our business.

That means that we have got to take another look at how we put our companies at a competitive disadvantage, the way we tax our business and industry more than what other countries are taxing theirs. We now have a situation where Democrats are suggesting that if we have any tax changes to have a faster economic recovery, they are going to use it politically, suggesting taxation to give benefits for just the rich. We need to look at the kind of taxes that will protect workers savings and are going to help this economy recover quicker.

AMERICA’S BANKRUPTCY LAWS NEED TO BE FIXED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, America’s bankruptcy laws need to be fixed. The system is broken, and we need to act. In fact, we have acted. The House of Representatives has passed an excellent bill to do the job. Unfortunately, the other body has injected one of the most controversial issues of our time, abortion, into this legislation. Now many of us simply can no longer vote for it.

The issue of abortion does not belong in this bill. Mr. Speaker, as it is written now, the bankruptcy bill singles out peaceful, nonviolent, pro-life protesters for unusually harsh punishment if they pray at protective or hand out leaflets in front of an abortion clinic. I ask my colleagues, why is it okay to have civil rights protests, why is it okay to have union protests, why is it okay to have animal rights protests or peace protests, and why is it not okay to protest in defense of unborn babies?

This Congress should stand for equal treatment under the law. We should not have one set of rules for liberals, another for conservatives; one set of rules for pro-choice people, another for pro-life people. It is not right, and that is why we want to see the bankruptcy bill fixed before we vote on it.

REGARDING THE JOINT MEETING OF CONGRESS IN NEW YORK CITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I look forward tomorrow to joining approximately 250 of my colleagues at the Joint Meeting of Congress in New York City, where we will honor the victims and celebrate the heroes of September 11, 2001.

We will be returning to the city which terrorists targeted for devastation almost 1 year ago, and yet the terrorists did not succeed in destroying this Nation or the American spirit. Instead, our Nation is strong, our people are its strength. The people of New York are the beacon to the strength of the American spirit. Tomorrow we will see firsthand that strength, and how New York City has survived in spite of the horrible tragedy of September 11.

Our message to those terrorists is that no one in this Nation will retreat, and we will not be intimidated. Terrorism against the United States, our freedom, and our people will never be tolerated.

Mr. Speaker, I would like to thank the people of New York for welcoming Congress to their city. May this visit symbolize not only the unity of Congress, but that of the entire country to rebuild our Nation and defend our freedom.

DAM SAFETY AND SECURITY ACT OF 2002

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the order of the House of Wednesday, September 4, 2002, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4727.

Mr. LAFOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4727, the Dam Safety and Security Act of 2002, introduced by the gentleman from Pennsylvania (Mr. SHUSTER), reauthorizes and updates the national dam safety program, which was originally passed as part of the Water Resources Development Act of 1996.

This program was created to improve public safety around dams by providing grants to State dam safety agencies to assist them in improving their regulatory programs, funding research to enhance technical expertise as dams are built and rehabilitated, establishing training programs for dam safety inspectors, and creating a national inventory of dams.

Since its passage in 1996, the program has worked to provide assistance grants, training, research, and expertise in each of the 46 States that has a dam safety program.

Dams serve a number of important functions in today’s society. They provide water for recreation, electricity, human and livestock consumption, crop irrigation, and flood control.

According to the Army Corps of Engineers, which maintains the national inventory, there are more than 80,000 dams in the United States. Of these, 10,000 have been classified as high risk, meaning that their failure poses a risk of either loss of life or severe loss of property.

While it is widely believed that the Federal Government owns most of America’s dams, the reality is far from that. In fact, the Federal Government owns just over 5 percent of the dams in the United States, with the vast majority, some 58 percent, being owned by private individuals.

This fact highlights the need for coordinated and adequately funded inspection programs at the State level. This bipartisan legislation will reauthorize this important public works safety program for an additional 4 years, require the creation of a strategic plan, give the Interagency Board greater flexibility to provide assistance to States, allow for the inclusion of State dam safety officials on the Interagency Board, increase the amount of money available for grants and research, and require that the Board consider safety when assessing the safety of dams.

Mr. Chairman, I support this very important piece of legislation. I want to commend the ranking member of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), for his diligence and willingness to continue to work with us in a bipartisan manner to produce good legislation, and also the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

I want to pay special note at this time and give thanks to the author of
the legislation, the gentleman from Pennsylvania (Mr. SHUSTER). Although a new Member of the House, the gentleman from Pennsylvania has already proven himself to be a leader in important issues of transportation and infrastructure, following in the important footsteps of his father, and this piece of legislation is a good example of that.

This is a good piece of legislation.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. SHUSTER), and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Chairman, I would like to thank the gentleman from Ohio (Mr. LATOURETTE) for his leadership on this issue.

Mr. Chairman, I rise in support of the Dam Safety and Security Act. This important legislation authorizes a program that directly helps the States and protects the citizens of this country.

This program, run by the Federal Emergency Management Administration, provides technical assistance to States, and actually saves the government money by helping prevent dam accidents from happening, allowing FEMA to direct its emergency funds where they are needed most.

Dams provide tremendous benefits, including water supply for drinking, irrigation and industrial uses, flood control, hydroelectric power, recreation, and navigation.

At the same time, dams also represent one of the greatest risks to public safety. Historically, some of the largest disasters in U.S. history have resulted in dam failures.

In 1928, the St. Francis Dam failure killed more than 500 Californians. Between 1970s, the Buffalo Creek Teton and Tooele Creek Dam failures collectively cost 175 lives and over $1 billion in losses. In 1889, the collapse of the South Fork Dam decimated the town of Johnstown, Pennsylvania, killing more than 2,000 people.

Despite the tragedies of the past, many dams are not maintained properly. Dams require ongoing maintenance, monitoring, safety inspections, and rehabilitation. In the past 2 years, more than 520 dam incidents, including 61 dam failures, were reported.

While the Federal Government maintains many well known dams, like the Hoover Dam, more than 90 percent of the dams, over 100,000 dams, are regulated by the States. Additionally, the number of high hazard potential dams, which could cause loss of human life or severe property damage is increasing due to the development of downstream land. Today, there are almost 10,000 high hazard potential dams. Even more alarming, States presently report approximately 23,100 unsafe dams which have deficiencies that leave them highly susceptible to failure.

Some States, Delaware, for example, have relatively few dams, while others like Kansas, Missouri, Oklahoma, and Texas have 4,000 dams each. Many States fully fund their dam safety program. Unfortunately, others do not. In Iowa, for example, a single staff person is responsible for inspecting almost 11,000 State regulated dams.

Clearly, more can be done. The combined effort of rapid downstream development and aging or non-compliant structures demands fully funded and staffed State dam safety programs, as well as substantial proactive funding for dam repairs.

1030

Not surprisingly, repairs to dams are expensive. Some estimates say as much as $7 billion across the United States. It is important to note that other countries have programs in place that would provide loans to dam owners to help cover the costs of repairs. I support the intent and look forward to reviewing the legislation.

In 1996, the Federal Government passed the National Dam Safety Program Act. Under that program, State dam safety agencies received grants totaling $7 million to assist them with improving dam safety programs, by procuring equipment, implementing new technology, and enabling more frequent inspections. The program also provides opportunities for continuing education to dam safety engineers and funding for research to advance the technology for investigating, constructing, and the rehabilitation of dams.

I am pleased to report this program was successful and deserves to be continued. It is important to note this model program sent the money directly to States, where it was used to educate, inform, and help protect the people.

My State of Pennsylvania has been in the forefront of the Nation’s dam safety efforts over the last two decades and our program has been cited as a role model for other States in developing new and expanded programs. Of the 3,200 dams in Pennsylvania, 950 are classified as high-hazard potential structures.

This determination helps State dam officials identify which dams deserve regular inspection. In conversations with Pennsylvania State dam officials, they confirmed that they could not have done it without the National Dam Safety Program.

This bill authorizes this successful program by updating and fine-tuning the underlying language and providing a modest boost to the funding for research and development. The total authorized funding is increased by $2.7 million per year, with $2 million being directed in State grants, $500,000 for research, and $200,000 for additional staff of FEMA to conduct training. Importantly, this legislation also provides the States technical assistance necessary to maintain security for our Nation’s dams.

Specifically the program will develop cost-effective programs and procedures for dam safety and security; develop procedures to be used for dam site investigations, design, construction, operation, maintenance, and emergency preparedness; encourage the establishment of dam safety programs in each State; develop public awareness projects to increase acceptance and support of State dam safety programs; develop technical assistance materials for Federal and non-Federal dam safety programs; develop mechanisms to provide technical assistance to the non-Federal sector; and develop technical assistance and encourage appropriate security for our Nation’s dams.

Mr. Chairman, I would like to remind everybody how important dams are to this country. Dams provide hydroelectric power to almost every State in the Union, habitats for fish, birds and other animals, recreational activities from bird watching to water sports, flood control and are an important source of our drinking water. The positive impacts of dams are influencing more people to build downstream from dams. This is not dangerous as long as dams are monitored and maintained. For these reasons and in memory of the thousands of lives lost to dam failures, I urge my colleagues to support this common sense legislation.

Mr. Chairman, I would like to include in the RECORD three letters of support for this important legislation. The National Governors’ Association, the American Society of Civil Engineers, and the Association of State Dam Safety Officials have sent a letter in support of the National Dam Safety and Security Act. I would like to thank the gentleman from Alaska (Mr. YOUNG), the chairman, for his assistance and leadership on this bill; the gentleman from Ohio (Mr. LATOURETTE), subcommittee chairman, for his help and guidance. In addition, I would like to include the support of the gentleman from Illinois (Mr. COSTELLO), ranking member, and the gentleman from Minnesota (Mr. OBERSTAR) for their help in crafting this legislation.

The letters referred to are as follows:


To: All Members of the House of Representatives

The National Governors Association supports legislation to reauthorize the National Dam Safety Program Act, therefore, we urge you to support the “Dam Safety and Security Act of 2002” (H.R. 4727). From its $5.9 million annual authorization, the National Dam Safety Program provides $4 million per year in grants to states to help improve dam
Your consideration of our views.

The American Society of Civil Engineers, in their 2001 Report Card for America’s Infrastructure, gave dams a grade of “D,” indicating a problem that deserves national attention.

Stakeholders have regulatory responsibility for 95 percent of the approximately 75,000 dams within the National Inventory of Dams. The bulk of the responsibility to ensure the safety of the nation’s dams falls on the shoulders of the states, and concerns about homeland security have increased this burden. State dam safety programs vary in authority, but typically the program includes safety inspections of new and existing dams, review of plans and specifications for dam construction and repair, and review and approval of action plans. H.R. 4727 makes only small changes in the existing National Dam Safety program but will continue a modest yet vital agenda for addressing our nation’s dams, thank you for your consideration of our views.

Sincerely,

GOVERNOR BOB WISE, Chair, Committee on Natural Resources.

GOVERNOR BILL OWENS, Vice Chair, Committee on Natural Resources.


Hon. BILL SHUSTER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SHUSTER: On behalf of the more than 2,000 members of the Association of State Dam Safety Officials (ASDSO), we urge passage of the bill H.R. 4727, the Dam Safety and Security Act of 2002.

The National Dam Safety Program (NDSP) has fostered many significant improvements in the state dam safety programs. Critical training to state engineers and established unprecedented cooperation between Federal dam safety agencies and state dam safety programs.

ASCE’s 2001 Report Card for the Nation’s Infrastructure concluded dams require ongoing maintenance, monitoring, frequent safety inspections and rehabilitation. More than 90 percent of the nation’s approximately 100,000 dams are regulated by the states.

ASCE believes that H.R. 4727 is critically important to the continued effort to protect human life and property in every state in the United States. We urge you to support H.R. 4727 when it comes to the House floor on September 5, 2002.

Sincerely yours,

H. GERARD SCHWARTZ, Jr., Ph.D., P.E.
President.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4727, the Dam Safety and Security Act of 2002, reauthorizes and amends the National Dam Safety Program. The program’s goal is to reduce the risk to life and property by establishing an effective dam safety maintenance program that utilizes the resources and expertise of the Federal and non-Federal communities.

The National Dam Safety Program Act of 1996 is set to expire in FY 2002, but there are many more emergent challenges ahead that should be addressed in order to improve dam safety in the United States. Conducting vulnerability assessments and improving dam security, mapping of wetlands and floodplains, dam removal, and educating the public about dam safety hazards.

The National Dam Safety Program Act of 1996 set to expire in FY 2002, and in particular the gentleman from Pennsylvania (Mr. LA TOURETTE), chairman of the Subcommittee for our work, and in particular the gentleman from Pennsylvania (Mr. SHUSTER), my friend and colleague on the committee, who authored this legislation, for his leadership on this bill.

Mr. Chairman, I urge passage of this legislation.

Mr. Chairman, I yield such time as she may consume the gentlewoman from California (Ms. WATSON). Ms. WATSON of California. Mr. Chairman, I stand in support of H.R. 4727, but I want to bring up another matter that relates to security and it relates more to the Transportation Security Administration.

Mr. Chairman, since September 11 of last year, Congress has taken important steps to help ensure the safety of America’s flying public. For example, the establishment of the Transportation Security Administration, federalized airport baggage screeners and expanded the Federal Air Marshal Program.

Although these were valuable first steps, we must make sure that they are effective. For example, recent press reports have indicated that the Air Marshal Program has encountered significant problems as the service seeks to improve the safety of our Nation’s dams and to prevent dam failures that threaten lives and property.

If you or your staff have any questions please call Brad Larossi, Chairman of the ASDSO Legislative Committee at 410-631-3538.

Sincerely,

BRAD LAROSSI, P.E., Chairman, Legislative Committee.

AMERICAN SOCIETY OF CIVIL ENGINEERS, Washington, DC.

September 5, 2002, to continue to improve the safety of our Nation’s dams and to prevent dam failures that threaten lives and property.

If you or your staff have any questions please call Brad Larossi, Chairman of the ASDSO Legislative Committee at 410-631-3538.

Sincerely,

BRAD LAROSSI, P.E., Chairman, Legislative Committee.

AMERICAN SOCIETY OF CIVIL ENGINEERS, Washington, DC.

September 4, 2002.

Hon. BILL SHUSTER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SHUSTER: On behalf of the more than 125,000 members of the American Society of Civil Engineers (ASCE), I urge the passage of H.R. 4727, the Dam Safety and Security Act of 2002, which reauthorizes the National Dam Safety Program (P.L. 104-303) for an additional four years.

The bill authorizes $6.5 million in each of the fiscal years 2003 through 2006 for dam safety. It amends the National Dam Safety Program Act to direct the Interagency Committee on Dam Safety to encourage the establishment and effective federal policies, programs, and guidelines intended to enhance dam safety.

The National Dam Safety Program Act (NDSPA), enacted as part of the Water Resources Development Act of 1996, expires in FY 2002. This modest, yet vital, program enables the states to improve their existing dam safety programs, which in turn, translate into reduced risks to life and property. The National Dam Safety Program (NDSP) has fostered many significant improvements in the state dam safety programs. Critical training to state engineers and established unprecedented cooperation between Federal dam safety agencies and state dam safety programs.

ASCE’s 2001 Report Card for the Nation’s Infrastructure concluded dams require ongoing maintenance, monitoring, frequent safety inspections and rehabilitation. More than 90 percent of the nation’s approximately 100,000 dams are regulated by the states.

ASCE believes that H.R. 4727 is critically important to the continued effort to protect human life and property in every state in the United States. We urge you to support H.R. 4727 when it comes to the House floor on September 5, 2002.

Sincerely yours,

H. GERARD SCHWARTZ, Jr., Ph.D., P.E.
President.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield such time as I may consume.

Mr. Chairman, H.R. 4727, the Dam Safety and Security Act of 2002, seeks to build upon these achievements made over the past several years and enhance them. In addition to reauthorizing the National Dam Safety Program for 3 additional years, the bill will enable the Nation by requiring the development of dam safety training materials and courses for State and local officials, by providing for assistance for dam safety programs, and by allowing the appointment of State dam safety officials to the Interagency Board in addition to making other conforming amendments.

Mr. Chairman, this is a good bipartisan bill. Dam safety is important to our Nation, and coming from an area of the country where during certain times of the year flooding can reach a critical point, I am pleased that we are taking the time to reauthorize and enhance this important program.

Finally, I want to commend the gentleman from Alaska (Mr. YOUNG), the chairman, for his leadership, and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, on this legislation, as well as the gentleman from Ohio (Mr. LA TOURETTE), chairman of the subcommittee, for their work, and in particular the gentleman from Pennsylvania (Mr. SHUSTER), my friend and colleague on the committee, who authored this legislation, for his leadership on this bill.

Mr. Chairman, I urge passage of this legislation.

Mr. Chairman, I yield such time as she may consume the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Chairman, I stand in support of H.R. 4727, but I want to bring up another matter that relates to security and it relates more to the Transportation Security Administration.

Mr. Chairman, since September 11 of last year, Congress has taken important steps to help ensure the safety of America’s flying public. For example, the establishment of the Transportation Security Administration, federalized airport baggage screeners and expanded the Federal Air Marshal Program.

Although these were valuable first steps, we must make sure that they are effective. For example, recent press reports have indicated that the Air Marshal Program has encountered significant problems as the service seeks to improve the safety of our Nation’s dams and to prevent dam failures that threaten lives and property.

If you or your staff have any questions please call Brad Larossi, Chairman of the ASDSO Legislative Committee at 410-631-3538.

Sincerely,

BRAD LAROSSI, P.E., Chairman, Legislative Committee.
expand in response to last year’s ter-
rorist attacks. Subsequently, I have re-
sulted that the GAO conduct a study
on reported failures of the Air Marshal
Program.

Among the problems cited in recent
news and shall be” is a provision which
havior or gun checks were completed;
marshals have complained that program
rules, specifically the dress
code, can identify them as air mar-
shals in their enforcing effective-
ness and putting them in jeopardy;
scheduling problems had left many
marshals working as much as 16 hours
a day while others are idle for weeks.

These problems, among others, have
led at least 20 air marshals to resign
from the program and some to consider
a class action lawsuit, according to the
article. These reports, if true, rep-
resent a serious decline in a program
that until recently was hailed as one of
the finest in our Nation.

In the wake of September 11, the
move to expand the Air Marshal
Program was an appropriate response
to the terror attacks. However, it is ap-
parent that the rapid expansion of this
program and new problems is beyond
my hope that the GAO report will
bring to light these new problems so
that the TSA and Congress can take
appropriate action on behalf of the
American people.

Mr. COSTELLO. Mr. Chairman, I
have no other speakers, and I yield
back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield
myself such time as I may consume.

Mr. Chairman, I just want to close by
thanking again the ranking member on
the subcommittee for his support. As
he stated, this is good bipartisan legis-
ation, and I would urge all of my col-
leagues to vote today to pass the Dam

Mr. Chairman, I yield back the bal-
cane of my time.

The CHAIRMAN. All time for general
debate has expired.

Pursuant to the order of the House of
Wednesday, September 4, 2002, the com-
mittee amendment in the nature of a sub-
stitute printed in the bill shall be
considered by sections as an original
bill for the purpose of amendment, and
each section is considered read.

During consideration of the bill for
amendment, the Chair may accord pri-

us to a Member or Members
ing an amendment that he has printed
in the designated place in the CONGRES-
SIONAL RECORD. Those amendments
will be considered read.

The Clerk will desinete section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; AMENDMENT OF NA-
TIONAL DAM SAFETY PROGRAM ACT.

(a) Short Title.—This Act may be cited as
the “National Dam Safety Act.”

(b) Amendment of National Dam Safety
Program Act.—Except as otherwise ex-
pressly provided, whenever in this Act an
amendment is expressed in terms of an
amendment to, or a repeal of, a section or
other provision, the reference shall be con-
sidered to be made to a section or other
provision of the National Dam Safety Program
Act (33 U.S.C. 467 et seq.).

The CHAIRMAN. Are there any amend-
ments to section 1?

If not, the Chair will designate sec-
tion 2.

The text of section 2 is as follows:

SEC. 2. INTERAGENCY COMMITTEE ON DAM
SAFETY.

Section 7(b)(1) of the National Dam Safety
Program Act (33 U.S.C. 467(b)(1)) is amended
by inserting “Federal and State pro-
grams” and inserting “Federal programs”; and
(b) by striking “—through” and— and all that
follows through the period at the end and
inserting “through coordination and informa-
tion exchange among Federal agencies con-
cerning implementation of the Federal
Guidelines for Dam Safety.”

The CHAIRMAN. Are there any amend-
ments to section 2?

If not, the Chair will designate sec-
tion 3.

The text of section 3 is as follows:

SEC. 3. NATIONAL DAM SAFETY PROGRAM.

(a) In General.—Section 8(a)(3) (33 U.S.C.
467(a)(3)) is amended—
(1) in subparagraph (B) by striking “im-
plementation plan described in subsection (e)
and inserting “strategic plan described in
subsection (b)”; and
(2) in subparagraph (C) by striking “sub-
section (f)” and inserting “subsection (e)”,
(b) Duties.—Section 8(b) (33 U.S.C. 467(b))
is amended to read as follows:
(b) Duties.—The Director shall prepare a
strategic plan (1) to establish goals, priorities,
and target dates to improve the safety of dams
in the United States; and
(2) to the extent feasible, to establish co-
operation and coordination with, and assist-
tance to, interested governmental entities in
all States.
(c) Objectives.—Section 8(c) (33 U.S.C.
467(c)) is amended—
(1) in paragraph (5) by striking “and” at
the end;
(2) in paragraph (6) by striking the period
at the end and inserting “;”; and
(3) by adding at the end the following:
(7) develop technical assistance mate-
rials, seminars, and guidelines to improve
security for the United States.
(d) Functional Activities.—Section
8(d)(3)(A) (33 U.S.C. 467(d)(3)(A)) is amended
by striking “—through” and all that fol-

ows through the period at the end and
inserting “and shall be exercised by chal-
ing the Board to coordinate national efforts
to improve the safety of the dams in the United
States.”
(e) Implementation Plan; Dam Safety
Training.—
(1) In General.—Section 8 (33 U.S.C. 467)

is amended by striking subsections (e) and (g)
and redesignating subsections (f) and (h) as
subsections (e) and (f), respectively.
(2) Coordination.—Section 2—
(33 U.S.C. 467 et seq.) is amended—
(A) in paragraph (1) by striking “section
8(b)” and inserting “section 8(f)”;
and
(B) in paragraph (12) by striking “section
8(f)” and inserting “section 8(e)”. 
(3) Assistance for State Dam Safety
Programs.—Section 8(e)(3) (as redesignated by
subsection (e) of this section) is amended—
(1) in paragraph (1) by striking “the Direc-
tor shall provide assistance” and all that
follows through the period at the end and
inserting “the Director shall provide assist-
cance with amounts made available under
section 13 to assist States in establishing,
maintaining, and improving dam safety pro-
grams in accordance with the criteria speci-
fied in paragraph (2).”;
(2) in paragraph (2)—
(A) in the matter preceding subparagraph
(A)—
(iii) by striking “primary”; and
(ii) by striking “, and for a State to be el-
gible” and all that follows before the colon;
(B) in subparagraph (A)—
(i) by striking clause (i) by striking “For a State to be eligible for as-
sistance under this subsection, a State” and
inserting “A State”; and
(ii) in clause (vi) by inserting “improve
security,” before “revise operating proce-
dures,”; and
(3) by paragraph (3) by striking “contract”
each place it appears and inserting “agree-
ment.”
(g) Board.—
(1) Establishment.—Section 8(0)(1) (as re-
designated by subsection (e) of this section)
is amended—
(A) by striking “The Director may estab-
lish” and inserting “The Director shall es-
blish”; and
(B) by striking “to monitor” and all that
follows through the period at the end and
inserting “to monitor the safety of dams in
the United States, to monitor State implemen-
tation of this section, and to advise the Direc-
tor on national dam safety programs.”
(2) Voting Membership.—Section 8(0)(3)
(as redesignated by subsection (e) of this sec-
tion) is amended—
(A) in the paragraph heading by striking “MEMBERSHIP” and inserting “VOTING
MEMBERSHIP”;
(B) in the matter preceding subparagraph
(A) by striking “11 members” and inserting
“11 voting members”; and
(C) by striking subparagraphs (F) and (G)
and inserting the following:
(5) 5 members shall be selected by the Di-
rector from among State dam safety offi-
cials; and
(6) 1 member shall be selected by the Di-
rector to represent the private sector.
(3) Nonvoting Membership; Duties; Work
Groups.—Section 8(f) (as redesignated by
subsection (e) of this section) is amended—
(A) by redesignating paragraphs (4), (5),
and (6) as paragraphs (7), (8), and (9), re-
pectively;
(B) by inserting after paragraph (3) the fol-
lowing:
(4) Nonvoting Membership.—The Direc-
tor, in consultation with the Board, may in-
vite representatives from Federal or State
agencies or dam safety experts, as needed,
to participate in meetings of the Board.
(5) Duties.—“(A) IN GENERAL.—The Board
shall encourage the establishment and main-
tenance of effective programs, policies, and guidelines to
enhance dam safety for the protection of human life and
property throughout the United
States.”
(6) Work Groups.—The Director may es-
tablish work groups under the Board to as-
sist the Board in accomplishing its goals.
The work groups shall consist of members of the
Board and other individuals selected by the
Director.
(D) Travel Expenses.—Section 8(f)(4) (as re-
designated by subsection (e) of this section) is
amended by striking paragraph (8) (as re-
designated by paragraph (3)(A) of this sub-
section) and inserting the following:

90 H6068 CONGRESSIONAL RECORD — HOUSE September 5, 2002
Mr. Chairman, I appreciate the interest on this issue.

I am pleased that we could come to a mutually agreed-upon resolution to this amendment, and I appreciate the gentleman from Oregon’s (Mr. Wu) interest on this issue.

Mr. Shuster. Mr. Chairman, I move to strike the last word.

Mr. Shuster. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. The CHAIRMAN. Are there further amendments to section 3?

Mr. Shuster. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 4. RESEARCH. Section 9(a) (33 U.S.C. 467 et seq.) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “in cooperation with ICODS” and inserting “in cooperation with the Board”; and

(B) by inserting “and support” after “develop”; and

(2) in paragraph (1) by striking “and at the end;

(3) in paragraph (2) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“whose computers just could not handle the computational volume to adequately assess what would happen under certain circumstances.

However, the national laboratories of our Department of Energy do have this capability. They have the most powerful supercomputers in the world. And in certain instances, State and local officials have already worked with the national labs using their supercomputers to do the necessary modeling of explosions and earthquakes.

They were then able to model more accurately the potential for catastrophic dam failure.

We should use all the technology available to us to improve the safety of our dams. My amendment would help ensure that the national labs work with dam officials by including a representative from the national labs on the national review board. This representative would serve as a nonvoting member and would work with the review board in an advisory capacity.

We can learn from the national labs. They have already helped some of the dam officials with whom I have spoken. It is important that we ensure that we continue to help officials throughout the country.

My amendment would do that, and I urge my colleagues to join me in supporting this important commonsense amendment.

Mr. Costello. Mr. Chairman, will the gentelman yield to the gentleman from Illinois.

Mr. Wu. I yield to the gentleman from Illinois.

Mr. Costello. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Wu amendment that seeks to permit FEMA to invite an official from one of the Department of Energy’s national laboratories to participate as a nonvoting member of the Dam Safety Review Board.

Our national labs’ involvement in counterterrorism and anti-terrorist programs began years ago as a part of our work to develop technology to protect nuclear weapons and nuclear energy facilities against terrorists. Much of this technology also proved valuable for securing other important facilities and is now helping to fight terrorism throughout the world and to meet the Nation’s homeland security needs.

The national labs can assist the Dam Safety Review Board and Dam Safety Task Force by providing technical support through modeling disaster scenarios in other related areas.

In light of the Nation’s need to protect our Nation’s infrastructure, including dams, from possible terrorist attacks, including an official from the national labs on the Dam Safety Review Board will assist us in furthering these goals by providing technical support for developing simulations and other related security support.

I compliment the gentleman for his amendment and urge its adoption.

Mr. Shuster. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the interest in this legislation in my colleague from Oregon has shown, and we are prepared to accept the amendment.

The amendment merely clarifies that the national laboratories in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 10. DAM SAFETY TRAINING.

The Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 11, 12, and 13, respectively; and

SEC. 5. DAM SAFETY TRAINING.

The Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 10, 11, and 12 as sections 11, 12, and 13, respectively; and

(2) by inserting after section 9 the following:

“SEC. 10. DAM SAFETY TRAINING.

“At the request of any State that has or intends to develop a dam safety program, the Director shall provide training for State dam safety staff and inspectors.”
The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 401, nays 2, not voting 30, as follows:

---

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4727 will be followed by a 5-minute vote on House Resolution 146, a motion to suspend the rules debated yesterday. The vote by electronic device, and there were—yeas 401, nays 2, not voting 30, as follows:

---

The SPEAKER pro tempore. Pursuant to the provisions of section 5 of this Act, is amended by striking subsection (b) and all that follows through (c).

---

The SPEAKER pro tempore. Pursuant to the provisions of section 5 of this Act, is amended by striking subsection (c) and all that follows through (d).

---

The SPEAKER pro tempore. Pursuant to the provisions of section 5 of this Act, is amended by striking subsection (d) and all that follows through (e).

---

The SPEAKER pro tempore. Pursuant to the provisions of section 5 of this Act, is amended by striking subsection (e) and all that follows through (f).

---

The SPEAKER pro tempore. Pursuant to the provisions of section 5 of this Act, is amended by striking subsection (f) and all that follows.
The Clerk read the title of the resolution. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 94, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 33, as follows:

(ROLL CALL NO. 374)

Yeas—398

Abercrombie
Acosta
Aderholt
Akkin
Allen
Armey
Baca
Badger
Baird
Baker
Balducci
Balido
Ballenger
Barcia
Bartlett
Barton
Bass
Beccerra
Benten
Bereuter
Berry
Berkley
Biggs
Bilirakis
Bishop
Blagoev
Blumenauer
Bns
Boehlert
Boehner
Bonilla
Boster
Boozman
Boren
Bornie
Bowser
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burke
Burton
Calahan
Calvert
Camp
Cannon
Canter
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clark
Clyburn
Cole
Collins
Combest
Cooksey
Costello
Coyne
Crawford
Culerson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal

McIntyre
McKeen
McNulty
McNelly
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Molloy
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Netanyahu
Ney
Norwood
Nusee
Oberman
Obey
Olivier
Ortiz
Ose
Otter
Owens
Palone
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phillips
Pickering
Pitto
Platts
Pombo
Portman
Price (NC)
Price (OH)

Putnam
Quinn
Radaiovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rohrabacher
Rogers (KY)
Rogers (MI)
Rothman
Royal-Allard
Roybal
Rush
Ryan (WI)
Ryan (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schafer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shinkus
Shows
Shuster
Smith (MO)
Smith (ND)
Smith (TX)
Snyder
Solis
Souders

NOT VOTING—35

Andrews
Barr
Barrett
Berman
Bono
Boyce
Brazile
Brayton
Brown
Burke
Burton
Calahan
Califano
Caldwell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clements
Clyburn
Collins
Combest
Cooksey
Costello
Coyne
Crawford
Culerson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal

Rohrabacher
Roy
Sanches
Schrock
Smith (NH)
Stupak
Thompson
Tiahrt
Thune
Timberlake
Tipton
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upson
Vicente
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watts (NC)
Watts (OK)
Wexler
Whitefield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

Congressional Record—House

September 5, 2002

H6071

Ms. DeLAURO asked and was given permission to address the House for 1 minute.

Ms. DeLAURO. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for next week.

Mr. ARMYE. Mr. Speaker, will the gentlewoman yield?

Ms. DeLAURO. Mr. Speaker, I yield to the gentlewoman from Texas.

Mr. ARMYE. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Monday, September 9, at 12:30 p.m. for morning hour, and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today.

Mr. Speaker, recorded votes on Monday will be postponed until 6:30 p.m.

For Tuesday, I am working with the Committee on Financial Services on the possibility of scheduling H.R. 1701, the Consumer Rental Purchase Agreement Act for consideration in the House. The Committee on the Judiciary has had that bill under consideration today.

On Wednesday, September 11, along with the minority leader, the gentlewoman from Missouri (Mr. GEPPERT), I hope to bring a resolution to the floor in remembrance of the victims and heroes of September 11. A vote on that resolution will be postponed until 5 o'clock p.m. on Wednesday. No further legislation is expected on the floor on that day, Wednesday of next week.

On Thursday I have scheduled H.R. 5193, the Back to School Tax Relief Act of 2002, which is being considered today in the Committee on Ways and Means. Ms. DeLAURO. Mr. Speaker, I thank the gentleman.

If I can, I would like to just ask several questions.

Will there be votes next Friday?

Mr. ARMYE. Mr. Speaker, I thank the gentlewoman for that inquiry.

I must say we are working with the committees now. It is not clear that we
Mr. Speaker, does the gentleman anticipate and expect the bankruptcy conference report to come up next week?

Ms. DELAURO. Mr. Speaker, I would like to make an inquiry about the Labor-HHS bill. As our kids are back to school, education is the number one issue that faces the country. The bill that is before us cuts education about $7.2 billion below H.R. 1, the authorization bill the President signed last year; and it does not have an increase for inflation and no increase for school enrollment in it.

When does the gentleman expect the Labor-HHS bill to come to the floor of the House?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman again for the inquiry.

The President’s budget and our own budget allows us to bring that bill to the floor with a 5 percent increase over last year’s appropriation. We will be working with the committee of jurisdiction on that, and it is my anticipation we can move so; but I do not see the possibility right now to announce any scheduling of it.

Ms. DELAURO. Mr. Speaker, I thank the gentleman for the answer to the scheduling question, but I might add that there really is a freeze on education, so that is an elusive 5 percent.

Mr. ARMEY. Mr. Speaker, if the gentlewoman will yield, I would just mention that the gentlewoman makes the debate entertaining and informative, and I do appreciate it.

Ms. DELAURO. Mr. Speaker, I thank the gentleman.

This is an institution where rumors fly all of the time. This is about rumors and a lame duck session. Would it not be better if we tried to get the work that we need to get done, and I understand that there is a lot of work to get done, and that we get it done as we try to meet an October deadline? So my question is, will there be a lame duck session? Does the gentleman anticipate that is what we are going to be faced with?

Mr. ARMEY. Mr. Speaker, again I thank the gentlewoman for her inquiry. At least I can speak for this Member and say in pointing out that any discussions of lame ducks are somewhat unnerving to this Member at least. Obviously, we are disconcerted a little bit for the failure of the other body to produce a budget and maintain some basis by which we might work out some of our differences.

I, for one, am not ready to concede that a lame duck will be necessary or in fact will be part of our experience. I believe that at some point between now and, say, the middle of October, we will come to a point where we will be able to complete our work for the year and perhaps even for this Congress. So at this point I do not speak in terms of a high probability of what is referred to as a lame duck session.

Ms. DELAURO. Mr. Speaker, I think we concur on the issue to avoid a lame duck session. But does the gentleman think we will go beyond October 4 in terms of adjournment?

Mr. ARMEY. Mr. Speaker, again, if the gentlewoman will yield, it has been my experience in the years I have been here that it is most probable that we will in fact be in session for at least a week beyond the 4th. That is just a matter of sort of practical prognosis, given the experience.

Ms. DELAURO. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 9, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at 12:30 p.m. on Monday next for pending business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING BIRTHDAY WISHES TO ALYNE BYRD

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that this body join in wishing my mother-in-law, Alyne Byrd, a most happy birthday this weekend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GROWING HUBRIS IN THE EUROPEAN UNION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BEREUTER. Mr. Speaker, the European Union is threatening to refuse food and livestock exports from African countries now facing famine which also accept any food assistance from the United States that might include genetically modified grains. This is economic blackmail, and many people in Africa will be forced to pay with their lives because of starvation. In EU countries, the lifeline food is plentiful and is subsidized to a degree that is unmatched elsewhere in the world, it is easy to spread harsh, emotional rhetoric on genetically modified organisms, or GMOs. However, EU countries must examine the issue of GMOs from the perspective of Third World countries which face debilitating famines. Third World countries desperately need enriched, disease-resistant, drought-tolerant GMO seed to provide a steady, nutritional food source to feed their people.

We Americans have too passively watched the Luddites in the EU use their emotion-driven fears to stop American GMO exports, but it is absolutely intolerable that they are blackmailing African leaders to reject American food aid in the face of famine in that continent.

European Union countries certainly have a moral obligation to investigate GMOs through sound science techniques, not simply passing regulations on the basis of opinions of the Euro- pean mass media and popular culture.

[From the Omaha World-Herald, Sept. 4, 2002]

U.S. CONSCIENCE IS CLEAR

Some African nations choose ignorance and death.

What a wrenching picture of starving Zambians standing outside a bulging grain warehouse, grain sacks empty. Please give us the food," an elderly blind man pleads with aid workers. "We don’t care if it is poisonous because we are dying anyway.

Ironically—if that word is strong enough to cover impending death—the food isn’t "poisonous” at all. It is the same food that Americans, Canadians and people from many other countries eat daily. It contains some grain that is genetically modified, but the major safety concern is the remote possibility of allergic reactions in some people.

Zambian President Levy Mwanawasa has told the United Nations and the United States that his nation would “rather starve” than accept American GMO food aid. He personally, of course, is not starving.

The country has turned down more than 50,000 tons of corn from the United States. About 3.5 million Zambians are in danger of famine, and 13 million are threatened with famine. About 2.5 million Zambians are in danger of famine as a result of a 50,000 tons of corn from the United States.

What a wrenching picture of a starving African leader who is so shortsighted as to reject food aid from the United States.

Estimates indicate that 13 million people in six southern African nations, including Zambia, are facing famine. Zimbabwe and Mozambique have also refused American aid. Malawi, Lesotho and Swaziland have taken U.S. food aid.

As usual, it is the United States that stepped up to help these countries, not the well-fed European nations that are leading...
the mob against biotech crops. When that aid is refused by a president who would rather let his people die than believe the sweeping evidence that biotech grains are safe for the very people—well, that arrogance and callousness are just staggering.

The United States can only offer. It should continue to do so. Sad as all of this is, the innocuous famine and ignorance are not on America’s conscience.

AFRICAN FAMINE, MADE IN EUROPE

(By Robert L. Paarlberg)

Southern Africa is suffering its worst drought in a decade. The U.N. World Food Program estimates some 13 million people in six countries will face 1.2 million tons of food. That will be reduced by 2.4 million tons in two countries, Zimbabwe and Zambia, have spent most of the summer rejecting food aid shipments of corn from the U.S. because some varieties of U.S. corn are genetically modified (GM). Incredibly, African leaders facing famine are rejecting perfectly safe food. What is going on here?

REGULATORY AUTHORITIES

Farmers in the U.S. have been planting (and Americans have been consuming) genetically engineered corn, soybeans and cotton since 1995. The United States and Japan have also approved such GM crops, but in Europe food safety regulators have been mistrusted by consumers ever since that traumatic mad cow disease crisis of 1996. EU Commissioner for Health and Consumer Affairs David Byrne repeatedly states there is no scientific evidence of added risk to human health or the environment from any of the GM products approved for the market so far, and he can point to 81 separate scientific studies, all EU-funded, that confirm this consensus.

But greens and GM critics in Europe say this absence of expected or known risks is no longer a sufficient regulatory standard. Outraged by the precautionary principle, they argue that powerful new technologies should be kept under wraps until tested for unexplored or unknown risks. In fact, the only way to avoid a completely unknowable risk is never to do anything for the first time.

Europeans can perhaps afford hyper-caution regarding new crop technologies. Even without planting any GM seeds, European farmers will continue to prosper—thanks to lavish subsidies that European consumers will remain well fed. The same is not true in the developing world, especially in Africa, where hunger is worsening in part because farmers are not yet productivity.

Two-thirds of all Africans are farmers, most are women, and they are poor and hungry in part because crop failures are not improved crop technologies to battle against drought, poor soil fertility, crop disease, weeds and endemic insect problems. The productivity of African agriculture, per farm worker, has actually declined over the past three decades, which helps explain why one-third of all Africans are malnourished.

This ought to change the calculus of precaution. If GM-improved crops are kept out of the hands of African farmers, pending tests for the “ninth” hypothetical risk, or the “ninth” hypothetical risk, the misery of millions will be needlessly prolonged.

But now we are seeing an even less justified application of regulatory caution toward GM foods. Governments in Africa that are facing an actual famine have been rejecting some food aid shipments because they contain GM seeds. In May 2002, the government of Zimbabwe withheld 10,000 tons of corn shipped from the U.S. because it was not certified as GM-free. This at a time when four to six million Zimbabweans approached a risk of starvation

Precautionary European policies toward the environment are also keeping Africans from growing food. The EU has been insisting that governments in Africa treat GM crops as a potentially serious threat to rural “biological safety.” This helps explain why most GM crops not yet being planted commercially anywhere on the continent, except in the nation of South Africa. Instead of helping Africa’s hungry to grow more food, EU consumers are helping them grow more regulations.

African governments also must worry that accepting GM food aid will cost them commerce. The EU is not yet importing any U.S. corn since 1998, because U.S. shipments can contain one GM varieties not yet approved in Europe. African countries will be recognized for 5 minutes each.

AFRICAN FAMINE, MADE IN EUROPE

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PREVENTING FOREST FIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, once again, millions of acres out west have burned, causing billions of dollars in damage. We were warned in the Subcommittee on Forests and Forest Health in early 1998 and early 2000 that this was going to happen; and then a few months later in 2000, 7 million acres burned, causing $10 billion worth of damage.

If I went out and burned down one tree in a national forest, I would be arrested; and yet, because of the policies of the past administration and following these extremist environmental groups, these policies have caused millions and millions of acres out west to burn and caused billions of dollars’ worth of damage.

This year, 20 firefighters have lost their lives because of the fires out there. Also one of my constituents, a young woman firefighter in an accident fighting one of the fires, has been paralyzed from the waist down.

Extremist groups, Mr. Speaker, protest any time anyone wants to cut any trees. Even though we have many millions more acres in forest land now than 50 or 100 years ago, I will repeat that, We have many millions more acres in forest land now than 50 or 100 or 150 years ago. These groups have driven many small logging companies out of business. Most of these fires have been caused by groups which have stopped even the thinning of forests or the removal of dead and dying trees, resulting in a tremendous buildup of fuel on the floors of our national forests.

The Washington Times had a front page story a few days ago which said, “There are simply too many trees.” It
quoted Dale Bosworth, head the U.S. Forest Service, who said, “We have so many more trees out there than under natural conditions. There might have been 40 or 50 Ponderosa pine per acre at one time. Now you have several hundred per acre.”

The June 27 Washington Post had a headline reading, “Did politics put a match to West wild lands?”

As I said, we were warned in the Subcommittees on Forests and Natural Resources about this important issue with the Secretary of the Interior and the Secretary of Agriculture. The Congress passed a law in the mid-1980s that the environmentalists wanted saying that we would not cut more than 80 percent of the growth in the national forests. Now we have approximately 23 billion board feet of new growth each year, but we are only allowing less than 3 billion board feet, less than one-seventh of the new growth to be cut. This is less than half of the dead and dying trees. This has led to a tremendous fuel buildup on the floor of the forests and is the main reason for the fires that we have been having out West.

Robert, who is a professor at the University of Maryland, wrote a column and said, “In fact, over the last decade, it was more important to the Clinton administration to promote wilderness values by creating roadless areas and taking other actions to exclude human presence. This aggravated last summer’s tinderbox forest conditions and continues to threaten public land.” He said Federal policies have “produced an enormous buildup of small trees, underbrush and deadwood that provide excess fuels to feed flames.”

Mr. Speaker, you have to cut some trees to have a healthy forest and prevent forest fires, yet, amazingly, there are extremists that oppose even the removal of dead and dying trees.

Professor Nelson said in many Federal forests, tree density has increased since the 1940s from 50 per acre to 300 to 500 per acre and that these forests are “full of woods so small, stressed trees and plants that combine with any deadwood to provide virtual kindling wood for forest fires.”

I recently read Bill Bryson’s book about hiking the Appalachian Trail. He noted that in 1850 only 30 percent in forest land, but is 70 percent in forest land today. The Knoxville News-Sentinel reported a couple of years ago that Tennessee was 36 percent in forest land in 1950, while today it is almost half in forest land. Yet, if I went in any school in my district in Tennessee and asked the students there if there are more trees today than 50 or 150 years ago, they would probably all say there are many, many fewer trees today.

Mr. Speaker, there has been a tremendous amount of brainwashing going on about this type of issue, but we need to cut some trees so we can stop these horrendous forest fires out West.

The SPEAKER pro tempore (Mr. Jeff Miller of Florida). Under a previous order of the House, the gentleman from California (Mr. Filner) is recognized for 5 minutes.

(MR. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONFLICT RESOLUTION AT PLUM ISLAND RESEARCH CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Simmons). I represent the First Congressional District in Connecticut. We share a common border that runs right down the center of Long Island Sound. Located in the center of Long Island Sound is the Plum Island Research Center, an umbrella of the Department of Agriculture which, for 50 years, has been engaged in very sensitive scientific research into animal diseases. This is a very sensitive and very important activity, especially now, when issues of bioterrorism raise the question as to whether America’s food supply is safe.

It is against this backdrop of national security and against this backdrop of Long Island Sound, a very precious and important environmental asset that New England is fortunate to maintain, my remarks in support of the Operating Engineers Local 30 of the AFL-CIO which, for the first time in 50 years, the first time in 50 years, has gone out on strike against the Plum Island facility.

These workers have been without a contract for 11 months. The last offer that they got from the civilian contractor degraded their pay and their benefits dramatically -- the third time in the last 10 years. Finally, in desperation, with no other alternative available to them, they have gone out on strike. All they are asking for, all they are asking for at this point to go back to work is binding arbitration; the binding arbitration. How difficult is that? How serious a request is that? Binding arbitration.

Mr. GRUCCI. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for sharing this time with me, and we will continue this dialogue in the next 5 minutes as well, but I do want to join in with my colleague, the gentleman from Connecticut (Mr. Simmons). I represent the First Congressional District of New York where Plum Island is indeed housed. I share with him his passion for our workers, those here today and the workers in the center of the Operating Engineers. Indeed, they do have a legitimate gripe against LL&b, the managing entity for Plum Island. We are talking about being 50 cents apart that would bring them back to work is binding arbitration; there is not much a request is that. How serious a request is that? Binding arbitration.

As I said to those in the Department of Agriculture and as I said to those in the White House, and as I said to those who manage LL&b, we have a much bigger picture here than just the 75 employees that are at Plum Island who I care very deeply; we also have the whole issue of our homeland defense. As Plum Island moves out from under the umbrella of the Department of Agriculture and is housed in the Department of Homeland Security, we must make sure that the employees are treated fairly and are treated equally as they were before the switch into homeland defense. I said to those folks, make sure that you do not jeopardize the intent of the President to have a homeland defense that has indeed incorporated Plum Island into it, because if you do not treat our employees properly, if you do not treat them with the respect they deserve, I cannot support it, and you will be held responsible, LL&b, for the actions taken by you against a number of people who are only asking for an increase of 50 cents towards their medical portion of their health care.

I know that the gentleman from Connecticut shares with me not only the concerns for the employees and the scientists, but that very precious body of water that lies between Connecticut and Long Island, which is the Long Island Sound, and we have been working together on a number of those issues like bringing $11 million back to help
purify and clean that pristine body of water. But today we are here to talk about the employees of Plum Island.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for his comments. It is always a pleasure to work with him across district lines, across State lines, but it is a common good and for a common purpose.

The interesting thing about Plum Island is that over the past few years of its sensitive and secure research, there have not been a whole lot of other issues that concern us, but the question has to be raised: If all of the operating engineers, the people that operate the boats, the people that operate the water systems, the people that operate the incinerators and the air-conditioning systems of this sensitive biological research facility are taken off the island and are not there because of this strike, the people who are licensed to operate all of these facilities are not there and we bring in outside workers from other facilities around the country, which bear no relationship to this kind of research, what risks exist? I realize that the managers say everything is great, everything is fine. I do not believe it. I think that there is a security issue that we have to be concerned about. I think that the sensitive mission that takes place out there is being disrupted because of the strike, and it is over a few nickels and dimes of health benefits and health care.

Mr. Speaker, this is a ridiculous situation for us to be in, when this body has authorized and appropriated literally billions of dollars in the fight against international terrorism and yet we are shortchanging reliable, honest, decent workers right here at home, right out there on Plum Island.

Mr. GRUCCI. Mr. Speaker, I agree wholeheartedly with all of the comments and associate myself to them of the gentleman from Connecticut. One of the hard things for other people to understand is that when you look at the cost of living on Long Island and certainly out in that region, it is very costly, and to bring this to conclusion would be the right thing.

CONTINUED DISCUSSION OF CONFLICT RESOLUTION AT PLUM ISLAND RESEARCH CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GRUCCI) is recognized for 5 minutes.

Mr. GRUCCI. Mr. Speaker, I rise to address the House today and to share in a colloquy with the gentleman from Connecticut (Mr. SIMMONS), and to continue this discussion that we have been having on Plum Island and Plum Island issues.

We have been talking about the need for the facility to have a 50 cents for health care benefits to come to conclusion. One of the things that I have offered up, as I have been in constant communication with the members and the leadership of Local 30, and I have been in constant communication with the White House on this issue, and I have spoken to the Under Secretary and to the Secretary of Agriculture on this issue; I have spoken to a number of people at LL&B on this and we are in the conclusion, and we have offered a mediator to come in to mediate these problems.

The gentleman whose name was put into consideration, and, I may add, has been the best viable alternative to the strike that we have going on out there, is the Commissioner of Labor for Suffolk County, Jack O’Donnell. Jack has a long and rich history in negotiating labor disputes between government and between labor and guiding them to a successful and complete resolution in the best interest of all parties concerned. We have not heard back from LL&B as to whether or not they would accept Mr. O’Donnell as the mediator, but we would consider this. It is very, very important that we bring this to conclusion.

There is an issue about safety on the island. We care very deeply about that. Plum Island’s animal disease research work is being done at bio-safety level 3. We are concerned that any change in that would have a Draconian effect on the safety of the community and the people who live in that area, as it would now be able to do diseases and work on diseases that are not known. So one of the things that I worked on the Committee on Science, as Plum Island was moving to homeland defense, was that an amendment be added that for any change in operation, the Department of Agriculture or the new Homeland Defense Department, must notify Congress so that we can have our voices heard on this decision, so that those who work on the island, who live in that community, and those who share a common ground, not only with the Long Island Sound, but with workers on Plum Island.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman from New York. I have had the opportunity to go to the picket line in my district in Connecticut and meet and talk with all of the workers there. They want to get back to work. One of them said his wife is 7 months pregnant. He is concerned about the future of his job. She is concerned about whether he will have enough money over the next couple of months so that they can deal with the arrival of a firstborn.

Many of these workers have been out there for many years. They enjoy their work and they are good at it. But this contracting and recontracting and recontracting has degraded the numbers of the workforce and has put tremendous burdens and pressures on them. To take away pay and benefits at the same time and to ignore binding arbitration requests and, in fact, it appears to ignore a request for mediation that was supposed to have taken place on September 4, is ridiculous under the circumstances.

Let me just share with the Chamber one situation we had a few years ago with the Naval Underwater Warfare Center in New London and in Newport, Rhode Island. When that facility was consolidated in Newport, all of the scientists who lived west of New London were now going to have to commute for an hour and a half to work. Many of the senior scientists retired or resigned because they did not want to do the commute. If Plum Island happens to be shut down because management cannot accommodate the marginal requests of the workers, where is this research going to be moved to? Ames, Iowa. And all of the dozens and dozens of skilled scientists and workers that are going to have to make this critical choice: Do I move to Iowa, or do I find another job?

Mr. Speaker, we have a situation here which is ridiculous, because the capabilities of this facility that has been operated smoothly for 50 years is now at risk, and at a time when bioterrorism and threats to the food supply are so critical, it is absurd, it is absurd that the debate over these nickels and dimes for health care should be allowed to be sustained.

Mr. GRUCCI. As my colleague will attest to, the work done at Plum Island has been exemplary. Those in the scientific community, those in the maintenance field, those who work on Plum Island have done an outstanding job, and it has just come to my attention that the teams did meet yesterday and today and are hoping to bring them to conclusion.

I see that my time has expired, but let me close by saying I am squarely in support of the union and the labor movement on this. I think they are right. This is an issue of 50 cents, and for LL&B to close out any opportunity for them to come to conclusion is wrong. We need to bring this to a successful end.

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from California (Mrs. DAVIS) is recognized for 5 minutes.

(Mrs. DAVIS of California. addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGovern) is recognized for 5 minutes.

Mr. McGovern. Mr. Speaker, during the August recess, I had the opportunity to meet with a number of my constituents from all walks of life and hear what was on their mind. The question that came up over and over was: are we going to invade Iraq and, if we were, what did that mean? How many troops would it take? Would we have to attack civilian centers? How long would we have to stay in Iraq? Would our allies join us? How much would it cost? Who would rule Iraq after we invaded? How would this affect our efforts in Afghanistan? How would this affect our efforts to promote peace in the Middle East?

I have thought long and hard about this matter as I am sure all of my colleagues have. I believe the questions my constituents have raised are legitimate and deserve thoughtful and detailed replies. I also believe that as a Member of this body, I need to know in very specific detail how the United States will find and allocate the necessary resources for such a venture without jeopardizing our current priorities in Afghanistan and the Middle East.

Dismantling and destroying the al Qaeda terrorist network and stabilizing and restoring a functioning representative government in Afghanistan are top priorities for U.S. policy.

We are a long way from achieving these goals. Known al Qaeda and Taliban fighters continue to operate in parts of Afghanistan and Pakistan. Other top al Qaeda leaders are known to be in Iran. Al Qaeda funds have been relocated to Sudan. The task of creating a stable post-conflict government in Afghanistan has barely begun, and warlords are reasserting their hold over former territory. Development aid has been slow to arrive and even slower to take effect, and most is unable to reach very far beyond Kabul.

Mr. Speaker, I recognize that it will take years for Afghanistan to become truly stable and able to meet the needs of its people, but right now the country is beginning to slip backward. It is imperative that we stay the course and succeed in Afghanistan, and it will cost the United States a great deal in time, personnel, effort, and money.

Completing the mission in Afghanistan requires holding together the international coalition Washington assembled following the September 11 attacks. War in Iraq, especially any unilateral action, would almost certainly shatter the coalition and alienate significant partners. A unilateral U.S. invasion of Iraq will make it difficult to get Arab support for a fair and lasting resolution to the Middle East conflict. It would also inflame anti-American sentiment in the region. Diplomacy and coalition building aside, the military challenges of war and especially its aftermath in Iraq are still quite formidable. Iraq, like Afghanistan, is a multi-ethnic and multi-religious nation with no apparent popularly supported opposition. Armed paramilitary and clandestine organizations opposed to a U.S.-led occupation of Iraq are likely to engage in guerrilla attacks against Americans, seek external strife, and even civil and ethnic war are even more likely. Experts on Iraq from both prior Republican and Democrat administrations have indicated that it could take a decade or more of U.S. troops occupying Iraq before it is stable once more.

I will listen closely to the speech that President Bush will deliver next week at the United Nations. I welcome the fact that the administration has decided to reach out to our allies and to work with the United Nations on this matter. The President has also made the right decision to come before Congress and seek specific authorization for any military action in Iraq. Many questions remain to be answered before deciding how best to prevent the regime of Saddam Hussein from developing or deploying offensive weapons against other nations.

In the meantime the U.S. and the international community must continue to put maximum pressure on the Iraqi regime and press for resumption of unconditional international weapons inspections. The President should continue to work through the United Nations Security Council, and the U.S. should exercise restraint and continue to build an international coalition, including Arab nations, dedicated to completing the job in Afghanistan and willing to work jointly for more genuinely representative government in Baghdad.

Mr. Speaker, in conclusion let me just say that I am deeply concerned with the policy that the administration has articulated thus far on Iraq. It will take a far more compelling presentation to convince me and many of my constituents that war is the right and only course remaining for the United States to take in Iraq.

SEPTEMBER 5, 2002, LETTER TO PRESIDENT BUSH REGARDING IRAQ

The SPEAKER pro tempore (Mr. Jeff Miller of Florida). Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

Mr. DeFazio. Mr. Speaker, I, too, just returned from a month in my district, and spent a good deal of time traveling the district and talking with many constituents. I want to report that the fact in fact voted in the majority for George Bush, and yet, I found, widely traveling my district, talking to diverse groups of constituents, a lot more questions than certainty about the President’s position on Iraq. In fact, there is a great deal of misgiving in my district, as I believe there is abroad in the land.

The gentleman who preceded me made an eloquent case on a number of points, and I will not repeat those but I will emphasize a few others.

I am today sending a letter, along with 17 other Members of Congress, to the President. We are pleased that the President has now recognized the constitutional authority of the Congress to declare war and about the fact that he will come to Congress for approval for a war against Iraq.

At this point, I would venture and hope that Congress would not be willing to grant such approval to the President, given the lack of specificity and the many questions that need to be answered.

Among the questions that need to be answered are the following:

What is the threat posed by Saddam Hussein to the United States? Do they deserve to possess 95 percent of their weapons of mass destruction. Is there convincing evidence of renewed production of chemical and biological weapons? Is there evidence that Iraq has successfully produced a nuclear weapon? Is there evidence Iraq has produced a reliable delivery system for weapons of mass destruction?

Are there new developments that mean Iraq poses an imminent threat to the United States, and therefore require immediate attention? A year ago, the administration did not seem to think so. What has changed in that intervening time? How much would a policy of enforcing no-fly zones, vigorous weapons inspections, military sanctions be effective in containing and/or reducing the perceived threat, given the success of such strategies over the last decade?

Is there any convincing evidence that Iraq planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, or harbored such organizations or persons? That would give some authority to act without a specific grant from Congress, but the administration has not made that case.

Is there convincing evidence that Iraq has shared its knowledge of biological, chemical, or nuclear weapons, or the weapons themselves, with other nations or terrorist organizations? How does the threat of Iraq doing so compare with the threat posed by Iran, Pakistan, China, North Korea, or a number of other nations that are known to possess weapons of mass destruction, some of whom are known to be sharing and selling such information?

How does the administration intend to assure Iraq does not become balkanized? This was the problem that was confronted by Colin Powell and the father of President Bush when they decided not to go to Baghdad, as they said at the time.
Will Iraq become balkanized? If it does, what happens with Turkey? What happens with the Kurds wanting their own nation? What happens with the Shi’as in Iran? What happens with the long-term prospects for the governance of Iraq itself? I witnessed a Republican Senator saying we were going to rule Iraq alone, without allies? Has anybody really thought about what that would mean?

What are the potential disruptions to the United States economy? We have some problems here at home. I have a lot of unemployed people in my district, the highest unemployment rate in the nation in my State.

What are the potential economic disruptions that might come from a war with Iraq? Would it lead to a disruption of oil supplies? Would it drive up the price of oil dramatically, as it did in the last Gulf War? How much would such a war cost the United States of America and its taxpayers? What are the risks to our troops? What are the risks in terms of a long-term occupation?

We have not yet resolved the situation or stabilized the situation in Afghanistan, which is a country that had no discernible military, no weapons of mass destruction. They did harbor terrorists. It was a rogue regime. But, yet, the United States of America, with a substantial force of allies around the world, has yet to bring settled conditions to that country. Yet, we are about to depart for a much larger nation who has not been involved, as far as has been revealed to Congress or the people of the United States, in the attacks upon our country, has not posed a credible threat to the United States or our allies. However, we are off on another adventure.

Is this left-over business from George Bush’s father’s administration? It seems like one of the most hawkish people in his administration are people who served in his father’s administration, who still regret the fact that they did not pursue the war to an end then, and they want to revisit the issue.

Many questions need to be answered before this Congress should extend authority to the President to wage a war against Iraq, the first preemptive war in the history of the United States of America.

ALZHEIMER’S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today to discuss a serious disease or illness that affects a great many in our country. It is Alzheimer’s disease.

I believe we need to advocate for increasing research for treatment and cures for Alzheimer’s. I was particularly touched by a recent article in Time Magazine by Patti Davis, President Ronald Reagan’s daughter, discussing her family’s battle with Alzheimer’s. I include that for the RECORD.

The article referred to is as follows:

(From Time, Aug. 26, 2002)
The Alzheimers’ (By Patti Davis)

WE LEARN ABOUT THE DISEASE BY LOOKING INTO THE EYES OF VICTIMS—AND THEIR FAMILIES

The day after the first anniversary of my sister Maureen Reagan’s death, Charles Heston announced that he was diagnosed with “symptoms consistent with early stages of Alzheimer’s.” Sometimes in life, there are odd juxtapositions of events—an event that makes one pause and wonder what forces are at work. This was one of those times for me. Maureen was so committed to defeating the scourge of Alzheimer’s, to getting more funding for research and increasing understanding of the disease that she sometimes delayed her own treatment for the melanoma that eventually killed her.

Maureen would have tirelessly done interviews on Aug. 9; instead, her husband Dennis Revell spoke to the media, as did the actor David Hyde Pierce, who lost both his grand- father and his father to Alzheimer’s. My mother released a statement. Maureen’s voice had been silenced, but her activism, her determination, her passion remain.

We learn about diseases through the faces of those who are stricken. Famous faces galore—the most attention, obviously. When we think of Alzheimer’s, the famous visage of Heston when I saw his taped announcement. I saw the first shallow waves of a cruel disease lapping at the edges of the person he has always known himself to be. I recognized it because I saw the same look in my father’s eyes eight years ago.

In the early stages of Alzheimer’s, the eyes have a wariness, a veil of fear. It’s as if the person is standing at the edge of a fog-bank, knowing that in time it will engulf him and there is no chance of outrunning it. I used to see my own father, necessarily pensive and hold firm. It would happen when a sentence broke off because he couldn’t remember how to finish it. Or when he would say, “I have this condition—I keep forgetting things.” He was on a high wire, balancing on courage, with the dark waters of fear below, and he was using every bit of his strength to cling to that wire.

Slowly—sometimes over months, sometimes over years—the eyes stop pleading. There is a sense of distance, strangeness, a life far from home. You know the look when you see it, and the only mercy is that fear seems to have subsided.

The eyes of family members change too. My brother Ron’s eyes show the sweet stoicism that men seem born to possess. But looking more intently, I see the bubble of bubble of love beneath the surface. A father’s helplessness has to tear at the fibers of a son’s heart like a dull blade. My own eyes have too much history in them, I often think. I was the daughter of my father’s little girl. I was the wife of my father, and the young women who hurt him the way daughters do when their love is needy and true. Now I look at him in a soft, maternal way, who, at one time, even after all these years. As if the laws of nature have been turned upside down. My mother’s eyes are frequently such deep wells, I have to look away. A 50-year marriage is full of intimate memories that live in the blood of lovers and life partners—memories that are both beneficial and punishing. So much has been shared, and so much has been lost.

I could tell you that I don’t fear getting the disease myself because I know how toxic fear is. I know the paranoia that the next breath I would have to tell you that there are late hours of the night when I wake and wonder what fate has in store for me.

At other times, I study photographs of my father from many years ago, or film clips. I don’t want to forget how his eyes used to sparkle. I wish the people that are in charge that the past is like the rudder of a ship. It keeps you moving through the present, steers you into the future. Without it, without memory, you are unmoored, a wind-tossed boat with no anchor. You learn this by watching someone you love drift away.

I woke last night and listened to the silence. It was a late, deep hour and some time before dawn. I thought about how, for someone with Alzheimer’s, silence must be like a prison, another corner of the world. There can be nothing soothing or serene about it.

Perhaps the next time members of Congress assemble to decide how much money to set aside for Alzheimer’s research, they should be asked to listen to silence differently, as if it were a jail sentence. Maybe then they would look into their hearts and decide if stopping the disease is stalking so many is not a top priority, we have lost our collective heart as a nation.

During the August recess, I had the opportunity to speak to the Houston Alzheimer’s Association’s educational program. Dr. Rachel Doody, who has a well-known research program at Baylor College of Medicine in the Texas Medical Center. The number of people at that event, it amazed me. It was the first time I had the opportunity to address that group and see how many people were interested.

The battle that we have affects far too many Americans. More than 4 million Americans, one in ten over 65 and nearly half those over 65, suffer from Alzheimer’s disease. Adding baby boom population, unless a cure is found, 14 million Americans will have Alzheimer’s by 2050.

I personally have been touched by Alzheimer’s when my mother-in-law was diagnosed with this disease several years ago. I know firsthand the incredible toll Alzheimer’s has on not only that person, but also the family. As a family member, I know the heartache of watching a vibrant and active and loved one slow down. As a physician, Dr. Rachel Doody, who has a well-known research program at Baylor College of Medicine in the Texas Medical Center. The number of people at that event, it amazed me. It was the first time I had the opportunity to address that group and see how many people were interested.

The battle that we have affects far too many Americans. More than 4 million Americans, one in ten over 65 and nearly half those over 65, suffer from Alzheimer’s disease. Adding baby boom population, unless a cure is found, 14 million Americans will have Alzheimer’s by 2050.

I personally have been touched by Alzheimer’s when my mother-in-law was diagnosed with this disease several years ago. I know firsthand the incredible toll Alzheimer’s has on not only that person, but also the family. As a family member, I know the heartache of watching a vibrant and active and loved one slow down. As a physician, Dr. Rachel Doody, who has a well-known research program at Baylor College of Medicine in the Texas Medical Center. The number of people at that event, it amazed me. It was the first time I had the opportunity to address that group and see how many people were interested.

The battle that we have affects far too many Americans. More than 4 million Americans, one in ten over 65 and nearly half those over 65, suffer from Alzheimer’s disease. Adding baby boom population, unless a cure is found, 14 million Americans will have Alzheimer’s by 2050.

I personally have been touched by Alzheimer’s when my mother-in-law was diagnosed with this disease several years ago. I know firsthand the incredible toll Alzheimer’s has on not only that person, but also the family. As a family member, I know the heartache of watching a vibrant and active and loved one slow down. As a physician, Dr. Rachel Doody, who has a well-known research program at Baylor College of Medicine in the Texas Medical Center. The number of people at that event, it amazed me. It was the first time I had the opportunity to address that group and see how many people were interested.

The battle that we have affects far too many Americans. More than 4 million Americans, one in ten over 65 and nearly half those over 65, suffer from Alzheimer’s disease. Adding baby boom population, unless a cure is found, 14 million Americans will have Alzheimer’s by 2050.

I personally have been touched by Alzheimer’s when my mother-in-law was diagnosed with this disease several years ago. I know firsthand the incredible toll Alzheimer’s has on not only that person, but also the family. As a family member, I know the heartache of watching a vibrant and active and loved one slow down. As a physician, Dr. Rachel Doody, who has a well-known research program at Baylor College of Medicine in the Texas Medical Center. The number of people at that event, it amazed me. It was the first time I had the opportunity to address that group and see how many people were interested.

The battle that we have affects far too many Americans. More than 4 million Americans, one in ten over 65 and nearly half those over 65, suffer from Alzheimer’s disease. Adding baby boom population, unless a cure is found, 14 million Americans will have Alzheimer’s by 2050.
H6078

CONGRESSIONAL RECORD—HOUSE
September 5, 2002

While I am proud that the National Institutes of Health spends almost $599 million on Alzheimer’s disease research, that number seems insignificant in light of the cost of this disease. We must do more to study the causes and risk factors of Alzheimer’s and to develop new methods for treatment and caregiving.

Five years ago, Congress made a commitment to double the budget of the NIH so more money could be invested in finding a cure for many diseases, such as Alzheimer’s. I have been a longtime proponent of doubling the funding for NIH, and hope we will be able to achieve our goal of doubling the NIH budget in this, the final year of that commitment.

But there are other things Congress can and should do to aid in the fight against Alzheimer’s. We must ensure that the individuals who care for people with Alzheimer’s have the resources they need to keep their family members at home as long as possible.

We should pass legislation which allows individuals to deduct their long-term care expenses from their income tax and would help alleviate some of the financial burdens on the family caring for a loved one with Alzheimer’s. We should pass legislation which would provide respite care for these caregivers. These are just a few steps forward.

I urge the leadership to take up these bills and do everything we can to support the millions of Americans who suffer from Alzheimer’s. I would like to close with a quote from Patty Davis’s article in Time magazine of last week: “Perhaps the next time Members of Congress assemble to decide how much money to set aside for Alzheimer’s research, they should be asked to listen to silence differently as if it were a jail sentence. May I say we would then look into their hearts and know that if stopping a disease that is stalking so many is not a top priority, maybe we have lost our collective heart as a Nation.”

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FREE DEBATE OVER THE WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning before we began our legislative business, news rang out from Afghanistan that another car bomb had taken the lives of many individuals in one of their major cities.

Just a few months ago, we made the decision to ensure that those who committed the horrific act would understand that America takes care of its own. All over the world we will go after the terrorists. Today, however, I think it is important that the American people be informed on the recent raging debate regarding Iraq.

The best thing about what we are hearing is that this is not a political debate. It is, in fact, a debate of conscience, and a debate that rages among Democrats and Republicans and Independents. It is one that will require America to be informed. And I would simply say to those who may be listening as I bring this issue to the floor that we need to engage the American people and provide them with information.

It is imperative that we go home to our congressional districts and have citizen summits so that information can be transmitted.

But let me begin to enunciate, if you will, what is the conflict and the confusion with such a debate. First of all, it concerns all of us that this debate would be raging in the press with no former Members of Congress needing to investigate or to attack Iraq and reality.

It is interesting that we have noted by Members of the other body that there is no scintilla of evidence that connects at this point Iraq with the terrorist attacks that occurred in the past in the past year. There is no evidence that Iraq at this point has nuclear weapons. The case has not been made. But we have not said to the American people this is different from Kuwait, when Iraq attacked Kuwait when we had the coalition of Arab allies as well as our allies around the world.

What is not being focused on is the loud and resounding voice of those who oppose even the mere discussion of an aggressive strike on any of our friends around the world.

Perhaps the next time Members of Congress assemble to decide how much money to set aside for Alzheimer’s research, they should be asked to listen to silence differently as if it were a jail sentence. May I say we would then look into their hearts and know that if stopping a disease that is stalking so many is not a top priority, maybe we have lost our collective heart as a Nation.

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS. Mr. Speaker, I yield to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES) for yielding to me. And I also really appreciate the fact that he, as the Speaker’s designee, will talk on something as important as prescription drugs. Addiction is something that we should have said stayed here during the month of August and worked on. It is a matter that we find our senior citizens missing meals in order to buy their prescriptions. That is something we should just not tolerate in this country.

We have tried everything in the world here on the floor and in our committees and in our visits with one another to solve this problem. We sent two bills over last session. Neither one of them came back from the Senate.

I have a practical solution that I am suggesting to the gentleman from
Mr. Speaker, a number of dramatic changes have taken place in the practice of medicine. Many diseases, many conditions that required treatment previously by extensive hospitalization or invasive surgical procedures are now able to be treated with medications. Given that and a number of other reasons, it is all the more appropriate that we provide a prescription drug benefit for our seniors. The necessity for prescription drugs to improve the quality of life for our seniors and to give them the support that they so richly deserve for supporting us for many years, but the point is it is appropriate which is contained in the plan to upgrade our treatment of Medicare to reflect the modern-day miracles of the practice of medicine.

Mr. Speaker, I would like to call to your attention and the body the following information from the Constitution. The House of Representatives has passed a prescription drug plan under Medicare in a bipartisan manner. The U.S. Constitution, article 1, section 7, clause 2 says: “Every bill which shall have passed the House of Representatives must also pass the Senate before it becomes law.”

As I said, the House has passed a bipartisan prescription drug plan under Medicare for our seniors. There have been a number of bills debated in the Senate. A number of bills have been voted on in the Senate. They have not passed a prescription drug plan in the Senate which is supported by Democrats. The Constitution is very clear. In order to become law, a prescription drug benefit must be passed by the House. We have done that. The Senate must pass a bill. The two bills will be combined in a conference committee and then the President can sign that bill into law.

Our seniors need and deserve the prescription drug benefit plan; and that is the only way, rightfully so, under our Constitution that we can get that done. And, again, I refer to the names, and I have many reports on paper, who have looked at and are simply saying we need to follow the Constitution. We need to provide this for our seniors.

Medicare is a good program. It has been helping millions of older Americans meet their needs since that first day back in 1965, but we can and should strengthen it make it even better for our seniors. Again, we need to follow the Constitution. There is a bipartisan plan that we have passed here in the House. And let me give you some of the details of how it provides an affordable, immediate, and permanent prescription drug benefit.

Under the plan passed by the House, these are some of the things that would happen: it is a voluntary drug benefit available to all Medicare beneficiaries. All Medicare beneficiaries are covered. Those who want to stay with their current coverage will not be forced into a government plan, but an assurance for lower-income seniors, fully subsidized premium and cost sharing for couples earning up to $16,000.

Partial premium subsidy, for couples earning up to $19,000.

This plan would provide immediate discounts on drug purchases. Seniors would benefit immediately from discounts, approximately 15 percent or more on their purchases through a Medicare-endorsed discount card program. Beneficiaries choose the plan that is best for them. A choice of at least two plans is included in the House package. It guarantees competition, and competition helps hold down costs.

Quality improvements to improve health care for seniors; protection against adverse drug interactions; electronic prescribing to minimize potential medical errors; pharmacy therapy management for chronic conditions; mechanic modernizations; a rural relief package for underpaid rural hospitals. Again, vitally important pieces for the plan; and yes, this plan provides catastrophic coverage for those seniors most in need of financial assistance.

No senior should ever be forced to choose between buying their prescription drugs or purchasing food and other necessities. Our seniors have been promised prescription drug coverage. They deserve no less than immediate action.

Mr. Speaker, again, I would refer to article 1, section 7, clause 2, and ask that we do our job. We have done it in the House. We would ask the Senate to pass a plan, any of the ones they have discussed, at which time the President can sign that into law and provide a badly needed and well-deserved benefit for seniors for prescription drugs under Medicare.
the fact that the war power was explicitly placed in the hands of the Congress.

Since World War II, nearly 100,000 deaths and over a quarter million wounded, not counting the many thousands we have been affected by Agent Orange and the Persian Gulf War Syndrome, have all occurred without a declaration of war and without a clearcut victory. The entire 20th century was indeed costly with over 600,000 killed in battle and an additional million wounded.

If liberty had been truly enhanced during that time, less could be said about the imperfections of the policy. The evidence, however, is clear that as a people are less free and the prosperity we still enjoy may be more illusory than many realize.

The innocent victims who have suffered at the hands of our militarism abroad are rarely considered by our government; yet, they may well be a major factor in this hatred now being directed toward America. It is not currently popular to question corporate or banking influence over the foreign policy that replaced that of Washington and Jefferson. Questioning foreign government policies is our policy, although known about for years, is not acceptable in the politically correct environment in which we live.

There is little doubt that our role in the world dramatically changed in the 20th century and is probably evolving from that of strict non-interventionism to that of sole superpower with the assumption that we were destined to be the world’s policeman.

By the end of the 20th century, in fact, this occurred. We have totally forgotten that for well over 100 years we followed the advice of the founders by meticulously avoiding overseas conflict. Instead, we now find ourselves in charge of an American hegemony spreading the influence of the Earth.

As the 21st century begins, there is not a country in the world that does not depend upon the U.S. for protection or fears her wrath if they refuse to do her bidding. As the 20th century progressed, American taxpayers were required to finance with great sacrifice financially and freedom-wise the buying of loyalty through foreign aid and intimidation of those others who did not cooperate.

The question, though, remains, has this change been beneficial to freedom and prosperity here at home and has it promoted peace and trade throughout the world? Those who justify our interventionist policies abroad argue that the violation of the rule of law is not a problem considering the benefits we receive from maintaining the American empire, but has this really taken us to a stage where the cost in lives lost, the damage to long-term prosperity as well as the dollar cost and freedoms we have lost?

What about the future? Has this policy of foreign intervention set the stage for radically changing America and the world in ways not yet seen? Were the founders completely off track because they lived in different times, or was the foreign policy they advised based on an essential principle of lasting value? Choosing the wrong answer to this question could very well be deadly to the grand experiment in liberty begun in 1776.

The transition from non-intervention to our current role as world arbiter in all conflicts was insidious and fortuitous. In the early part of the 20th century, after the British Empire left a vacuum which was steadily filled by a U.S. presence around the world. In the latter part of the century, the results of World War II and the collapse of the Soviet system propelled us into our current role.

Throughout most of the 20th century it was our competition with the Soviets that prompted our ever-expanded presence around the world. We are where we are today almost by default, but does it justify its being in our best interests?

Disregarding for the moment the moral and constitutional arguments against foreign intervention, a strong case can be made against its for other reasons. Any intervention begets another. The first problem is rarely solved and the new ones are created. Indeed, in foreign affairs a slippery slope does exist.

In recent years, we too often slipped into war with the black door with the purpose rarely defined or understood and the need for victory ignored. A restrained effort of intervention frequently explodes into something that we do not foresee. Policies end up doing the opposite of their intended purpose with unintended consequences resulting.

The result then is that the action taken turns out to be actually detrimental to our national security interests; yet, it is made to conform to the fundamental principle behind our foreign policy: It is this failure to adhere to a set of principles that has allowed us to slip into this role and, if unchallenged, could well undo the liberties we all cherish.

Throughout history, there has always been a great temptation for rulers to spread their influence and pursue empire over liberty. Resisting this temptation to power rarely has been achieved. There always seems to be a natural inclination to yield to this historic human passion. Could it be that progress and civilization and promoting freedom require ignoring this impulse to control others, as the founders of this great Nation advised?

Historically, the driving force behind world domination is usually an effort to control wealth. The Europeans were searching for gold when they came to the Americas. Now it is our turn to seek control over the black gold which drives much of what we do today in foreign affairs.

Competing with a power like the Soviet Union prompted our involvement in areas of the world where the struggle for the balance of power was the sole motivating force. The foreign policy of the 20th century replaced the policy endorsed by our early Presidents and permitted our steadily growing influence to be used to control the world’s commercial interests with a special emphasis on oil.

Our influence in the Middle East evolved out of concern for the newly independent State of Israel in order to securing control over the flow of oil in that region. Israel’s needs and Arab oil have influenced our foreign policy for more than half a century. In the 1950s, the CIA installed the Shah in Iran. It was not until the fall of the late 1970s that the unintended consequence occurred. This generated the Iranian hatred of America and led to the takeover by the reactionary Khomeini and the Islamic fundamentalists and the cause of great regional instability than we anticipated.

Our meddling in the internal affairs of Iran was of no benefit to us and set the stage for our failed policy in dealing with Iraq. We allied ourselves in the 1980s with Iraq in its war with Iran and assisted Saddam Hussein in his rise to power. As recent reports reconfirm, we did nothing to stop Hussein’s development of chemical and biological weapons and at least indirectly assisted in their development. Now, as a consequence of that needless intervention, we are planning a risky war to remove him from power; and as usual, the probable result of such an effort would be something that our government does not anticipate like a takeover by someone much worse. As bad as Hussein is, he is an enemy of the al-Qaeda and someone new may well be a close ally of the Islamic radicals.

Although our puppet dictatorship in Saudi Arabia has lasted for many decades, it is becoming shakier every day. The Saudi people are not exactly friendly towards us, and our military presence on their soil is greatly resented. This could turn into a radical fundamentalist hatred directed toward us. Another unfavorable consequence to America, such as a regime change not to our liking, could soon occur in Saudi Arabia. It is not mere coincidence that 15 of the 9-11 terrorists are Saudis.

The Persian Gulf War fought, without a declaration of war, is in reality still going on. It looks like that 9-11 may well have been a battle in that war perpetrated by fanatical terrorists. It indicates how seriously flawed our foreign policy is.

In the 1980s we got involved in the Soviet-Afghanistan war and actually sided with the forces of Oussama bin Laden, helping him gain power. This obviously was an alliance of no benefit to the United States, and it has come back to haunt us.

Our policy for years was to encourage Saudi Arabia to oppose communism by financing and promoting Islamic fundamentalism. Surely the shortcomings of that policy are evident to everyone.
Clinton’s bombing of Sudan and Afghanistan on the eve of his indictment over Monica Lewinsky shatted a Taliban plan to expel Osama bin Laden from Afghanistan. Clinton’s bombing of Baghdad on the eve of his impeachment hardly won many friends to our cause, or respect from the Muslim people of the Middle Eastern countries of a U.S. balanced policy. The continued bombing of Iraq over these past 12 years, along with the deadly sanctions, resulted in hundreds of thousands of needless Iraqi civilian deaths, and has not been based on intelligence related to our security and has been used as one of the excuses for recruiting the fanatics ready to sacrifice their lives and demonstrating their hatred toward us.

Article 1245

Essentially all Muslims see our policy in the Israeli-Palestinian conflict as being openly favorable toward Israel and in opposition to the Palestinians. It is for this reason they hold us responsible for Palestinian deaths since all the Israeli weapons are from the United States. Since the Palestinians do not even have an army, and most of the Palestinian deaths have been innocent civilians, all the killing of innocent civilians, has not been beneficial to the United States, the common people of the region become more alienated. Our cozy relationship with the Russians may not be as long-lasting as our current administration hopes. Considering the $40 billion trade deal recently made between Russia and Saddam Hussein, it is more than a bit ironic that we find the Russians now promoting free trade as a solution to a difficult situation which we are promoting war.

This continuous escalation of our involvement overseas has been widespread. We have been in Korea for more than 50 years. We have promised to never back away from the China-Taiwan conflict over territorial disputes. Fifty-seven years after World War II we still find our military spread throughout Europe and Asia. And now the debate ranges over whether our national security requires that we, for the first time, take the policy of intervention to include anticipatory self-defense and preemptive war.

If our interventions of the 20th century led to needless deaths and unwon wars and continuous unintended consequences, imagine what this new doctrine is about to unleash on the world. Our policy has prompted us to announce that our CIA will assassinate Saddam Hussein whenever it gets the chance, and that the government of Iraq is the principal evil. The government has surfaced that the United Nations inspection teams in the 1990s definitely included American CIA agents who were collecting information on how to undermine the Iraqi government and continue with their routine bombing missions.

Why should there be a question of why Saddam Hussein might not readily accept U.N. inspectors without some type of assurance? Does anybody really doubt that control of Iraqi oil supplies, second only to Saudi Arabia, is the real reason U.S. policy is belligerent toward Saddam Hussein? If it is merely to remove dictators around the world, this is the beginning of an endless task.

In the transition from the original American foreign policy of peace, trade and neutrality to that of world policemen, we have sacrificed our sovereignty to world government organizations such as the U.N., the IMF, the World Bank, and the WTO. To further confuse and undermine our position, we currently have embarked on a policy of unilateralism within these world organizations. This means we accept the principle of globalized government when it pleases us, but when it does not, we should ignore it for our own interest’s sake.

Acting in our own interest is to be applauded, but what we are getting is not a good alternative to one-world governance. We do not yet accept our sovereignty back, yet we continue to subject ourselves to great potential financial burden and loss of liberty as we shift from a national government with constitutional protection of rights to an international government where our citizens’ rights are threatened by treaties we have not even ratified, like the Kyoto and the international criminal court treaties.

We cannot depend on controlling the world government at some later date, even if that seems to be what we are able to do now. The unilateralist approach of domination over the world’s leaders, and arbitrary ignoring of certain mandates, something we can do only because of our intimidating power, serves only to further undermine our prestige and acceptability throughout the world. And this includes the Muslim countries as well as our European friends. This merely sets the stage for both our enemies and current friends to act in concert against our interest when the time comes. This is especially true if we become financially strapped and our dollar is sharply weakened and we are in a much more vulnerable bargaining position.

Unilateralism within a globalist approach to government is the worst of all choices. It ignores national sovereignty, dignifies one-world government, and places us in the position of demanding dictatorial powers over the world community. Demanding the right to set all policy and exclude ourselves from jurisdictional restraints sows the seeds of future discontent and hostility. The downside is we get all the killing of innocent people without cause, and make ourselves the target for every event that goes badly. We get blamed for the unintended consequences not foreseen and become the target of the terrorists that evolve from the radicalized fringes.

Long-term foreign interventionism does not serve our interest. Tinkering on the edges with current policy will win an unwon policy of support for globalist governance, assuming the financial and military role of world policemen, maintaining an American world empire while flaunting unilateralism, is a recipe for disaster. This unilateralism is a far cry from the nonintervention that the Founders advised.

The term foreign policy does not exist in the Constitution. All members of the Federal Government have sworn to uphold the Constitution and should do only those things that are clearly authorized. Careful reading of the Constitution reveals Congress has a lot more responsibility than does the President in dealing with foreign affairs. The President is the Commander-in-Chief, but cannot go to war or finance military action without explicit congressional approval. A good starting point would be for all of us in the Congress to assume the responsibility given us to make sure the executive branch does not usurp authority explicitly given to the Congress.

A proper foreign policy of non-intervention is built on friendship with other nations, free trade and maximum travel, maximizing the exchanges of goods and services and ideas. Nations that trade with each other are definitely less likely to fight against each other. Unnecessary bellicosity and jingoism is detrimental to peace and prosperity and incites unnecessary confrontation. And yet today that is about all we hear coming from the politicians and the media pundits who are so anxious for this war against Iraq.

Avoiding entangling alliances and meddling in the internal affairs of other nations is crucial, no matter how many special interests demand otherwise. The entangling alliances we should avoid include the complex alliances in the U.N., the IMF, the World Bank, and the WTO. One-world governments and their mandates are anathema to the non-intervention and free trade. The temptation to settle disputes and install better governments abroad is fraught with great danger and many uncertainties.

Protecting our national sovereignty and guaranteeing constitutional protection of our citizens’ rights are crucial. Respecting the sovereignty of other nations, even when we are in disagreement with some of their policies, is also necessary. Changing others then becomes a job of persuasion. This, and example, not force and intimidation, just as it is in trying to improve the personal behavior of our fellow citizens here at home. By abandoning our country from outside attack is legitimate and is of the highest priority. Protecting individual liberties should be our goal. This does not mean, however, that our troops follow
our citizens or their investments throughout the world.

While foreign visitors should be welcome, no tax-supported services should be provided. Citizenship should be given with caution and not automatically by merely stepping over a national boundary for the purpose of giving birth.

A successful and prosperous society comes from such a policy and is impossible without a sound free-market economy, one not controlled by a central bank. Avoiding trade wars, devaluations, inflations, deflations, and disruption of free trade with protectionist legislation is impossible under a system of international trade dependent on fluctuating flat currencies controlled by world central banks and influenced by powerful financial interests. Instability in trade is one of the prime causes of creating conditions leading to war.

The moral principle underpinning a noninterventionist foreign policy is that of rejecting the initiation of force against others. It is based on nonviolence and friendship unless attacked, with determination for self-defense while avoiding confrontation, even with those disagree with the way other countries run their affairs. It simply means that we should mind our own business and not be influenced by the special interests that have an axe to grind or benefits to gain by controlling policy. Manipulating our country into conflicts that are none of our business and of no security interest provides no benefits to us, while exposing us to great risk financially and militarily.

Our troops would be brought home under such conditions, systematically and soon. Being in Europe and Japan for over 50 years is long enough. The failure of Vietnam resulted in no occupation and a more westernized country now does not mix with the United States. There is no evidence that the military approach in Vietnam was superior to that of trade and friendship. The lack of trade and sanctions have not served us well in Cuba or in the Middle East. The mission for our Coast Guard would change if our foreign policy became noninterventionist. They, too, would come home, protect our coast, and stop being the enforcers of bureaucratic laws that either should not exist or should be a State function. All foreign aid would be discontinued. Most evidence shows this money rarely helps the poor but in- stead solidifies power in the hands of dictators. There is no moral argument that can justify taxing poor people in this country to help rich people in poor countries. Much of the foreign aid, when spent, is channeled back to weapons manufacturers and other special interests in the United States who are the strong promoters of these foreign aid expenditures, yet it is all done in the name of humanitarian causes.

A foreign policy for peace and freedom would prompt us to give ample no-
tice, and then we would promptly leave the international organizations that have entangled us for over a half a century. U.S. membership in world government was hardly what the Founders envisioned when writing the Constitution.

The principle of mark and reprisal would be revived, and specific problems, such as terrorist threats, would be dealt with on a contract basis, incorporating private resources to more accurately gauge and reduce the chances of needless and endless war. This would help prevent a continual expansion of a conflict into areas not relating to any immediate threat. By narrowing the target, there is less opportunity for special interests to manipulate our foreign policy to serve the financial needs of the oil and military weapons industries.

The Logan Act would be repealed, thus allowing maximum freedom of our citizens to support their war of choice. This would help diminish the enthusiasm for wars the proponents have used to justify our world policies and diminish the perceived need for a military approach in Vietnam was su-

The principle of mark and reprisal would be revived, and specific problems, such as terrorist threats, would be dealt with on a contract basis, incorporating private resources to more accurately gauge and reduce the chances of needless and endless war. This would help prevent a continual expansion of a conflict into areas not relating to any immediate threat. By narrowing the target, there is less opportunity for special interests to manipulate our foreign policy to serve the financial needs of the oil and military weapons industries.

The Logan Act would be repealed, thus allowing maximum freedom of our citizens to support their war of choice. This would help diminish the enthusiasm for wars the proponents have used to justify our world policies and diminish the perceived need for a military approach in Vietnam was su-

The principle of mark and reprisal would be revived, and specific problems, such as terrorist threats, would be dealt with on a contract basis, incorporating private resources to more accurately gauge and reduce the chances of needless and endless war. This would help prevent a continual expansion of a conflict into areas not relating to any immediate threat. By narrowing the target, there is less opportunity for special interests to manipulate our foreign policy to serve the financial needs of the oil and military weapons industries.

The Logan Act would be repealed, thus allowing maximum freedom of our citizens to support their war of choice. This would help diminish the enthusiasm for wars the proponents have used to justify our world policies and diminish the perceived need for a military approach in Vietnam was su-

The principle of mark and reprisal would be revived, and specific problems, such as terrorist threats, would be dealt with on a contract basis, incorporating private resources to more accurately gauge and reduce the chances of needless and endless war. This would help prevent a continual expansion of a conflict into areas not relating to any immediate threat. By narrowing the target, there is less opportunity for special interests to manipulate our foreign policy to serve the financial needs of the oil and military weapons industries.

The Logan Act would be repealed, thus allowing maximum freedom of our citizens to support their war of choice. This would help diminish the enthusiasm for wars the proponents have used to justify our world policies and diminish the perceived need for a military approach in Vietnam was su-

The principle of mark and reprisal would be revived, and specific problems, such as terrorist threats, would be dealt with on a contract basis, incorporating private resources to more accurately gauge and reduce the chances of needless and endless war. This would help prevent a continual expansion of a conflict into areas not relating to any immediate threat. By narrowing the target, there is less opportunity for special interests to manipulate our foreign policy to serve the financial needs of the oil and military weapons industries.
worldwide, collapsed, not because we attacked it militarily but for financial and economic reasons. They no longer could afford it and the resources and wealth that it drained finally turned the people against its authoritarian rule.

Maintaining an overseas empire is incompatible with the American tradition of liberty and prosperity. The financial drain and the antagonism that it causes with our enemies, and even our friends, will finally force the American people to reject the policy outright.

The most we can hope for will be, once the errors of our ways are acknowledged and we can no longer afford our militarism, we will reestablish the moral principle that underpins the Ford our militarism, we will reestablish and we can no longer afford the American empire engulf this Sea oil riches. But Russia, now licking growing ever so tense with our acceptance of Mr. DUNCAN) to revise and extend their remarks and include extraneous material.)

Mr. FILNER, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mrs. Davis of California, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GREEN of Texas, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. SIMMONS, for 5 minutes, today.
Mr. GRUCCI, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o’clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, September 9, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

8890. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department’s final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Order Amending Marketing Order No. 930 [Docket Nos. AO-370-A7; FV00-993-1] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8891. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department’s final rule—Dried Prunes Produced in California; Under the American tradition of liberty and prosperity. The financial drain and the antagonism that it causes with our enemies, and even our friends, will finally force the American people to reject the policy outright.

The most we can hope for will be, once the errors of our ways are acknowledged and we can no longer afford our militarism, we will reestablish the moral principle that underpins the policy of “peace, commerce and honest friendship with all nations, entangling alliances with none.” Our modern-day war hawks represent neither this American principle nor do they understand how the love of liberty drove the founders in their great battle against tyranny.

We must prepare for the day when our financial bankruptcy and the failure of our effort at world domination are apparent. The solution to such a crisis can be easily found in our Constitution and in our traditions. But ultimately, the love of liberty can only come from a change in the hearts and minds of the people and with an answered prayer for the blessings of divine intervention.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 4708. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District; with an amendment (Rept. 107-641). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4822. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes (Rept. 107-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4938. A bill to direct the Secretary of the Interior to allow certain Federal entities to participate in the Governor's Reclamation Act, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska, and for other purposes (Rept. 107-643). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 5038. A bill to authorize the Secretary of the Interior, the Secretary of Transportation and Infrastructure, the Secretary of Energy, the Secretary of Commerce, and the Secretary of Defense to convey certain real property located in the District of Columbia, as provided in the Secretary's draft bill entitled, "Clear Skies Act of 2002", jointly to the Committees on Energy and Commerce and Science.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ETHERIDGE (for himself, Mr. HOYER, Mr. Weldon of Pennsylvania, Mr. Oxley, Mr. Andrews, Mr. Pascrell, Mr. Smith of Michigan, and Mr. Watt of North Carolina): H.R. 5334. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public service survivor benefits; to the Committee on the Judiciary.

By Mr. HOBBON (for himself, Mr. BORRES, Mr. BROWN of Ohio, Mr. CHAO, Mr. GALL, Mr. JONES of Ohio, Ms. Kaptur, Mr. Kucinich, Mr. LA Turnette, Mr. NEY, Mr. Oxley, Mr. Portman, Ms. Pryce of Ohio, Mr. Russ, Mr. AWAD, Mr. BRICKLAND, Mr. TIBERI, and Mr. WOLF): H.R. 5335. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. KING (for himself, Mr. GRUCCI, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEeks of New York, Mr. CROWLEY, Mr. WINKER, Mr. TOWNS, Mrs. FOSSELLA, Mrs. MALONEY of New York, Mr. GILMAN, Mr. GROWE, Mr. HOUGHTON, Mr. SWEENEY, Mr. QUINN, Mrs. KELLY, Mr. ENGEL, Mr. MCMICHAEL, Mr. LAFalCHE, Mr. OWENS, Mr. HINCHLY, Mr. SCHAEFDING, Mr. M. NADLER, Mr. McNULTY, Mr. RANGEL, Mr. REYNOLDS, Mrs. SLAUGHTER, and Ms. VELAZQUEZ): H.R. 5336. A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building"; to the Committee on Government Reform.
each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE:

H.R. 5342. A bill to require the Secretary of Agriculture to conduct a demonstration forest management project in the Black Hills National Forest in the States of South Dakota and Wyoming; to the Committee on Resources.

By Mr. POMEROY (for himself, Mr. STEINHOLM, Mr. PETTERSON of Minnesota, Mr. THUNE, Mr. BISHOP, Mr. SIMPSON, Ms. BALDWIN, Mr. BALDACCI, and Mr. Boswell):

H. Con. Res. 462. Concurrent resolution congratulating the National Farmers Union for 100 years of service to family farmers and ranchers and rural communities; to the Committee on Agriculture.

By Mrs. THURMAN:

H. Res. 517. A resolution providing for consideration of the bill (H.R. 1862) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WICKER introduced A bill (H.R. 5343) to require the reissuance of a certificate of documentation for a vessel, and for other purposes; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. WILSON of South Carolina, Mr. LUCAS of Kentucky, and Mr. SIMMONS.

H.R. 224: Mr. KENNEDY of Rhode Island.

H.R. 232: Mr. BAIRD.

H.R. 294: Mr. BOCCHER.

H.R. 690: Mr. ROTHMAN, Mrs. MECK of Florida, and Mr. FATTAH.

H.R. 699: Mr. JEFF MILLER of Florida, Mr. MOGAN of Kansas, and Mr. COOKSEY.

H.R. 858: Mr. FILNER, and Mr. BAIRD.

H.R. 951: Mr. POMERO, Mr. STRICKLAND, and Mr. GILMAN.

H.R. 968: Mr. LARSEN of Washington.

H.R. 1073: Mr. WELDON of Pennsylvania.

H.R. 1384: Mr. SKEEN, Mr. CHAMBLISS, Mr. BACA, and Ms. PELOSI.

H.R. 1520: Mr. SMITH of New Jersey, Mr. ACRUVIDI-VILA, Mr. PRICE of North Carolina, Ms. DEGETTE, Mr. NETHERCUTT, Mr. ABERCRUMBIE, Mr. QUINN, Mr. NEAL of Massachusetts, Mr. REYNOLDS, Mr. UPTON, Mrs. JO ANN DAVIS of Virginia, Mr. SKEEN, Mr. CASTLE, and Mrs. WILSON of New Mexico.

H.R. 1658: Mr. CALLAHAN.

H.R. 1626: Mr. ISRAEL.

H.R. 1659: Mrs. THURMAN.

H.R. 1983: Mr. CARSON of Oklahoma.

H.R. 2290: Mr. HINCHEY.

H.R. 2292: Mr. STARK.

H.R. 2570: Mrs. MCCARTHY of New York, Mr. RUSI, and Mr. TOWNS.

H.R. 2573: Mr. MCNULTY and Mr. GONZALEZ.

H.R. 2701: Mr. BACA.

H.R. 2908: Mr. GONZALEZ.

H.R. 3431: Mr. TAYLOR of Mississippi, Ms. SOLIS, Mr. BACHUS, Mr. ROSS, and Mr. GONZALEZ.

H.R. 3612: Mr. HOLT, Mr. FATTAH, Mr. PASTOR and Mrs. MALONEY of New York.

H.R. 3661: Mr. POMEROY and Mr. FILNER.

H.R. 3782: Mr. WICKER, Mrs. NAPOLETANO, Mr. BARTLETT of Maryland, Ms. WATSON, Mr. COX, and Mr. LANTOS.

H.R. 3831: Mr. CAPUANO, Mr. HORKSTRA, Mr. HOPPEL, Ms. DELAUCRO, and Mrs. THURMAN.

H.R. 3961: Mr. KILDER.

H.R. 3974: Ms. ROS-LEHTINEN and Mr. HOPPEL.

H.R. 3992: Mrs. MORELLA, Ms. ROS-LEHTINEN, Mr. MANZULLO, Mr. ROTHMAN, Ms. RIVERS, Mrs. THURMAN, Mr. LANTOS, and Mr. LARSEN of Oklahoma.

H.R. 4631: Mr. ROYBAL-ALLARD and Mr. LARSEN of Washington.

H.R. 4639: Mr. DEFAZIO.

H.R. 4699: Mr. FRANK.

H.R. 4706: Mr. FROST.

H.R. 4709: Mr. PAYNE.

H.R. 4728: Mr. BROWN of Ohio, Mr. HOLT, and Mr. KENNEDY of Rhode Island.

H.R. 4738: Mrs. DAVIS of California.

H.R. 4803: Mr. HOLT and Mr. HASTINGS of Florida.

H.R. 4837: Mr. FROST.

H.R. 4851: Mr. BALDACCI, Ms. VELAZQUEZ, Ms. WATSON, and Mr. SPRATT.

H.R. 5157: Mr. HINCHEY.

H.R. 5226: Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. FARR of California, Mr. FILNER, Mr. MCNULTY, and Ms. ESHOO.

H.R. 5267: Mr. ROYCE, Mr. CROWLEY, and Mr. PALLONE.

H.R. 5310: Mr. CAMP.

H.R. 5311: Mr. GANSKE, Mr. MOORE, Mr. BERRY, and Mr. TURNER.

H.R. 5318: Mr. CANNON and Mr. MCINNIS.

H. Con. Res. 238: Mr. BAIRD.

H. Con. Res. 297: Mr. LANTOS, Mr. ABERCROMBIE, Ms. SANCHEZ, and Ms. ROYBAL-ALLARD.

H. Con. Res. 401: Ms. DEGETTE.

H. Con. Res. 404: Ms. BROWN of Florida, Mr. McDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KILDER.

H. Con. Res. 432: Mr. SHAW, Mr. TANCREDO, Mr. REYNOLDS, Mr. SMITH of New Jersey, Mr. NADLER, Mr. LARSON of Connecticut, Mr. BENTSEN, and Mr. BOYD.

H. Res. 443: Ms. LEE, Mr. HONDA, and Mr. HASTINGS of Florida.

H. Res. 468: Mr. HILLIARD, Mr. HASTINGS of Florida, Mr. TERRY, Mr. UNDERWOOD, Mr. WEXLER, Mr. STUPAK, Mr. HEFLY, Mr. SHIMKUS, Mr. CROWLEY and Mr. DAVIS of Florida.

H. Res. 486: Mr. LEVIN, Mr. SABO, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, and Ms. ESHOO.

H. Res. 499: Mr. FRANK.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5, by Mr. KUCINICH on House Resolution 304: Zoe Lofgren.
The Senate met at 9:30 a.m. and was called to order by the Honorable Debbie Stabenow, a Senator from the State of Michigan.

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

Gracious God, we are grateful for the assurance of Your presence, available at all times, dependable in all circumstances, bracing when we need correction, and inspiring when we need courage. Lead on, Lord, as we press on. The day stretches out before us filled with debate, deliberations, and decisions. Keep us calm as we trust You and reassured as You replenish our resources. You have promised never to leave or forsake us. Grant the Senators a renewed assurance of Your wisdom for each complex problem. You are the source of creative insight, inventive solutions, and decisive intentionality. Fill this Chamber with Your presence, each Senator with an acute sense of accountability to You, and all of America with the privilege of being one Nation under Your providential care and Your protective concern. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Debbie Stabenow led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472) to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Daschle modified amendment No. 4481 (to amendment No. 4472), to provide emergency disaster assistance to agricultural producers.

Mr. REID. Madam President, until we hear from Senator BYRD, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

Mr. BYRD. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

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

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

Mr. BYRD. Madam President, I apologize to the distinguished Senator from Minnesota, Mr. WELLSTONE, for my having objected to his calling off an earlier quorum. My reason for doing that was so that we, the two managers, could get certain amendments in order.
that were agreed to, with respect to the amendments, on both sides. We would like to go forward with these at this point, after which I certainly hope the distinguished Senator from Minnesota will then proceed. I thank him for his courtesy.

Madam President, I shall offer three or four amendments for Members on my side of the aisle. My colleague, Mr. Burns, will offer amendments for Members on his side of the aisle. These amendments have been agreed to on both sides.

AMENDMENT NO. 4493

Mr. BYRD. Madam President, I send, therefore, an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mrs. MURRAY, proposes an amendment numbered 4493:

(Purpose: To provide funds for the Vancouver National Historic Reserve in the State of Washington, with an offset.)

On page 22, line 23, strike “$62,828,000” and insert “$63,228,000, of which $400,000 shall be made available for statutory and contractual aid for the Vancouver National Historic Reserve in the State of Washington”.

On page 24, line 13, strike “$361,915,000” and insert “$361,515,000”.

Mr. BYRD. Madam President, I have offered this amendment on behalf of the distinguished senior Senator from Washington, Mrs. MURRAY. The amendment, as the clerk has read, would provide funds for the Vancouver National Historical Reserve in the State of Washington. The amendment has been fully offset and has been agreed to by both managers. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4493) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was adopted.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I yield to my colleague to offer an amendment, after which I will, hopefully, get the floor to offer another amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 4494

Mr. BURNS. I thank my chairman.

Madam President, I send to the desk an amendment on behalf of Mr. CAMPBELL of Colorado and ask for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. CAMPBELL, proposes an amendment numbered 4494.

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

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

The amendment is as follows:

(Purpose: To modify the provision relating to transportation services to include Rocky Mountain National Park)

Beginning on page 62, strike line 22 and all that follows through page 63, line 2, and insert the following:

transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

Mr. BURNS. Madam President, this is a technical change in the transportation and contractual authority for Rocky Mountain National Park in Colorado. It has been cleared on both sides. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4494) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4495

The ACTING PRESIDENT pro tempore. The Senator from West Virginia. Mr. BYRD. Madam President, I have an amendment which I offer on behalf of Senator LEAHY. I send it to the desk. These amendments are short, so I would like for the clerk to read them.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEAHY, proposes an amendment numbered 4495:

(Purpose: To permit the use of a single procurement contract by the Smithsonian Institution for a multi-year repair and renovation of the Patent Office Building, subject to the availability of annual appropriations.)

On page 102, at the end of line 26, add the following:

"Provided. That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project. Provided further. That the solicitation of the contract and the contract shall contain the clause ‘availability of funds’ found at 48 C.F.R. 52.232-18.”

Mr. BYRD. Madam President, this amendment, which is proposed by Mr. LEAHY, would allow the Smithsonian Institution to use a single procurement contract for multiyear repair and renovation work at the Patent Office Building. This amendment will result in the saving of time and the saving of money and has, therefore, been agreed to by the managers.

The ACTING PRESIDENT pro tempore. Is there further discussion?

If not, without objection, the amendment is agreed to.

The amendment (No. 4495) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, on these remaining amendments, when they are offered, I ask unanimous consent that the pending amendment be set aside until our series of amendments have been taken care of.

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

The Senator from Montana.

AMENDMENT NO. 4496

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration on behalf of Senator COLLINS of Maine.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Ms. COLLINS, proposes an amendment numbered 4496:

(Purpose: To redistribute funds allocated for Atlantic salmon recovery)

On page 13, line 19, insert the following after the colon:

"Provided further. That of the funds available for endangered species recovery, $1,500,000 is for Atlantic salmon recovery activities administered by the National Fish and Wildlife Foundation and $500,000 is for the United States Fish and Wildlife Service to undertake Atlantic salmon recovery efforts in Maine.”

Mr. BURNS. Madam President, I congratulate the Senator from Maine for submitting this amendment. What it does is provide for the reallocation of funds for recovery activities of the Atlantic salmon. As you know, we have ongoing recoveries for all kinds of species across the country. Of course, one of the big ones is the Pacific salmon. Now she has offered to pick up and accelerate the programs on the Atlantic salmon. I ask for its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4496) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4497

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senators GRAHAM and NELSON of Florida.
The PRESIDING OFFICER (Mr. MILLER). The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. GRAHAM and Mr. NELSON of Florida, proposes an amendment numbered 4497:

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

On page 127, between lines 2 and 3, insert the following:

SEC. 3. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

Notwithstanding any other provision of law, the Corps of Engineers, using funds made available by this Act and funds made available under any Act enacted before the date of enactment of this Act for modifications authorized by section 194 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled Colorado and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement and dated July 2000.

Mr. BYRD. Mr. President, this amendment I have offered on behalf of Senators GRAHAM and NELSON of Florida will expedite the important environmental restoration work currently underway in and around the Everglades National Park.

The amendment has been agreed to by both sides. I urge its adoption. The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 4497) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote. The amendment (No. 4497) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, the remaining amendments will be offered by my colleague, Mr. BURNS.

AMENDMENT NO. 4498

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Senator KYL of Arizona.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. KYL, proposes an amendment numbered 4499.

The amendment is as follows:

(Purpose: To require the Director of the National Park Service to report to Congress on the status of the Colorado River Management Plan)

On page 64, between lines 15 and 16, insert the following:

SEC. 1. COLORADO RIVER MANAGEMENT PLAN.

Not less often than annually, the Director of the National Park Service shall report to Congress on the status of the Colorado River Management Plan.

Mr. BURNS. This amendment has the approval of both sides of the aisle. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4499) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank my distinguished friend and colleague, the ranking member. This completes the series of amendments to which I alluded earlier.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 4491

Mr. WELLSTONE. Mr. President, I thank the Senators for their fine work. We are now debating an amendment that was laid down by a number of Senators. Senator DASCHLE took the lead and I am proud to be an original co-sponsor. It deals with the question of disaster relief.

I have to say, as the Senator from Minnesota, I take this debate in the next hour and a half to be the longest 2 hours of a debate I have ever been involved in because I think literally this is at least an economic life-or-death question for many farmers in Minnesota, specifically northwestern Minnesota.

Before I talk about my State, I want to make this appeal to all of my colleagues. There was a front-page story in the Washington Post today—and I know Senator NELSON and Senator HAGEL have spoken about this—about the drought in Nebraska. It is heartbreaking to read about that. It is just almost unprecedented drought conditions. For these ranchers, cattlemen, and farmers, the time is not neutral. Time moves on. If we don't take any action and get help to them, the farm bill becomes irrelevant because they don't have any crops and they are not going to be able to produce to get a price.

They didn't ask for the drought. It is the same thing in South Dakota. Then I read about the fires in Colorado and in Arizona. They didn't ask for that. During the years that I have been here in the Senate, we have also had Senators come to the floor from different States where there have been hurricanes or tornadoes. Certainly, that has happened in Minnesota. It is devastating, these natural disasters. It has nothing to do with whether people work hard or are good managers.

As I have said, there but for the grace of God go I. Nobody knows, in our part of the country, when you could be hit by a tornado. In other parts of the country, it could be a hurricane, drought, fire, or flooding.

I think this vote is a test of our goodness. I am not going to bash away at the administration. I hope the administration is changing its view and not working strongly against this amendment. Frankly, I will give all the credit in the world to anybody who helps. It doesn't really matter to me. If the White House is going to show flexibility and support, and we pass this amendment on the floor, and it is kept in conference, I will applaud everybody and give credit to everybody. I hope that is the way it will be because, frankly, I think disaster relief is really—look, people say I have been in a lot of intense debates on the floor and probably will be in one this afternoon about these scandal companies that get $26 billion and set up sham headquarters and don't pay their fair share of taxes.

I don't think the whole question of emergency disaster relief has any party label to it. Certainly, the people whose lives are destroyed are Democrats, Republicans, Independents, or none of the above. Certainly, this is about our States and the people we represent and...
I come to the Chamber to urge my colleagues, to appeal to my colleagues to please support this amendment. Please support it. This amendment will provide much needed help to many wonderful, hard-working people in northwestern Minnesota and, for that matter, around the country. The vote we are going to have, which will probably be sometime before noon, will be a critically important vote. We will need 60 votes. I hope we get the 60 votes. I say to the Chair, having been to northwestern Minnesota several times that these have been some of the toughest meetings I have ever attended. The farmers are at their wits end. It is not like they are asking for help. The President already knows some of the people about whom I am speaking. They are not comfortable asking for help. They know they have to have help or there is no tomorrow; they will have no future at all.

If they can get the good news today that the Senate said, we are going to provide you with the help, we are going to provide the disaster relief money, it will make all the difference in the world. If we get over 60 votes, I really believe we will have a good chance of keeping it in conference. I think the White House will support us, and we can do this together.

As a Senator from Minnesota, having a pretty clear picture about when we talk about $300 million worth or $350 million worth of damage and number of acres, I cannot just talk in personal terms. I think of all the husbands, wives, children, and families with whom I have met. The farmers are not here, but they are counting on us to represent them well.

I say to all Senators, please represent well the people in the country who have been hit with these natural disasters, and please vote for this amendment. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 5 or 6 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

IRAQ

Mr. MURKOWSKI. Mr. President, as we contemplate military action against Iraq, I wish to bring to the attention of my colleagues the rationalization, in the opinion of the junior Senator from northwest Minnesota, of the circumstances surrounding the risk to allow Saddam Hussein to continue to develop weapons of mass destruction.

It is no secret that over an extended period of time, Saddam Hussein and Iraq have been developing this capability. It not only includes chemical weapons and biological weapons, but a delivery system. Clearly, we have seen as a consequence of the Persian Gulf War that Saddam Hussein fully expected to have a near-term delivery system reaching Israel. In addition to that, we have every reason to believe he is developing his nuclear capability.

The question to which we have to relate is, of course, the obligation as to whether this is a breach of the United States' role as not only the peacekeeper of the world but the recognition that if the United States does not do it, it probably will not be done.

I bring that reference up simply to highlight a comparison. Had we known in advance of 9/11 the contemplated exposure—not only to the United States, but the peace of the world, as we knew the world prior to that time and the White House will support us, and we believe we will have a good chance of keeping it in conference. I think the White House will support us, and we can do this together.

As a Senator from Minnesota, having a pretty clear picture about when we talk about $300 million worth or $350 million worth of damage and number of acres, I cannot just talk in personal terms. I think of all the husbands, wives, children, and families with whom I have met. The farmers are not here, but they are counting on us to represent them well.

I say to all Senators, please represent well the people in the country who have been hit with these natural disasters, and please vote for this amendment. I yield the floor, and I suggest the absence of a quorum.

The assistant legislative clerk proceed to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 5 or 6 minutes.

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

Mr. MURKOWSKI. I thank the Chair.
is the realization that during this time we have been buying oil from Saddam Hussein, hundreds of thousands of barrels a day. In September of 2001, we set a record by importing nearly 1.2 million barrels of oil per day from Saddam Hussein.

It is almost as if we would take his oil, put it in our airplanes, and go take out his targets. That is rather ironic. I think it is rather inconsistent, and it shows certainly an inconsistency in our foreign policy.

What does Saddam Hussein do with the money he receives from the United States? Why, he takes care of his Republican Guard, the group that keeps him alive, and develops more weapons of mass destruction and perhaps aims them at our ally, Israel. Maybe that is an oversimplification of foreign policy. Nevertheless, that is what has been going on over a period of time. So we have become, to some extent, perhaps a partner because we are providing Saddam Hussein desperately needed funds, with a cashflow that allows him to develop his weapons of mass destruction.

Others might say that is inconsistent logic because someone else would buy his oil if the United States did not. I am pursuing the evidence that goes other than to state a fact: We are buying hundreds of thousands of barrels of oil from Saddam Hussein. He is developing weapons of mass destruction. Where does he get the money? A portion of it comes from oil sales to the United States.

So as we contemplate our decision on initiating an action against Saddam Hussein, we have to look back to the circumstances surrounding 9/11 where, had we known that the threat was what it turned out to be, we would have initiated an action. We did not know. We did not initiate an action.

We can criticize our security. We can criticize the CIA and the other intelligence agencies for inadequate information. Nevertheless, the fact remains, we did not know. Had we known, we would have taken action.

In the case of Saddam Hussein, clearly we know he is developing weapons of mass destruction. So the point is, should we take action? If we do not, who will? What is the actual threat? We do not know, but it is clearly a choice. We are giving Saddam Hussein a choice of either surrender—in other words, open up your country to the U.N. inspectors—or be prepared for the ultimate alternative, and that is basically to be subjected to a conflict that could go on for some time.

I see my good friend, the senior Senator from West Virginia, is seeking recognition. I will conclude with one reference: That we need to consider again the obligation that the energy conference have. The conference is in order. The issues are being discussed. There is an amendment that is the issue of opening up ANWR, that is within the authority of the conference to bring back to the Senate for action. As the President well knows, the House has included ANWR in its bill and the issue is before the conference.

At a time when we are contemplating an action against Saddam Hussein, which certainly would result in an upheaval in the Mideast, it is imperative that we recognize or each Member or his or her obligation to address this with some finality. It simply makes sense to authorize the opening of this area so we can reduce our dependence on Mideast oil, particularly the sources we currently get our oil from, including Iraq and Saddam Hussein.

There is going to be an invitation by the conference to invite Members to ANWR, to Kaktovik, on September 13. Members should avail themselves of the opportunity to see for themselves that it could be opened up safely.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska for his comments. There will come a time when the Senate should debate this question.

I compliment the distinguished Senator from Alaska on his concerns with respect to Saddam Hussein. I believe he said that every reason to believe Saddam Hussein has developed a nuclear capability. I hope I am not misquoting the Senator.

In the days ahead, we will want to know what the evidence is. I do not intend to enter into a long debate at this point about the matter because we have a bill before us with a pending amendment. We need to get on with that, but no Senator is seeking recognition at this point.

Perhaps Saddam Hussein has developed such a nuclear capability. When the able Senator says we have every reason to believe he has, that is not quite the point. Where is the evidence? Of course, it is to be expected that someday this country will assign unpatriotic reasons for the asking of questions by Senators. We have a right to ask questions, we have a duty to ask questions, because we are living in a very perilous time.

The war drums are beating all around us. I want to listen to what is said. I want to listen to what the President has to say. I want to listen to what he is going to say at the United Nations. I hope the United Nations will respond.

Mr. President, I am aware that the Congress has to have authorization by the United Nations. Authorization is contained right here in this little book I hold in my hand, the Constitution of the United States. This Congress has the power to declare war.

I, for one, am not going to hang my vote on an authorization by the U.N. for us in this Congress to do thus and so. We should know what the United Nations has to say. I think the United Nations should take a position. If the statements we hear, then the United Nations ought to be concerned. And the United Nations ought to give the world the benefit of its opinion. I am glad the President is going to the United Nations.

I am breaking our own rules here. I ask unanimous consent, although the Pastore rule may not have run its course, I may speak on a different subject.

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

Mr. BYRD. The United Nations, I think, has a duty to let the world know where it stands and what its opinion is. If this country is going to eventually go into a difficult situation, as we can confront us, if war is declared by this legislative branch, or if war is approved, authorized, by this legislative branch, then we in the United States should not have to go it alone.

But when we say we have every right to believe that Saddam Hussein has developed nuclear capability, well, we have every right in our minds to think perhaps he has, and we can easily convince ourselves, but is that enough? Where is the evidence?

I, for one, intend to ask questions as we go along. It is not unpatriotic to ask questions. I intend to ask questions. I have a right to ask questions. Where is the evidence? We might think about that as we go along.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005—Continued

Mr. BYRD. Mr. President, I hope Senators will come to the floor if they have anything to say by way of debate on the pending amendment, if they have an amendment to the amendment. I hope Senators will come to the floor and exercise their right to offer amendments, or to speak. But we do not have the time to waste by just waiting and letting the clock run.

This afternoon, the Senate will be debating the homeland security legislation. That is a look at the situation we are in. October 1, a new fiscal year, is rapidly approaching. It is staring us in the face. Not one appropriations bill has been sent to the President for his signature. Where is the other House, where is the other body, on this matter? I don’t seek to point the finger, but the facts are the facts.

The Appropriations Committee of the Senate, which I chair, and the distinguished chairman, the ranking member, and others on the committee, Republicans and Democrats, have reported out 13 appropriations bills. We did that before the recess. We in the committee have done our work. Where is the House? Why doesn’t the House report? I have to be careful about criticizing the other body. I don’t criticize. I simply ask the question, Where is the House in this matter?

The House has acted on the House floor on, I believe, six bills. I believe I got something right. The Senate has the floor. The floor has acted on, in the past, three appropriations bills. One is now pending. But all the appropriations bills have been passed.
Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from West Virginia makes a good point. We allow those who want to come and make their statement regarding any piece of legislation. Then we go at breakneck speed and grind to a halt. That seems to be what we have done.

Let me just say a few words on behalf of the drought amendment that is before the Senate. We are concerned about the drought as it happened in this area that has been expanded. We have been in a drought situation in Montana for about 5 years. We have been, not only in a situation of summer drought and no summer moisture, but also in the area of low snowpack in the Rocky Mountains, in the areas that feed the irrigation water and stock water and many other amenities that have been provided by that wonderful element. But this year, that drought expanded. It expanded to our neighbors to the south, Colorado and Wyoming, the western part of the state and Kansas. Some would say that is almost the breadbasket of this country.

I had an opportunity to drive through those drought areas in western Kansas and Colorado and western Nebraska, and I would say the stories I heard and the history we have studied of the great drought of the dirty thirties—if we were using the same farm way of doing business that we did then, we would probably be back in a dust bowl situation. That is how dry it has been—just no rain at all.

So this is needed legislation. It is not just legislation that has come as a whim to anybody who lives in the heart of this country. It affects us in every state. We have increased our rangelands by about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years.

The distinguished ranking member is here at his post. He and I have offered amendments on behalf of the Members on both sides. Where are the other Members who have amendments? Where are they? The first question that was ever asked in the history of mankind was the question: Where art thou? And God, walking through the Garden of Eden, in the cool of the day, said: Adam, Adam, where art thou? That was the first question that was ever asked in the history of mankind: Where art thou?

If I might just pick up on those words—that is all that I, this humble piece of mortal clay can do, is ask: Where art thou? Where are the Senators? What is the debate tonight about?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from West Virginia makes a good point. We allow those who want to come and make their statement regarding any piece of legislation. Then we go at breakneck speed and grind to a halt. That seems to be what we have done.

Let me just say a few words on behalf of the drought amendment that is before the Senate. We are concerned about the drought as it happened in this area that has been expanded. We have been in a drought situation in Montana for about 5 years. We have been, not only in a situation of summer drought and no summer moisture, but also in the area of low snowpack in the Rocky Mountains, in the areas that feed the irrigation water and stock water and many other amenities that have been provided by that wonderful element. But this year, that drought expanded. It expanded to our neighbors to the south, Colorado and Wyoming, the western part of the state and Kansas. Some would say that is almost the breadbasket of this country.

I had an opportunity to drive through those drought areas in western Kansas and Colorado and western Nebraska, and I would say the stories I heard and the history we have studied of the great drought of the dirty thirties—if we were using the same farm way of doing business that we did then, we would probably be back in a dust bowl situation. That is how dry it has been—just no rain at all.

So this is needed legislation. It is not just legislation that has come as a whim to anybody who lives in the heart of this country. It affects us in every state. We have increased our rangelands by about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years.

The distinguished ranking member is here at his post. He and I have offered amendments on behalf of the Members on both sides. Where are the other Members who have amendments? Where are they? The first question that was ever asked in the history of mankind was the question: Where art thou? And God, walking through the Garden of Eden, in the cool of the day, said: Adam, Adam, where art thou? That was the first question that was ever asked in the history of mankind: Where art thou?

If I might just pick up on those words—that is all that I, this humble piece of mortal clay can do, is ask: Where art thou? Where are the Senators? What is the debate tonight about?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from West Virginia makes a good point. We allow those who want to come and make their statement regarding any piece of legislation. Then we go at breakneck speed and grind to a halt. That seems to be what we have done.

Let me just say a few words on behalf of the drought amendment that is before the Senate. We are concerned about the drought as it happened in this area that has been expanded. We have been in a drought situation in Montana for about 5 years. We have been, not only in a situation of summer drought and no summer moisture, but also in the area of low snowpack in the Rocky Mountains, in the areas that feed the irrigation water and stock water and many other amenities that have been provided by that wonderful element. But this year, that drought expanded. It expanded to our neighbors to the south, Colorado and Wyoming, the western part of the state and Kansas. Some would say that is almost the breadbasket of this country.

I had an opportunity to drive through those drought areas in western Kansas and Colorado and western Nebraska, and I would say the stories I heard and the history we have studied of the great drought of the dirty thirties—if we were using the same farm way of doing business that we did then, we would probably be back in a dust bowl situation. That is how dry it has been—just no rain at all.

So this is needed legislation. It is not just legislation that has come as a whim to anybody who lives in the heart of this country. It affects us in every state. We have increased our rangelands by about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years.

The distinguished ranking member is here at his post. He and I have offered amendments on behalf of the Members on both sides. Where are the other Members who have amendments? Where are they? The first question that was ever asked in the history of mankind was the question: Where art thou? And God, walking through the Garden of Eden, in the cool of the day, said: Adam, Adam, where art thou? That was the first question that was ever asked in the history of mankind: Where art thou?

If I might just pick up on those words—that is all that I, this humble piece of mortal clay can do, is ask: Where art thou? Where are the Senators? What is the debate tonight about?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from West Virginia makes a good point. We allow those who want to come and make their statement regarding any piece of legislation. Then we go at breakneck speed and grind to a halt. That seems to be what we have done.

Let me just say a few words on behalf of the drought amendment that is before the Senate. We are concerned about the drought as it happened in this area that has been expanded. We have been in a drought situation in Montana for about 5 years. We have been, not only in a situation of summer drought and no summer moisture, but also in the area of low snowpack in the Rocky Mountains, in the areas that feed the irrigation water and stock water and many other amenities that have been provided by that wonderful element. But this year, that drought expanded. It expanded to our neighbors to the south, Colorado and Wyoming, the western part of the state and Kansas. Some would say that is almost the breadbasket of this country.

I had an opportunity to drive through those drought areas in western Kansas and Colorado and western Nebraska, and I would say the stories I heard and the history we have studied of the great drought of the dirty thirties—if we were using the same farm way of doing business that we did then, we would probably be back in a dust bowl situation. That is how dry it has been—just no rain at all.

So this is needed legislation. It is not just legislation that has come as a whim to anybody who lives in the heart of this country. It affects us in every state. We have increased our rangelands by about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years. We have been in a drought situation in Montana for about 5 years.

The distinguished ranking member is here at his post. He and I have offered amendments on behalf of the Members on both sides. Where are the other Members who have amendments? Where are they? The first question that was ever asked in the history of mankind was the question: Where art thou? And God, walking through the Garden of Eden, in the cool of the day, said: Adam, Adam, where art thou? That was the first question that was ever asked in the history of mankind: Where art thou?

If I might just pick up on those words—that is all that I, this humble piece of mortal clay can do, is ask: Where art thou? Where are the Senators? What is the debate tonight about?
of legislation. We have been waiting—yesterday and today—for people to come to speak against it. We have had no one come to speak against this piece of legislation.

That being the case, I am going to move to waive all points of order relating to this amendment. I think that should be done. I intend to do it very shortly.

Some people may not like it, but the fact of legislative life in the Senate is that we are going to have to vote on this issue and we should move forward on it. Once we get it out of the way, we can move further down the road.

The two managers of the bill have acted on a number of amendments today. We could complete this bill very quickly. We only have an hour left today.

The amendment now pending before the Senate is the drought assistance amendment offered by Senator Daschle.

Is that correct?

Mr. REID. Madam President, at this time, I move to waive all points of order relating to this amendment.

Mr. BYRD. Mr. President, will the Senator yield before he makes that motion?

Mr. REID. I would be happy to yield.

Mr. BYRD. Mr. President, the Senator from North Dakota, Mr. CONRAD, be recognized for up to 10 minutes to speak on the underlying legislation and the Senator from Montana be recognized for up to 10 minutes to speak on the legislation. Following that, I ask unanimous consent that, after calling off the quorum call, Senator BYRD be recognized.

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

Mr. REID. Madam President, I would therefore ask we go forward with the 10 minutes, and the 10 minutes, and then, if there is a quorum call, the Senator gets the floor. I think it might be better if he just got the floor after this. Let’s do it that way. After they finish their speeches, Senator BYRD gets the floor.

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

The Senator from North Dakota, Mr. CONRAD. Madam President, the amendment before us is critically important to many parts of the country. It is certainly critically important to my State.

This has been a year of extremes. In southwestern North Dakota, it has been the worst drought since the 1930s. If you went to southwestern North Dakota, what you would find is it looks like a moonscape. The fires have had wildfires, the most extensive in my lifetime.

We had, in one part of south central North Dakota, a wildfire that burned 35,000 acres. That burned an entire town, the little town of Shields, ND. Hundreds of buildings burned up. The only two buildings that survived were the bar and the church. It is amazing what happens in these circumstances.

I was there the morning after that dreadful night, and I met with the ranchers who had been up fighting fires for 72 hours.

As he slumped in a chair, he told me: Senator, if there isn’t assistance coming, I have to liquidate my herd and I am out of business.

Of course, he would have to liquidate his herd at the time prices are plunging; ranchers all over the region are liquidating their herds because there is not feed for their cattle. It is happening in Montana, North Dakota, South Dakota, Nebraska, and Kansas, right down the heartland of the country.

At the same time the whole south-west quarter of my State is hit by the worst drought since the 1930s, in the northeastern quadrant of the State, we have had hundreds of thousands of acres that couldn’t be planted because it was too wet. What a remarkable set of circumstances.

In northeastern North Dakota, in a 24-hour period, we got 12 inches of rain—12 inches of rain in a State where we average 18 inches of rain in a year. Hundreds of thousands of acres were destroyed, much of it planted. Some 3 million acres in my State were never planted. This is a disaster by any description.

What we do here determines whether or not people go under or survive. Some have said: Look to the farm bill for disaster assistance. There are no disaster provisions in the farm bill. I was one of the conferees on the farm bill, along with the distinguished chairman of our committee, the Senator from Iowa. We had disaster provisions in the farm bill that passed the Senate, but when we went to conference, those who represented the House told us there were two issues they could not discuss in the conference. Those two issues: Opening up Cuba for trade and disaster assistance.

They said those had to go to the Speaker of the House. And when the majority leader called the Speaker of the House, he said unequivocally: No disaster assistance, period, in the farm bill.

The conferees from the House side said that later on in the session it would be possible to consider disaster assistance, but it was not possible in the farm bill.

So when the White House says to farmers in this country, look to the farm bill for disaster assistance, there is no help there for disasters. It was specifically precluded by the speaker of the House of Representatives, supported by the President of the United States. There is no disaster assistance in that farm bill.

I just held a hearing in my State on this issue. The Governor of the State, a Republican Governor, the commissioner of agriculture, a Democrat, the leaders of the farm organizations—some Democrats, some Republicans—were present. What unified them was the dire emergency that exists, the urgent need for aid. Every single witness at the hearing, and everyone in the countryside who spoke delivered the same message: Unless there is help coming, thousands of farm families are going to be forced off the land.
They made it very clear. The commissioner of agriculture said the losses in North Dakota so far are over $800 million. In Washington, $300 million is not a lot of money. In North Dakota, $800 million is a huge amount of money. We have to recognize thousands of farm families if there is no assistance coming from here.

Every time there has been a natural disaster in any part of the country for as long as I have been in the Senate, this Nation has responded. We have declared an emergency. We have provided the money. We should do no less here.

It is not just North Dakota. It is the flooding in Minnesota, the worst floods in their history. It is disaster in our neighboring State of South Dakota, neighboring State of Montana, our State represented by the occupant of the Chair—the rural American landscape is going to change forever. Small towns are going to die. People are going to leave. There is not going to be much left. We are going to be destroying a way of life.

It is that basic, that simple. It has been said this is a real emergency, a real disaster. That is a statement. It will be changing the landscape of rural America if this legislation does not pass.

I want to read from a letter from Wells Fargo Bank, a national lending institution which has banks in Montana. This is from Alan Pearson, district manager:

Wells Fargo has always had a number of tools at its disposal, recognizing that farmers and ranchers have cyclical years. As lenders, we have made all efforts to ensure that credit needs are met by providing operating lines of credit and equipment and real estate financing. In applicable, Wells Fargo is the principal provider and underwriter of Federal Crop Insurance.

I believe it is our sense that, without significant Federal assistance for our region, many farmers and ranchers will not make it. Private insurance and existing credit mechanisms only go so far.

A principal reason why the situation warrants Federal assistance is that surface and groundwater resources have depleted to a level that requires successive above-average periods of precipitation to bring water resources back to normal levels. I will repeat that. The situation has deteriorated so much that only with “successive above-average periods of precipitation to bring water resources back to normal levels” will farmers begin to recover.

Continuing:

These conditions have worsened over the last 3 years, and our analysis shows that farm income will suffer unless Government assistance is available.

As you are aware, without specific and timely Federal emergency disaster assistance, many producers will face daunting challenges in their operations.

Unfortunately, a natural disaster is not only a condition in just a few States, as of July 22, 49 States are impacted by drought, and 36 percent of our country is currently classified at some level of drought. More than 40 percent of our Nation’s range land is currently rated as poor or very poor. This is an issue that cannot be ignored.

The Senator from North Dakota mentioned the problems in conference, took the floor to get the degree, and the Speaker has basically said no. I hope very much the Speaker reconsider and realizes that there is such an emergency that we must pass this legislation.

I am pleased more than a fifth of the Senate has cosponsored this amendment. I will read some of the organizations that proposed this and endorse it: National Farmers Union, American Bankers Association, National Cattlemen’s Beef Association, American Corn Growers, American Sheep Industry, American Soybean Association,
National Association of Wheat Growers, National Barley Growers, and a number of others. I want to make another point that has not been made enough. There have been many references to the Dust Bowl years. Some farmers call me—very respected farmers whose operations have been in families for years—that this is even worse than the thirties for two reasons: Basically, in the thirties, there was 1 year with a drought, a little bit. But, more important, in the thirties, we did not have something called CRP. We did not have the Conservation Reserve Program. Many producers in my State have put their land in the CRP. What is CRP, for those who don’t know? The CRP is the program the United States provides for farmers so they can take their land out of production and put it into grassland, in reserve. That is the Conservation Reserve Program. It helps the environment, helps the birds, and helps game and birds and so forth. It is also a way for farmers to cash flow during years of drought.

Because of better farming practices today, we do not have the Dust Bowl situation. If we continued to use the same farming, gone and broke, you might be back to the situation of the thirties. You would see wind blowing dust across the Nation. It is because of our better farming practices that we don’t have quite the Dust Bowl situation that American farmers at that time knew about.

That leads me to another point. If a major U.S. company loses 20 percent of its income, which is in the quarterly reports, the stock goes down, it is in the newspapers, and everybody knows about it. Or if an industry loses a huge percentage of its income, or people go bankrupt, such as Enron and WorldCom and others, everybody knows about those bankruptcies because the newspapers, the TV, the radio, and the Internet, that is why Enron and WorldCom and others lost people. People do not know about the individual farmers and ranchers who have to sell out because they, in effect, go bankrupt because of drought because of Dust Bowl situations, because of lack of income, and because of successive years of drought. Producers in my State have lost more than 20 percent of their income for 4 consecutive years. There isn’t another industry in America that could do that and still be standing. We should all be grateful that they are still in business because they are the ones who ensure that we have food on our plates.

So it is our responsibility, as representatives of our States, to make this known to the world—particularly to the country and the Senate—so that our colleagues have an appreciation of what we are experiencing in Montana and in other Northwestern States. It is that serious.

As has been pointed out, this body has responded to other emergencies—floods, tornadoes, earthquakes, the Trade Towers, and it was more than appropriate; everybody rushed to help. But we have the same emergency, the same disaster conditions today, but it is not as well known because it is a slow disaster. Mother Nature sometimes rains in parts of our State and not in others. Drought disaster is not as visible as, say, a WorldCom bankruptcy or an Enron bankruptcy; but it is very important, and it has been even more important to those people who have to leave those communities and to those communities and towns.

I plead that Members of this body vote overwhelmingly to help people who operate the disaster. I ask the body to also recognize the disaster we are facing. I ask the President of the United States to reconsider and agree and recognize that we have a disaster in the heartland of America, and we have a responsibility collectively, as the people’s representatives, to help the people we represent and support disaster assistance. It is the only thing we can do.

I yield the floor.

Mr. CONRAD. Will the Senator yield? Mr. BAUCUS. I will be glad to yield to my good friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BAUCUS. Madam President, I say to my colleague, we deeply appreciate the information he has provided on this issue. It was the Senator’s amendment that prevailed in the Senate farm bill to provide disaster assistance in the first place. Nobody has understood the consequence of this disaster. Nobody has understood the magnitude of this disaster. Perhaps no State has been harder hit than his own.

I want to stand and acknowledge the leadership of the Senator from Montana on this issue and thank him publicly on behalf of the people I represent and the other people affected in other States for the diligence of the Senator from Montana. He has been relentless in getting disaster assistance for our people. I think for the first time, I yield my time back.

Mr. BAUCUS. Madam President, I thank my good friend from North Dakota. We are all in this together. This is teamwork. By working together—both sides of the aisle—representatives and the people, we are going to get this passed because it is so necessary and so important. I thank my good friend, as part of the larger team.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized at this point.

Mr. BYRD. Madam President, I do not wish to have the floor at this moment. It may be the distinguished Democratic whip will have need for the floor, or any other Senator for that matter. I yield my time back.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, we have a number of people who wish to speak this morning. We have some who understand what we are experiencing in Montana and in other Northwestern States. It is that serious.

I indicated to the staff of the minority that we would like to extend time on this bill until 12:30 p.m. today. I will not put that in the form of a unanimous consent request until I hear from the minority. That is what I would like to do.

Mr. REID. Madam President, I listened attentively to my colleague from North Dakota and my colleague from Montana. Their remarks about this issue describe how important it is for us to enact legislation dealing with this disaster.

I thought I would bring a poster that shows a picture of a farm from North Dakota: One State, two extremes. This top picture shows a farmer/rancher down in the southern part of our State standing in an area that looks very much like a moonscape. There is no vegetation left. This is completely dry because of the drought. We have an area that has consumed a significant portion of the southern part of our State, and it has been devastating to those farmers and ranchers trying to make a living down there. The bottom pictures actually taken on the same day in the same State, but this is a different part of the State. This is an area that received 12 inches of rain in 1 day. This is a farmer who lost everything.

These pictures are representative of a wide group of producers in our States. We call them producers, but they are family farmers. They risk all they have to try to raise a crop and have a livestock herd that can make it through the good and bad times, and then try to take the crop or the livestock to market and make some money.

They are discovering this year, as is much of the country, that trying to tend a herd of livestock or raise a crop is very difficult in the circumstances that exist. We have a disaster that has occurred over a substantial portion of this country. This is the Palmer Drought Index. One can see over a substantial portion of the country where there is massive drought.

Some people say: So what? What about family farming? Will Rogers many years ago said: If one day in this country all the lawyers and the accountants failed to show up for work, it would not be a very big deal. But if on that same day all the cows in America failed to show up to be milked, now that would be a problem.

He was, in his own way, trying to describe the importance of family farmers, the importance of production agriculture. Production agriculture, from our standpoint in North Dakota, is families out there living under a yard light trying to make a go of it by...
planting seed in the spring and having every hope perhaps that seed will grow and take to the market and be able to recapture their living expenses. They live on hope.

We have seen over recent years weather patterns that have devastated large groups of family farmers. These clearly are disasters. When you have a drought of the type we have had, it is truly a disaster.

If 1,000 tornadoes spring up and move relentlessly across the prairies or the western part of the United States and destroy all the structures and vegetation, that is a disaster.

Tomorrow we would have FEMA, we would have trucks, we would have armies of people moving because the headlines would be: This is a disaster, and we have to move and deal with it.

It does not matter whether it is drought, flood, earthquake, fire, or tornado. The devastation and destruction that occurs when crops of tens of thousands of family farmers is a disaster, and we need to respond to it.

I am proud to say that in every set of circumstances in my service both in the Senate and the House of Representatives there has been a disaster and a proposal on the floor of the Senate to respond to that disaster, I have said yes. It does not matter to me where it is in this country. If there are cities, counties, States, groups of people in this country who have suffered a disaster, then I want to be a part of the voice of this Congress that says to them: You are not alone. This country wants to help.

I want to be, and have always been, a part of a group in this Congress who says we want to extend the helping hand of America during a time of disaster.

That needs to be the case now with respect to the disaster that occurs on family farms in this country because of this relentless, gripping, devastating drought in some parts of the country and, in other parts of the country, flooded lands.

There are a good many ways to deal with disasters. Some disasters might be just a single farm disaster. When I was a young boy, a good friend of ours named Ernest died. His crop was still in the field. He died of a heart attack one evening. The neighbors gassed up the combine truck and went over and harvested the crop and took it to the market for Ernest’s widow. That is just the way it works. That is what neighbors are about. That is what communities are for. But that is a disaster of one farm where neighbors can solve the problem.

In a disaster of this type where you have this relentless drought that has destroyed so many acres, so many crops, so much pastureland, neighbors are in the same shape. They are all devastated by this drought and all looking the opportunity to make a living.

Some say: All you do is talk about farmers. This is not just about farmers. It is about those communities and small towns, medium-size towns across the heartland of our country. It is about rural businesses. It is about the local grain elevator that does not have any grain to handle. The local feedstore that is not going to sell any feed. It is about the dealer who is not going to sell machinery. It is about jobs in the manufacturing plants that produce that machinery to process that feed. So it is much more than just family farms.

This is a circumstance where we need to take action now. I happen to think family farmers are America’s economic all-stars. They produce, produce, produce in a prodigious way. It has always baffled me that farmers are accused of being guilty of overproducing.

We have a world in which a half a billion people go to bed every night with an ache in their belly because they are hungry, and our farmers produce food and are told the food they produce has no value.

Are they nuts? Of course, it has value. This is a hungry world. We need to be smart enough to connect it all.

Our family farmers are enormous producers and have done very well, but the small individual, small economic units. They are up against the weather. They are up against insects. Once they plant that seed, they might lose their crop to a drought. They might lose it to a flood. They might lose it to wind. They might lose it to disease. They might lose it to hail. They might lose it to wind. And if they manage to not lose it to any of those things and they get a crop off by harvesting it in the fall, they might find out they lose their value by going to a country elevator and discovering the grain trades have told them their food in a hungry world has no value.

So these farmers suffer all of those risks. We need to make sure they cannot cope with the kind of relentless drought that exists in this country in a way that devastates individual producers in State after State.

This is an important issue. It is not parochial. It does not deal with just a few problems in a few areas. What has happened in this country is we have passed a farm bill that tries to help farmers during collapsing prices. That is a significant problem and a significant farm bill. We have very few programs that do what that does. But if one does not raise a crop because of a disaster price protection, it does not help; there is no protection at all. That is what a disaster declaration and a disaster bill dealing with these issues of drought and floods for preventive planting and destroyed crops is so very important.

We need to do this, not tomorrow, not next month, not next year; we need to do it now. If we fail to do this now, there are a good many families who lose their dreams for the future. They will not be around next spring. They will not be there because they will not be able to continue farming. This is an important and good investment for this country to make. It invests in the American dream for family farmers, for family entrepreneurs, and I am pleased to be a part of a group that has brought it to the floor of the Senate, and I am pleased today to support it.

This is an urgent need. Congress needs to pass this, and we need to pass it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, we have a number of people wishing to speak on this amendment, all of whom are in favor of it. After 2 days, we have not had anybody speak against it, but they will not let us vote on it.

I have a unanimous consent request I will make, but I have to wait until we get approval from the other side. It is my understanding the Senator from Louisiana, Mr. Breaux, wants to speak for 3 minutes. Following the statement of Senator Breaux, I ask unanimous consent that I again have the floor.

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

The Senator from Louisiana.

Mr. Breaux. Madam President, I say to my colleagues who have spoken previously on this amendment, I join with them as a cosponsor of this legislation. The previous speaker from South Dakota absolutely correct when he pointed out this is not a parochial issue.

I am not from Montana. I am not from North Dakota. I am not from the Great Plains. In fact, I am as far away from these States as one could probably be and probably still be in the continental United States.

Being from Louisiana, we traditionally do not have a lot of problems with drought. As a matter of fact, it is very common for Louisiana to have 5, 6, 7, even 10 inches of rain during the summer months in one afternoon. Our problem in many cases is not drought but too much water. We were jokingly talking about how we could be of help by somehow reversing the flow of the Mississippi River from north to south and changing it from south to north and sending the excess water we frequently have in Louisiana to our friends and neighbors in farms in the Great Plains, the Midwest. That is a novel idea, but it is not going to happen.

Until something like that happens, it is very important to be able to try to recognize this is a national issue. Whether one is from South Dakota or from Louisiana, it is very important when farm organizations and groups in one part of the country have a problem that is not through their own making, we in other parts of the country recognize it and help to contribute.

One of the provisions that is a defect is in the farm bill that is when someone has a disaster, they can receive disaster loans. The last thing a person...
who has no crop needs more debt which they would incur by having an additional loan.

The program we talked about in the past really does not particularly address the situation where farms are literally wiped out of any production because of a drought, thus preventing them from harvesting a crop. Having a loan in that circumstance does not help the farmer. They cannot pay back the loan if they do not have a crop. It is just that simple.

Therefore, in the interest of trying to be of help from a national perspective, this legislation has been brought to the floor. It is absolutely essential. Because of the way the system works, it will ultimately save the Government money. By helping now, we avoid greater debt and greater losses in the future. So I strongly support this effort.

We have our own unique problems right now. In my State of Louisiana, particularly in the rice industry, we are looking for ways to help solve some of the problems our farmers are experiencing because of some of the lowest prices in decades.

Our farmers are not going to be able to make it, not because of a drought or because of a flood but because of the potential of an economic disaster which Congress should be addressing as well.

In the meantime, this is the right thing to do for a disaster that is being caused by a drought. I strongly support it, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the Senator from Michigan be recognized to speak for 4 minutes.

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

Mr. REID. I ask unanimous consent that I retain the floor following her statement.

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

Ms. STABENOW. Madam President, I urge in the strongest possible terms that we pass this disaster relief package. The years 2001 and 2002 have been absolutely devastating years for Michigan agriculture. When I was home in August, I had the opportunity to visit from northern Michigan down to southern Michigan. To show the sense of urgency felt, there was an ad hoc group that put together petitions and cards. The Michigan Agricultural Industry Alliance and others, Lee Lavanway from Eau Claire, MI, in the southwestern part of Michigan, put together over a thousand petitions and cards desperately calling on us to act on behalf of American agriculture. I urge that we do so.

In the year 2001, 82 of Michigan’s 83 counties were declared a disaster because of drought. Early frosts and then flooding later in the year also contributed to considerable crop damage. Secretary Veneman issued another disaster declaration for 2002 covering 50 counties.

In 2001, yields for program crops, such as corn and soybeans, plummeted. Other crops, such as grapes and beans, had much worse results. 2001 was the worst year in recorded history for dry beans in Michigan. In fact, earlier this year Bob Green of the Michigan Bean Commission testified before the Senate Agriculture Committee about this issue.

The 2001 year drought also devastated sugar beet crops. The grape growers in Michigan have struggled with not 1 but 2 devastating crop years. The extreme, record-high temperatures during the week of April 14, followed by freezing temperatures shortly after that, have caused great damage in our fruit and vegetable crops. I have heard from apple, grape, peach, asparagus, raspberry, and other growers who have had very bad results— In fact, devastating results—as a result of the bad weather.

In July, I visited tart cherry orchards and witnessed with my own eyes the devastation that followed that bad weather. There was not a single cherry on any of these trees. We are not talking about less of a crop, we are talking about no crop. One of the farmers told me he did not have enough in his entire orchard to make one cherry pie.

When we look at this, it is astounding what has happened to Michigan agriculture and to our farmers. The lack of crop in Michigan has a ripple effect on our entire economy. Processing facilities are laying off workers. There is a lower demand for agricultural machinery and supplies.

To give an idea of the importance of these lost crops, fruit production contributes $235 million to the economy of the State of Michigan.

I call on my colleagues, in the strongest possible words, to join together to pass, by a strong bipartisan voice, this disaster relief measure. I ask the President of the United States to join, to stand with us on behalf of our American farmers.

The problem we have is under the Senate rules, there can be a couple of people who will not allow us to go forward on legislation. That is what we have here. It is too bad. We have tried everything we could to get a vote. It appears to me that probably we will have to do it with a cloture motion on this amendment. That would be the best thing to do. I hope that can be done.

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

The bill clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Daschle amendment No. 481.

Harry Reid, Byron L. Dorgan, Kent Conrad, Tom Harkin, Jean Carnahan, Max Baucus, John Breaux, Patrick Leahy, Edward M. Kennedy, Herb Kohl, Dianne Feinstein, Richard J. Durbin, Charles Schumer, Maria Cantwell, Deborah Stabenow, Tim Johnson, Arlen Specter, Tom Daschle.

Mr. REID. The staff is working to make sure we can clear the Harkin-Craig amendment. It is my understanding we are very close to that.

The unanimous consent agreement I will soon request at an appropriate time—which I will not do now—will ask consent the pending amendments be set aside and Senator HARKIN be recognized on behalf of himself and Senator CRAIG to offer an amendment on the sense of the Senate regarding Medicare; that there be 10 minutes debate with respect to that amendment, and the time be controlled between Senators HARKIN and CRAIG; that upon the use of time, the time be yielded back and there be a vote.

I hope we are in a position to offer that in the Senate at the appropriate time.

Madam President, the Senator from Pennsylvania wishes to speak. We have had a series of Democrats who have spoken. It is certainly fair he be allowed to speak. I ask unanimous consent Senator SPECTER be recognized to speak for up to 10 minutes and also that the time pending for the bill be extended until the hour of 12:15.

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

The Senator from Pennsylvania.
Mr. SPECTER. Madam President, I have sought recognition to discuss the present grave concern in the United States, and for that matter, around the world, about the menace posed by Saddam Hussein and Iraq.

I am pleased to note that the President has announced his intention to come to Congress to seek authorization before there is any military action taken by the United States as to Iraq. Senator HARKIN and I had introduced a resolution in July asking that congressional authority be obtained before any military action. The President, as Commander in Chief, under the Constitution certainly has the authority to act in times of emergency. When there is time for discussion, deliberation, debate, and decision, then under the Constitution, it is the authority of the Congress to act.

The events are moving very fast. There have been briefings of Members of the Congress by the Administration and there is a great concern, which I have personally noted in my State, Pennsylvania, on a series of town meetings across the State. Everywhere I traveled there was concern as to what action would be taken as to Iraq.

There was no doubt that the United States has learned a very bitter lesson from 9/11; we should have taken pre-emptive action against Osama bin Laden and al-Qaida. We had evidence from 9/11; we should have taken pre-emptive action would be taken as to Iraq. I traveled there was concern as to what action would be taken as to Iraq.

There have been briefings of Members of the Congress to act.

The Constitution, it is the authority of the Congress to act.

There have been strong suggestions that there is very substantial evidence pointing to a clear and present danger now. We do know Saddam has chemical weapons. We do know he has used them on his own people, the Kurds. We do know that he has used them in the Iran-Iraq war. There is substantial evidence about weapons of mass destruction and biological weapons. As best we know, Saddam Hussein does not yet have nuclear weapons, but how long it would take him to develop them is a question.

For the Congress to act, we really have to have this information, and the President has intimated, really suggested, that more information will be coming to the Congress. So far, I do not think we have seen the indicators of a clear and present danger, but that is something which will have to be taken up. This is an issue which is now, obviously, on the front burner. There are indications that the President will seek a vote by the Congress before we adjourn. So it is a matter which will require very intensive consideration and analysis. However, it is my hope that when the President makes his speech at the United Nations next week, he will call on the UN to enforce the UN’s inspection rights.

Recently, Senator SHELBY and I made a trip to Africa. Included in that trip was a visit to the Sudan. I had attempted to go to the Sudan and was advised against it because of the civil war, which has been raging in that country. We talked to U.S. intelligence personnel in the Sudan and found that they have worked out an arrangement with the Government of Sudan to make surprise inspections of weapons manufacturing locations and also on laboratories—going in with no notice, breaking locks, and taking photographs. They have concluded that, as to the installations they had identified and inspected, the President is concerned that there were no weapons of mass destruction being pursued by the Government of Sudan.

That could be a model to go after as to inspections in Iraq. Of course, it still leaves open the possibility that there are some locations about which we do not know. It leaves open the possibility that some of the weapons of mass destruction could be transported, could move around. However, I think it would be a very significant step. Then, if Saddam and Iraq refused to honor their commitments, it would put us on the high ground to take action in our own national interest.

The President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. REID. Madam President, I ask unanimous consent that the time for debate on the Interior appropriations be extended for 10 minutes.

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

Mr. REID. Madam President, I ask unanimous consent that the time for debate on the Interior appropriations be extended for 10 minutes.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

Mr. REID. Madam President, we are attempting to work out a time to vote on the Harkin amendment which he will shortly offer. We are very close to having that done. I suggest that Senator HARKIN go ahead and give his speech. If we can work out a unanimous consent agreement, he can offer the amendment, and then we can vote on it. He would give the speech now, and we would move to the amendment, if we could get the approval of the Senator from Montana.

Mr. BURNS. I have no objection to that.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Iowa be recognized for 5 minutes to speak on the amendment which he will offer at a subsequent time.

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

The Senator from Iowa.

Mr. HARKIN. Madam President, over 40 million Americans rely on Medicare for their health care security. For these Americans and their loved ones, it is a lifeline. And because of this Medicare must be protected and secured for today and tomorrow.

Medicare, however, is not without its problems. Clearly, its benefits package needs to be updated to include prescriptions. In fact, Senator Feingold and I have to make the choice between the drugs they need to stay healthy and food or heat. The Senate should once again try to craft a prescription drug plan to fill this great need.

As we move forward, there is another problem with Medicare. And that is the principal subject of my sense-of-the-Senate resolution.
Americans, no matter where they live, whether it is rural Iowa or urban Florida, are taxed at the same rate to help pay for Medicare—1.45 percent of payroll for both workers and their employers. And Medicare beneficiaries—whether in Brooklyn, IA or Brooklyn, NY—are subject to the same monthly Medicare premium.

But while they pay the same taxes and premiums, the level of Medicare payments received by Americans often varies greatly from State to State. For example, the State of Iowa receives an average $3,053 per beneficiary, which is 45 percent less than the national average. Some States are much higher than that. But there is a disparity between, say, $3,053 and the top State, which is over $7,000. It is quite substantial.

And while some of the variation may legitimately be due to cost differences, costs alone clearly do not explain the degree of differences among the states. Much of this unfair variation is caused by outdated and nonsensical reimbursement policies that penalize efficiency and conservative medical practices. Medicare assumes that it costs much less to provide health care in rural America than it actually does. It assumes that there will compete locally and regionally for health care professionals. Those of us in under-reimbursed states know that neither of these is true. Rural areas don’t enjoy the economies of scale enjoyed by their urban counterparts, and we are competing in a national and often global market for health care professionals.

The impact is real. For example, if the same hospital in Des Moines provides the same services to the same seniors in Cincinnati, OH, it would receive $5.3 million more per year. If we put it in Ann Arbor, MI, it would receive $14.6 million more per year.

What is the result of this unfair variation? In Iowa, one substantial result is that we have a shortage of virtually all types of health care professionals.

Low reimbursement equals low wages, equals health professional shortages. Iowa ranks 50th in Medicare reimbursement and we rank 50th in nursing pay. So it is no surprise that we have 3,000 unfilled registered nurse positions, another 728 vacancies for licensed practical nurses, and 2,700 openings for licensed personnel, and this to the fact that our nurses are getting older, not enough new nurses are entering the field, and Iowa has the largest population of any State over age 85, and what you have is a real recipe for disaster.

It gets worse. Medicare payments influence Medicaid reimbursement and private payer reimbursement. Because of this, Iowa ranks 49th in the ratio of general pediatricians per 100,000 children, and 50th in the ratio of OB/GYNs to 1,000 live births.

So it is no wonder we can’t recruit and keep health care professionals. A physician performing a hip replacement in New York receives $1,807.25, while one in Iowa receives $1,394.09, and one in South Dakota only receives $1,236.46. The same amount of work, time, and skill goes into the same procedure. Yet there is a vast difference in the reimbursement to each provider. Medicare acts as if it cannot take into account of time, education, skill, and time in Iowa as it does in other States, and these professionals should be reimbursed accordingly. So there are changes that must be made to bring greater fairness and improve the health care systems across the States.

There are many different proposals in the Senate that attempt to tackle this issue. I think people on both sides of the aisle can come together, as we have in the past, on this issue. I know we are very busy with many important pieces of legislation, including the homeland security bill and appropriations bills. But the resolution I am offering is very simple. Its resolve clause simply reads: Medicare should act promptly to address the disparity among the States in the amount of payments made under the program; and Legislation should be passed (promptly) that reduces unfair geographic disparity in Medicare payment rates and restores scheduled inappropriate reductions in Medicare payment rates.

So, Madam President, it is a very simple, straightforward resolution. It just says we in the Congress and the White House, the President, ought to do something to address this huge disparity among the States.

As I said, maybe you can have some disparity based upon rental rates and things like that. I understand that. But to say one State would get $3,000 and another State $7,000, this is just nonsensical. So the States that fall below the average are the ones that are getting hurt the most.

All my resolution says is that we ought to act promptly, in a bipartisan fashion, to address this issue and to make Medicare more even, more fair across the States. So I urge my colleagues to support this resolution.

I see my colleague in the Chamber. I did not see him on the floor. He is my colleague in this endeavor, Senator CRAIG from Idaho. He and I have worked together on this for a long time. He knows exactly what I am talking about because of the great disparity in his State.

I thank the Senator from Idaho for working in a great bipartisan fashion to try to get something done to resolve this issue.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I will speak only briefly to the resolution. The Senator from Iowa and I share, as I think all Senators who represent rural countrysides must share, a very simple recognition that the disparity between urban and rural Medicare payment schedules and the reality that we are dealing with a 20- or 30-year-old concept that does not make sense anymore.

We have a phenomenal nursing shortage in our country today. So if a nurse lives on one side of a boundary line created by this law, she or he can well commute to the other side and we cannot afford them.

The Presiding Officer represents a city not far from one of my major cities: Spokane, WA, versus Coeur d’Alene, ID. Spokane, WA, has a different payment schedule than Coeur d’Alene, ID, and they are 20 miles of interstate apart. Many people say that living in Coeur d’Alene, ID, because of its beauty, is more desirable than living in Spokane, but they work in Spokane because of the wage scale and/or this particular problem.

As a result, the Kootenai Medical Center and, as a result, the rural medical communities of northern Idaho cannot, in effect, compete. It is time that we address this issue even-handedly across all jurisdictions so that Medicare payments are reflective of current health care needs; not a 30-year-old model that is just flat obsolete and does not make sense anymore, because we have built-in barriers or frustrations we do not want to address them. I think we must. I think we should.

The resolution speaks to trying to move the Senate, the President, and the Congress as a whole in that direction.

I thank the Senator. The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, time on this bill is about to expire. I am going to ask to extend the time for a few more minutes. Let me just say to everyone, the reason for this is, in good faith we thought this matter had been cleared by everybody. The fact is, we had not received a signoff from Senator GRASSLEY and his staff. He is on his way over here, or staff is on their way over. I am sure, when they look at it, they will approve it, but it will take a few more minutes, so I ask unanimous consent that the time be extended until 25 minutes to the hour.

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

What is the will of the Senate? Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. REID. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. REID. Madam 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. Madam President, the Senator from Kansas wishes to speak on the underlying amendment. We have had a number of speeches today. Certainly we want him to do that. The problem is, within a minute or two we are off the bill.

I ask unanimous consent that the time for debate on the Interior bill be extended until the hour of 12:45, and that the Senator from Kansas be recognized for 5 minutes to speak on the bill.

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

The Senator from California.

Mrs. FEINSTEIN. Madam President, I have no objection if by unanimous consent the morning business session, which was to go from 12:30 to 1, could be extended from 12:45 to 1:15 so that I might have an opportunity to deliver remarks for which I have been waiting.

Mr. REID. I think, in fairness, we should allot the Senators who want to speak in morning business the full hour. The Republicans are entitled to half an hour and the Democrats are entitled to a half an hour. As soon as we get this little dust-off taken care of, I will express consent at that time that morning business be for 1 hour.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I come before the Senate today to address the majority leader’s amendment which is intended to direct immediate financial assistance to farmers around the country who are facing an historic drought. Our Kansas State motto is Ad Astra Per Aspera—a beautiful saying that means “To the Stars Through Difficulties.” I have always thought that it captured beautifully the spirit of our State and part of our character to tackle calamity and to smile at threats that have consumed lesser men. During the August recess I spent several weeks touring our State and meeting with farmers about the drought. Its impact on our crops and our rural communities is staggering.

The drought in Kansas is one of the worst in a century. It is compared, by folks who know, to the dust bowl of the 1930’s. Crops are withering and dying in the farmland. Farmers across Kansas and witnessed the drought we are experiencing. We have parts of the State that have had less rainfall than at any time since 1895, including all the Dust Bowl years when we had the terrible experience of the wind blowing soil in dark clouds. During the day you couldn’t even see the Sun because there was so much dirt in the air. That was due to both agricultural practices and lack of rainfall. Now we have better agricultural practices, but we have a lot less rainfall. It has been a disaster in a number of areas.

There are whole counties that haven’t had any rainfall at all. I looked at a lake near Jetmore, KS, that has a normal surface area of about 100 acres and is now down to less than 10 acres. It is because of a lack of rainfall. I saw whole fields where nothing has come up because of lack of rainfall.

Fortunately, some areas of the State are getting some moisture now, but it is not enough. The crops here have already died for the year. It will help, hopefully, on winter wheat planting that will now begin in some places.

What compounds the problem we are having today and why we need the drought assistance is that the new farm bill doesn’t work particularly well in a situation such as this. Some agree with the increased impact and use of loan payments. I happen to disagree with the farm bill. The problem is, we need a crop to be able to borrow against to then use it and to default on it and get paid. That way, if you don’t have a crop, you can’t use the loan payments. So you are caught that way as well.

There is a problem with countercyclical payments. You get in a drought situation, your crop reduces. The supply reduces, and generally where supply goes down, demand stays strong, the price goes up, and the price has gone up for some crops. Not enough; it should be up more. But your countercyclical payment doesn’t help because when your price is going down, you get more payment. But when the price is going up, you get less payment.

The farmers in Kansas, in particular, are caught in a double vice. They have problems with the new farm bill and its impact because of the drought and the lack of a crop, and then we are getting caught in the loan payment scenario situation we have in the countercyclical payments not being helpful to them.

Overall, we need the help. It would be a much better situation if we were dealing with the double AMTA payment that normally had been coming through this body. That would help more people. It wouldn’t be dependent upon crop production. They are not going to have that. That is not going to be the situation. That is why we need this drought assistance.

I think it would be better if we had an offset to that. That would be a wiser way, given the budgetary situation we are in today. We could find that in other places. Although some of my other colleagues are saying they don’t want to go with an offset. Reaching $157 billion in deficits this year points to the way we should be looking for offsets to be prudent in future years and for future generations so that we don’t overspend what we have.

To sum up, we need this help. We need it because of the drought. We also need it because of the new farm bill. This will help our farmers at a time they need it and a place that they need it. It should be offset. I don’t know that we will have that vote to be able to move that side of the issue forward.

In my State we are looking at a $1 billion loss because of the drought. That is going to impact our farmers and farm families. It will also impact our communities and our entire State. This will be an important measure to get passed. I am hopeful we can make it happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it appears we will not be able to work this through here today, so we can have a vote on the Harkin amendment. There is some vote on the Harkin amendment. That being the case, I ask unanimous consent that we proceed to a period for
morning business, under the previous order—

Mr. HARKIN. If I may ask the leader to yield, I have been here all morning. I thought there was no controversy on the sense-of-the-Senate resolution that the Senate and the Congress and the President should promptly to address these inequities on the Medicare repayment, of which the Senator from Idaho has been a very strong proponent for a long time, I thought we were going to have a vote on it. I don’t understand why we are not voting on this today.

Mr. REID. As I indicated, we had a sign-off from Senator Baucus, chairman of the Finance Committee. I thought we had a sign-off from the ranking member, but that didn’t happen. It is my understanding that the Senator from Iowa and his staff are looking into the amendment now. They have had the opportunity for a long time now, and they haven’t given us a sign-off. Therefore, because of the rank of the committee, Senator Grassley, not giving consent ranking member of the committee, sign-off. Therefore, because of the wires in 2003 of $11.901 billion. When out

Mr. President, the Appropriations Committee voted 29-0 on June 27 to adopt a set of non-binding sub-allocations for its 13 subcommittees totaling $768.1 billion in budget authority and $793.1 billion in outlays. While the committee’s subcommittee allocations are consistent with both the amendment supported by 59 Senators on June 20 and with the President’s request for total discretionary budget authority for fiscal year 2003, they are not enforceable unless either Senate budget rules or the Balanced Budget and Emergency Deficit Control Act. While I applaud the committee for adopting its own set of sub-allocations, I once again urge the Senate to take up and pass the bipartisan resolution, which would make the committee’s sub-allocations enforceable under Senate rules and provide for other important budgetary disciplines. With the new fiscal year starting in 26 days, it is important that we act now.

For the Interior Subcommittee, the full committee allocated $18.920 billion in budget authority and $10.804 billion in total outlays. The bill reported by the full committee on June 27 is above its sub-allowance for budget authority by $10 million and is below its sub-allowance for outlays by $280 million. An amendment by Chairman Bibr, however, at the outset of the bill’s consideration lowered the bill’s total budget authority by $10 million, making it consistent with its sub-allocation. In any event, the appropriation committee’s sub-allocations are not enforceable under Senate rules; thus, a point of order did not lie arguing that the underlying intra-bureau sub-allocation as reported. However, by including emergency funding for wildland fire management, the committee-reported bill does violate section 205 of H. Con. Res. 290, the concurrent resolution on the Budget for Fiscal Year 2003, by designating non-defense spending as an emergency.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD at this point.

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

<table>
<thead>
<tr>
<th>General purpose</th>
<th>Conservation</th>
<th>Mandatory</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Authority</td>
<td>Outlays</td>
<td>Budget Authority</td>
<td>Outlays</td>
</tr>
<tr>
<td>Senate-reported bill</td>
<td>17,498</td>
<td>1,442</td>
<td>64</td>
</tr>
<tr>
<td>Senate-reported bill</td>
<td>17,250</td>
<td>1,075</td>
<td>77</td>
</tr>
<tr>
<td>Senate-reported bill</td>
<td>18,926</td>
<td>0</td>
<td>64</td>
</tr>
<tr>
<td>Senate-reported bill</td>
<td>18,630</td>
<td>0</td>
<td>77</td>
</tr>
<tr>
<td>House-passed bill</td>
<td>18,290</td>
<td>1,438</td>
<td>64</td>
</tr>
<tr>
<td>House-passed bill</td>
<td>17,135</td>
<td>1,052</td>
<td>77</td>
</tr>
<tr>
<td>President’s request</td>
<td>17,632</td>
<td>1,331</td>
<td>64</td>
</tr>
<tr>
<td>President’s request</td>
<td>17,924</td>
<td>971</td>
<td>77</td>
</tr>
</tbody>
</table>

1 The Senate has not adopted a 302(a) allocation for the Appropriations Committee. The committee has set non-enforceable sub-allocations for its 13 subcommittees. This table compares the committee-reported bill with the committee’s sub-allocation to the Interior Subcommittee for informational purposes only.

2 The President requested total discretionary budget authority for 2003 of $768.1 billion, including a proposal to change how the budget records the accrual cost of future pension and health retiree benefits earned by current federal employees. Because the Committee’s proposal, for comparability, the numbers in this table exclude the effects of the President’s proposal.

The Appropriations Committee did not provide a separate allocation for general purpose and conservation category spending. This table combines that category and sub-allocation together in part com-

Mr. DORGAN. Mr. President, I rise to support an important program funded in the fiscal year 2003 Interior Appropriation measure. The Advanced Microturbine Program is a Department of Energy effort to support and develop clean and efficient power technologies for the 21st century. The program’s goals are to improve energy efficiency, reduce environmental emissions and expand fuel choices for the next generation of microturbines.

As I mentioned in the past, we must produce more energy, but we also must conserve more energy. Conservation of energy is simply another way of producing energy. Energy efficiency is also integral to any energy plan. Electrical systems can and should be made more efficient. Finally, we must utilize renewable energies. Employing fuels such as ethanol and using them to ex-tend our energy supply makes good sense.

The Advanced Microturbine Program goes a long ways towards those ends. The ultimate aim of the program is to produce ultra clean, highly efficient microturbine product designs by 2006 that are ready for commercialization. The machines will utilize several fuel options, including landfill gas, industrial off-gases, ethanol, and other biobased liquids and gases.

The Advanced Microturbine Program is a good example of how partnerships with industry, including one from my home State, and government can deliver advanced technologies and practices to assist in meeting challenging
goals in the areas of renewable resource development and environmental protection. For this efficient technology to reach its full potential, I am told that the Advanced Microturbine Program should be funded at $14 million for fiscal year 2003. At the minimum, I encourage my colleagues to reconsider the higher House level of $12 million as we move this bill to conference.

Mr. LEVIN. Mr. President, I would like to express my support for an amendment that has been introduced by our distinguished majority leader. This amendment, which has taken a variety of forms in the past several months, was originally proposed as a bill by Senator BAUCUS. I cosponsored this bill previously and support it now as it provides much needed assistance to our Nation’s farmers who have suffered significant crop losses during the past 2 crop years. Farmers throughout the Nation have suffered great losses, and farmers in my home State of Michigan have been among those who have suffered most.

Two years of statewide crop failure have threatened the viability of Michigan’s farmers, and this amendment strives to address the losses suffered by growers in the 2001 and 2002 growing years. Over the past 2 years, some farmers faced early warm temperatures followed by freezing conditions. For others, torrential rains came early in the growing season and were followed by long droughts for some farmers. Still other farmers faced drought conditions at the start of the crop year and heavy rains at harvest time.

This year, USDA Secretary Ann Veneman recognized the atypical weather conditions that greatly diminished crop production in Michigan by designating 50 Michigan counties as disaster areas. If that was not bad enough, Secretary Veneman designated that Michigan is 83 counties as official disaster areas last year.

Michigan is one of the Nation’s most diverse states in terms of the sheen breadth and number of crops grown in it, and growers of many crops have been affected by adverse weather conditions.

This year, cherry farmers in Michigan lost upwards of 95 percent of their crops—a level that threatens to devastate Michigan and the Nation’s cherry industry. In fact, Michigan produces over 70 percent of the tart cherries in the nation. Earlier this year, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year’s crop losses were the worst that the industry had ever suffered since crop records have been kept. Additionally, all apple growers in Michigan have had at least 20 percent of their crops damaged this, and 80 percent of all Michigan apple farmers have lost upwards of 40 percent of their crop this year.

Last year, farmers in just one area of Michigan, which is one of the leading dry bean producing regions in the Nation, lost 85 percent of their bean crop. Across the state, in the southwest corner of Michigan, labrusca grape growers lost 80 percent of their crop, and they suffered similar losses this year. While the losses suffered by bean and grape growers are particularly severe, they will only be a few crops to have suffered drastic losses.

Approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business. I encourage my colleagues to recognize the fact that Michigan means that our cherry, peach and asparagus crops, which are often grown on the same orchards as apples, will be greatly decreased. Orchard communities around the country have been devastated. As farmers have left the business, small businesses and cooperatives that have been around for generations have also gone out of business, and local governments have lost significant tax revenue. This assistance will allow many growers to reduce debt and hold on to USDA loans for the next growing season. This assistance will give farmers the shot in the arm they need to recover from several years of low prices.

Our Nation’s farmers have not shared in the losses of which many Americans have experienced over the past decade. No one, least of all America’s farmers, likes the fact that annual emergency agriculture supplemental payments have seemingly become routine. Yet we must provide this assistance if we are to address the problems facing farmers throughout the Nation. Several growers have told me that the crop losses they suffered this year were so severe that without emergency assistance they will most likely lose their farms. This assistance is not the answer to the problems facing our farmers and rural America, but it is an important part of an effort to keep families on our farms. I thank the Senator for South Dakota and the Senator from Montana for their efforts in drafting, supporting, and offering this amendment.

Hay and Fescue Crops

Mrs. CARNAHAN. Mr. President, I wish to enter a short colloquy with my good friend, the Senator from Montana, one of the chief authors of this amendment, and ask him if losses to hay and fescue crops due to armyworm infestation qualify for assistance under amendment 4461 to the Interior Appropriations Act.

As the distinguished Senator might know, farmers of forage crops in southwestern Missouri, and across the country, were devastated by a recent armyworm infestation. The Secretary of Agriculture declared sixty-two Missouri counties as natural disaster areas due to damage caused by severe armyworm infestation. Last year Senator LEAHY and I introduced legislation, S. 1354, to provide emergency relief for these farmers.

Mr. BAUCUS. In response to my distinguished colleague, we have consulted with the Department of Agriculture and these crop losses would indeed qualify for assistance under this amendment.

I know that the armyworm infestations have caused massive damage to crops throughout the Midwest and Northeast and I am pleased that this legislation will provide some assistance to these farmers.

Mrs. CARNAHAN. I thank the Chairman of the Finance Committee for his assurances that this important legislation will provide much needed relief to so many farmers and farm communities in Missouri.

MORNING BUSINESS

Mr. REID. Madam President, under the order that was to be in effect following the termination of the debate on the Interior bill, I ask unanimous consent that the time for morning business begin now and go for an hour.

Mr. REID. I ask that the first person to be recognized be the Senator from California for up to 20 minutes and that in the time thereafter, whoever wishes to speak may come to speak. We are not trying to cut out the minority from exercising their ability to speak in morning business. I am not sure anybody wishes to speak now because it is lunchtime, but everybody will have the opportunity.

The PRESIDENT. Is there objection?

Mrs. FEINSTEIN. Madam President, I was hoping 20 minutes.

Mr. REID. I ask that the first person to be recognized be the Senator from California for up to 20 minutes and that in the time thereafter, whoever wishes to speak may come to speak. We are not trying to cut out the minority from exercising their ability to speak in morning business. I am not sure anybody wishes to speak now because it is lunchtime, but everybody will have the opportunity.

The PRESIDENT. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

MORE QUESTIONS THAN ANSWERS ON IRAQ

Mrs. FEINSTEIN. Madam President, I rise today to express my growing concern that we may shortly be faced with a decision to unilaterally invade another nation-state, and that is the State of Iraq. This concern has been heightened by the news of today’s assassination attempt of Afghan President Hamid Karzai in Kandahar. Earlier on, a car bomb exploded in central Kabul, killing at least 22 people.

This event, in my view, underscores the point that our primary focus must remain on our immediate war on terrorism being waged in troubled Afghanistan, where our soldiers are on the front line. As a matter of fact, preliminary reports indicate it was Americans who took down the attempted assassination.

While I welcome President Bush’s recent statement indicating he will seek congressional approval of such a use of
September 5, 2002

CONGRESSIONAL RECORD — SENATE

S8251

force. I believe any action in Iraq at this time, without allied support, without United Nations support, and without a compelling case for just cause, would be both morally wrong and politically mistaken.

I just returned from a trip to Europe. As part of my role as chairman of the Appropriations Subcommittee on Military Construction, I toured U.S. military bases and met with a variety of individuals. They included members of the intelligence community, the military, and the International Atomic Energy Agency.

I was shocked at how dramatically perceptions in Europe have shifted since September 11 toward our country. All of the sympathy and concern we received in the wake of the terrorist attacks has apparently vanished, replaced by the sense that the United States is becoming an arrogant and aggressive power, a nation that simply gives orders, a nation that neither listens nor takes no.

When I was in Europe, much attention was given to the absence of Presidential participation at the Summit on Sustainable Development in Johannesburg. And this, on top of our rejection of the Kyoto treaty, our casting of aspersions on international accords such as the International Criminal Court, the Anti-Ballistic Missile and Landmine treaties, has led to a growing belief, right or wrong, that the United States is using its power in an increasingly cavalier and somewhat arrogant manner.

Above all, there is our approach to Iraq and our perceived readiness to invade that nation unilaterally.

I believe we have to ask many critical questions, most of which are unanswered.

Questions about the ongoing war on terrorism. How do we stay the course, root out terrorism and, at the same time, initiate war with a nation-state? What will be the impact on our war against terrorism. To date, there is no direct connection between Saddam Hussein’s Iraq and the 9/11 attacks that has been substantiated.

This means staying the course in our war against terrorism, part of which exists in Afghanistan. The government of Hamid Karzai is fragile at best. Today should show that. During its first 6 months in power, two Cabinet officials have been assassinated. Today, President Karzai himself barely escaped an assassination attempt, and a major act of terrorism has killed many in central Kabul. The Karzai government’s lack of security and stability, or it will perish and so will democracy.

Additionally, we know the Taliban and al-Qaeda lurk in the remote mountains, waiting for an opportune moment to come back. If Afghanistan cannot be stabilized, if its streets and homes cannot be made secure, and if its first democratic government cannot survive, this will be a very serious setback.

Afghanistan is our beachhead in the war on terror. We cannot lose it, or we lose the war on terror. We must put al-Qaeda, Hamas, Hezbollah, and a host of other terrorist groups out of business before they can strike out again at America and our interests.

That is why concentrating on this war—the critical war against terrorism—is so important.

An attack on Iraq at this time would only deflect from this war, by diverting resources and forces away from bringing to justice the perpetrators of 9/11. Can we afford to do this?

If there is an imminent threat to the United States or to our interests, then we must act. At this moment, however, I do not believe such a threat exists. No one doubts that Iraq has chemical or biological weapons and the means to deliver them. They have used them on at least three occasions, but they have not used them in the last 10 years, and I believe they know what will happen if they do use them.

What is less clear, however, is the status of Iraq’s nuclear weapons capability. In 1981, Israel destroyed the Osirak reactor provided by France. While Iraq continues to seek to develop nuclear capability, there is no evidence I have found that Iraq is nuclear capable today. So there is no imminent threat.

Secretary Rumsfeld has claimed that if we wait for Iraq to develop nuclear weapons, then it will be too late. He is right. The key is to find a way to stop Iraqi nuclear ambition, and stop it now, which is why opening Iraq’s borders to a search and destroy mission consumed by tribal factionalism.

I believe this requires renewed diplomatic efforts on our part, with the United Nations, with our allies, and with friendly Arab nations. We must stop Iraq from becoming nuclear capable. And the world in turn must respond. Otherwise, an attack becomes the only alternative.

I have found that Iraq is nuclear capable and able to finance doing so just that.

With the Israeli-Palestinian conflict not yet under control, a United States attack on Iraq would certainly fuel the fire of Islamic fanaticism, uniting the Arab world against the West and Israel. The consequences could be unprecedented and beyond our present comprehension.

The Israeli-Palestinian situation should be our highest priority. This conflict must be resolved. The United States must use its influence and leadership here, with the Israelis, the Palestinians, and the surrounding Arab world. Here, too, we must stay the course.

At the same time, there is some troubling evidence today of the preparation of a second front in southern Lebanon to attack Israel in the event we attack Iraq. Ambassador Dennis Ross recently told me of thousands—he mentioned 10,000—extended-range Katyusha rockets that have been moved through Syria from Iran and into southern Lebanon, for an attack on Israel. He said they had been extended so that they could hit at the major Israeli industrial zone north of Haifa. I believe this has been confirmed.

In the face of all of this, we assume we will attack Iraq. Consider that we mobilize 250,000 to 300,000 soldiers, our aircraft carriers, our B-52s, our 17s. This will not be another Desert Storm.
where exposed Iraqi troops are routed in the open desert, overwhelmed by American airpower.

This war will be waged in Baghdad, in Tikrit, and in other cities. It will be waged from house to house and palace to palace, from street to street and school to school and hospital to hospital.

We will certainly kill many Iraqis, and how many of our own will be killed? And will we stay the course and how many of our own will be killed? Will Americans stand up and say, ‘More’? I think not.

Then there are the thousands of innocent Iraqi civilians civilians already brutalized by the last 32 years—who will become casualties in this war.

America has never been an aggressor nation unless attacked, as we were at Pearl Harbor and on September 11, or our interests and our allies were attacked. We have never initiated a major invasion against another nation-state, which leads to the question of whether a preemptive war is the morally right, legally right, or the politically right way for the United States of America to make a unilateral attack on another nation-state.

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

The PRESIDING OFFICER (Mr. Edwards.) The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order of business be suspended so that the cloture motion may be disposed of.

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

DEPARTMENT OF HOMELAND SECURITY

Mrs. CARNAHAN. Mr. President, the attacks of September 11 changed us as individuals and as a nation. They changed the way we think about our personal security, and they challenged our assumptions about threats posed by groups and organizations hostile to our values and our way of life. The events of the past year have also bolstered our resolve. We have come a long way since that terrible day, but much more needs to be done. We have toppled the Taliban and severely disrupted the al-Qaeda network, but our military is still working around the clock to destroy al-Qaeda elements around the world.

We have dramatically improved security at our airports, but we have much to do to protect our aviation system, our ports, and our borders. We have spent billions to recover from the attacks, but unfortunately we must spend more to protect our homeland from threats ranging from bioterrorism to dirty bombs.

Today, we are focused on reorganizing our Federal Government to meet these new security challenges. I believe creating a new Federal Department of Homeland Security is the right thing to do. We need one agency whose exclusive focus is controlling our borders and protecting our homeland. That is why I support the bill before the Senate.

I commend Senator Lieberman for the leadership and tenacity he has shown in getting us to this point. We began hearings last year on this proposal, and earlier this year we brought the Senate a well-drafted, comprehensive bill, approved on a bipartisan basis by the Governmental Affairs Committee. I was proud to vote for that bill.

I also commend President Bush for his decision to support the creation of a Homeland Security Department.

I believe now is the time for Congress and the President to work together to create a strong, effective, and well-funded Department of Homeland Security. The American people rightly demand that the first duty of the Federal Government is to provide security. So we need to make sure we give the new Department the structure and the tools it needs to do the job.

The committee-approved homeland security bill creates an agency that will improve coordination, cooperation, and communication among all the Government organizations that will work at this new effort. It will bring together information and expertise from Federal, State, and local government and the private sector. Such efforts are key to preventing and containing further attacks.

Our States are on the front line of this battle. Missouri recognized this and was the first State to hire a homeland security director. In recognition of the strong bonds needed between Federal, State, and local government, the committee bill includes an office of State and local government coordination. This office will assure that the Federal Government reaches out to the State and local levels with training, tools, and a coordinated strategy.

It will take more than this bill to prepare communities across the United States to respond to an attack, however. There must be the resources to do the job. I am already concerned because Federal funding for homeland security still has not made its way to the local level in Missouri. In the aftermath of 9/11, the staffing needs of many fire departments have increased dramatically across our Nation. Two-thirds of all fire departments, large and small, operate with inadequate staff. The International Association of Fire Chiefs estimates that 75,000 additional firefighters are needed to meet minimal acceptable levels for safety and effective response.

I offered an amendment with Senator Collins that will begin to address this. It will establish a program to enable local fire departments in Missouri and across the country to hire 10,000 new firefighters. I am pleased the amendment passed unanimously in committee. This amendment is an effort to strengthen the ranks of those who protect us and did so on September 11, and who risk their lives daily to keep our communities safe.

I urge my colleagues to support this provision when the Senate bill is considered with the House bill. We do not only need to make sure our first responders have sufficient resources, but we will need to make sure they have adequate training. I sponsored an amendment in committee that requires the new Department to coordinate with the training centers for training on how to respond to chemical and biological attacks. This is a logical step because the Defense Department is the...
primary Government agency supporting the training of military and nonmilitary personnel to respond to chemical and biological attacks.

Just last January, the Coast Guard sent 30 national strike force members to the weapons school in Port Royal, S.C. Under the direction of Leonard Wood, MO. They learned how to spot nerve agents, scan people for radiation, and respond in other ways to terrorist attacks. From their DOD schooling, some went straight to the Olympic Games in Salt Lake City for duty.

My amendment, which the committee also accepted unanimously, makes sure that the new Department of Homeland Security has access to the Defense Department’s expertise.

We will consider a number of amendments in the coming days and hopefully have a thorough debate. But let’s not lose sight of the fact we have a very solid proposal before the Senate. It implements the President’s call for the creation of a strong, robust Department of Homeland Security. It does so in a careful and constructive way. In the end, it will preserve, protect, and defend the nation of America.

The PRESIDING OFFICER. The Senator from Arizona.

JUDGE PRISCILLA OWEN
Mr. KYL. Mr. President, I regret to say this day is a very dark day in the history of the Senate. The Senate Judiciary Committee, of which I am a member, has just rejected, on a purely partisan party line vote, the nomination of one of President Bush’s finest nominees to the U.S. Circuit Court, Justice Priscilla to the Fifth Circuit Court of Appeals.

First, there was a vote to reject her 10 to 9. Then, Senator HATCH asked she be reported to the full Senate without recommendation so that all of our colleagues could have an opportunity to cast their vote on her nomination. That vote was 10 to 9. Finally, he said, all right, then, I will move that we report her out unfavorably since the majority of the committee, 10 to 9, does not support her confirmation. That, too, was rejected on a party-line vote.

The full body of the Senate will not have an opportunity to vote on the confirmation of Justice Priscilla Owen. The reason this is so disturbing today is it marks a dark spot in the judicial confirmation process. That much was made clear by the Democratic members of the committee today. It is clear now that there is a new test to be applied to the President’s nominees. It is no longer enough to have the nominee be well qualified and above reproach in terms of judicial ethics. It is now necessary that the candidate be committed to actively pursuing the political agenda of the majority of the members of the committee. As this last vote shows, it is no longer enough that the nominee be “well qualified,” as the ABA can give to a nominee is “well qualified.” Justice Owen received the recommendation of “well qualified” not by a majority of the members of the ABA who decide these matters, but unanimously. Every single person involved in the ABA who rated the nominee, rated her well qualified. In other words, she could not have gotten a higher rating from the American Bar Association.

As I said, the chairman of the committee characterized this process as the gold standard for nominees. I said today that I guess the Senate has now gone off the gold standard; that is no longer enough.

The Senator from New York was quite candid in articulating again, as he has on numerous occasions, what he believes the gold standard should be. And central to the application of the new standard is a determination by the members of the committee of the purported ideology, political ideology, of the nominee with the right to determine whether the nominee is within the mainstream, as he identify it, and then the right to vote down any nominee considered to be outside the mainstream.

Never mind that our great and distinguished colleagues, such as Senator Kennedy of Massachusetts, Senator Schumer of New York, Senator Leahy of Vermont, in my opinion, are not necessarily the most qualified to describe what is mainstream in American politics—as least not as qualified as a person who by virtue of being part of the people of the country, the President of the United States. Apart from the fact that I think President Bush probably has a better handle on what is mainstream in the country than my colleagues on the committee, myself included, the rejection of the previous standard and the insertion of this new political standard into the Judiciary Committee deliberations is a breach of tradition, highly dangerous to the continuation of the rule of law in the United States, and itself an exercise in blatant, political activity.

When the Senator from New York suggested this new standard, he held a hearing. Among the people who testified were Lloyd Cutler, counsel to several Democratic Presidents, Lloyd Cutler is a man of great distinction in the United States, and itself an exercise in blatant, political activity.

When the Senator from New York suggested this new standard, he held a hearing. Among the people who testified were Lloyd Cutler, counsel to several Democratic Presidents, Lloyd Cutler is a man of great distinction in the United States, and itself an exercise in blatant, political activity.

Everything that was said about her in the committee deliberations this morning was considered by the bar association in making that recommendation. I suggest the charges that those outside the Senate have made are trumped up charges that bear no resemblance to the truth.

In characterizing her as somehow outside the mainstream, these groups...
have done a great disservice, not just to the President and to the court system and the rule of law, but to this fine individual, personally. That is, perhaps, the biggest tragedy of all.

The Washington Post, which is not known to be very conservative, or to be sympathetic to conservatives anyway, a friendly newspaper to the President or to conservatives or to the conservative philosophy, in an editorial on July 24, made clear its view that it would be inappropriate to reject Justice Owen; that she was highly qualified and that her conservative views, if indeed she had them, would not be a reason for her to be disqualified and rejected. The Post characterized her as a conservative in the editorial, concluding:

In Justice Owen’s case, the long wait has produced no great surprise. She’s still a conservative. And that is still not a good reason to vote her down.

I remember in the last few weeks of the campaign for the Presidency, Al Gore said one thing I agreed with. He said: You should not vote for President Bush because if he’s elected President then he’ll nominate conservatives to the court.

It is no great surprise that a President would nominate people to the courts who think like the President does. That is traditional in this country and Al Gore was right.

If you elected him, you are more likely to get people who are more liberal. If you elected President Bush you are more likely to get people who are more conservative.

Instead, it has always been the tradition to determine whether the candidate was well qualified, had the right ethics and judicial temperament, and was otherwise qualified. If so, then the nominee would be confirmed.

As a member of the committee and as a Member of this body, I have voted on a lot of nominees with whom I did not agree politically. There are members of the Ninth Circuit Court of Appeals sitting now who have voted wrong in every controversial case, as far as I am concerned. But I voted for them. I voted to confirm them because I believed that President Clinton, having been elected by all of the people in the country, this nominating process couldn’t argue with the qualifications or ethics of the people for whom I voted. These, too, were rated highly by the American Bar Association. They, too, were smart people who had good judicial record. I voted for them, knowing that probably they would come down on the wrong side of decisions that mattered to me in certain situations. And that has been the case. But I do not regret voting for them because I have been the tradition for over 200 years in this country.

Senator after Senator on the floor of the Senate has made that point: I don’t necessarily like this candidate’s views, but I am going to support the candidate because of the tradition of the Senate to give the President’s nominees the benefit of the doubt.

The new ideology in the Senate, according to the majority members of the committee, is that the burden of proof is now on the nominee; that unless the nominee can demonstrate to the members of the committee the nominee’s willingness to be fair and to be impartial, that has been established, that the committee has the right to turn these nominees down. The burden of proof has heretofore been on the committee members to find a reason to reject the nominee if, in fact, there was one.

To be candid, Members of the Senate have sometimes gone looking for reasons to oppose a nominee when they believed that the ideology was too far outside the norm. That was why they found those reasons and sometimes they didn’t. But up to now, anyway, unless you could find a darned good reason to oppose a nominee, you didn’t do so.

Now that has changed. That is why I said this is a very dark day in the Senate. If this persists, we are going to get to the point where we have judges sitting who were confirmed based upon political ideology so the citizens of the United States are no longer going to be able to go into court and be satisfied regarding the one person who will rule on their fate, on their property, and in some cases even their lives—that the individual litigant can no longer count on the court to be fair and in accordance with the law and the Constitution of the United States.

As a matter of fact, continuing down that road.

I know of very few countries in the world where a citizen is willing to voluntarily submit his or her life to the rule of a judge who was chosen because of ideology and, if so, how that might be applicable in the case of someone you don’t know. But it is still asked by the members of the committee when we had the hearings, the Judiciary Committee, in response to the concern about a President applying a litmus test. It is clear, from at least some of the nominees President Bush appointed, that he did not have a litmus test in mind because those judges have not agreed with the Reagan-Bush kind of political philosophy. But I think it is appropriate that there be no litmus test on abortion or any other issue.

When I recommended a judicial nominee to the President—either to President Clinton or to President Bush—I did so on the basis that I could easily say I never asked this candidate about his or her position on an issue such as abortion. In fact, to this day I don’t know those candidates’ positions, by and large, on that particular issue. But it appears to me now the litmus test is being applied, and specifically on an issue of abortion. I warned the members of the committee who discussed Justice Owen’s nomination today—

It is interesting that the Judiciary Committee, in response to the concern about a President applying a litmus test, has a question that has always been put to the nominees before it. We have a list of questions. But one of the key questions is: Has anybody at the White House or in the Government ever asked you about your position on any issues that might come before the court? If so, specify who, when, and so on. Because the members of the Judiciary Committee wanted to know if anybody in the executive branch queried them about their political views on issues that might come before the court. And, of course, if anybody had done so, the committee would have risen as one and said: That is improper; you are applying a litmus test, and you can’t do that.

The evidence of the witnesses who came before the committee when we had the hearings on this alluded to that questionnaire. And we said: You can’t substitute the traditional advice for confirmation with a political litmus kind of test and only apply it in the legislative branch.

If the members of the Judiciary Committee are going to begin applying a litmus test—if we are going to begin making our decision on ideology—then we say that the Constitution of the United States is going to do the same thing, continuing down that road.

I think there is an element of hypocrisy because that question still exists. It is still asked by the members of the Judiciary Committee. But we say the President dare not ask it.

I think we have to get our thinking straight. Are we going to allow decisions such as the one that was made today by the majority of the Judiciary Committee to be the prevailing view in the Senate and the traditional practice and test of the Judiciary Committee of the Senate or are we going to...
take a big, deep breath and say: Wait a minute—which it is a Republican or Democratic President and whether it is a Republican or Democratic Senate—this is taking us down a very wrong and dangerous path.

I believe that in the great tradition of partisan Members of this body, who nevertheless understood that politics was no way to make decisions on judges, good sense will ultimately prevail and the Senate will return to a standard that is appropriate—whether the candidate is well qualified based upon traditional temperament and ethics, and on their ability to apply the law fairly, and understanding and knowledge of the law.

If we don’t return to that kind of a standard, then we are on an inevitable decline in the way that our country applies the rule of law; and, since the rule of law underpins everything in the United States—from our guaranteed constitutional rights to our economic free enterprise system, our property rights, and all the rest—it would be the beginning of the end of this country.

I do not exaggerate when I say that nothing less is at stake and that this body needs to address this question very carefully. The decisions such as today’s become the rule rather than the aberrant exception.

I believe this is a dark day in the history of the Senate, that history will judge the actions of the committee today. I just hope my colleagues will consider whether in the future we need to return to the tradition that has served Presidents and the Senate and the Nation so well. I hope so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I heard the last part of the remarks of the Senator from Arizona about what happened today in the Judiciary Committee. The Senate voted for Texas Supreme Court Justice Priscilla Owen, who was voted down on a straight party line vote.

I have never seen a case in which a person who is totally qualified, a person who has shown integrity on the bench, and who has the academic credentials to be a great Federal judge would be turned down for, really, I think a litmus test on whether she had voted in the primary, but I do believe that President Bush will reappoint her or the other Democratic Senate.

But George Bush—Governor of Texas at the time—appointed her. She ran for election after her appointment and was endorsed by every newspaper in Texas and was just thought of by both Republicans and Democrats as the most qualified person who had been put forward for this particular seat on the Fifth Circuit. It is a sad day, but I think this is not over.

I do believe that President Bush will reappoint her in the next Congress if the Republicans control the Senate and he believes that she will get a fair hearing. I believe she will win the vote of the Senate, and she will show what a great judge she can be because she will be sitting on the Fifth Circuit bench.

But this is a tough day for her. I think she did not deserve this treatment. I will say that in the parts of the hearing that she had that I saw, she was outstanding and did as good a job as anyone I have ever seen who was a nominee for the Federal bench. She did so well that she was endorsed by the Chicago Tribune, and the Wall Street Journal. She had accolades from newspapers across America.

She does not deserve to have the treatment that she got today. But we will have another day, and I believe Priscilla Owen will go down in the records as a great Federal judge, because I believe she will be one eventually.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, has the bill been reported this afternoon?

CONCLUSION OF MORNING BUSINESS
The PRESIDING OFFICER (Mr. REED). Morning business is closed.

HOMELAND SECURITY ACT OF 2002
The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:
Lieberman amendment No. 4471, in the nature of a substitute.
Wellstone Amendment No. 4486 (to amendment No. 4471), to prohibit the Secretary of Homeland Security from contracting with any corporate expatriate.
Reid amendment No. 4490 (to amendment No. 4486), in the nature of a substitute.
Smith (N.H.) amendment No. 4491 (to amendment No. 4471), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft.
Reid (for Boxer/Smith (N.H.) amendment No. 4492 (to amendment No. 4491), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding that Senator WELLSTONE has a modification that will allow us to proceed and finish his amendment. Recognizing that as the case, people still wish to speak in relation to that amendment. I think that can be done after we take that action. So if Senator Wellstone is ready, I will ask that he be allowed to modify his amendment, and that will be accepted by voice vote.

Following that, the Senator from Texas will be recognized for 20 minutes to speak in relation to the legislation before the Senate and the manager of the Senate, Senator THOMPSON, wishes to speak, and I ask that he be recognized following the statement of the Senator from Texas.
Senator LIEBERMAN wishes to speak after Senator THOMPSON. At that time, we should be in a position to move forward on the Smith-Boxer amendment.

I ask unanimous consent that the Senate resume consideration of the Wellstone amendment; that Senator WELSTONE may modify his amendment with changes that have been agreed upon; that Senator WELSTONE have 20 minutes to speak with respect to his amendment; that upon the use or yielding back of time, the Reid second-degree amendment No. 4490, as modified, be agreed to, the motion to reconsider be laid upon the table; and that the Wellstone amendment 4486, as amended, be agreed to, the motion to reconsider be laid upon the table, without intervening action or debate, with the proviso that Senators be recognized as I indicated: Senators GRAMM, THOMPSON, LIEBERMAN. And at that time, we would be in an almost certain position to move forward on the Smith-Boxer amendment. We have had conversations taking place among people with regard to this.

Mrs. BOXER. Reserving the right to object, I apologize. I was called to the Cloakroom. It was my understanding that after Senator GRAMM speaks in the morning business that we were going to go to the Smith-Boxer amendment. Mr. REID. That was the case, but we have the two managers of the bill who wish to speak on the amendment.

Mrs. BOXER. On which amendment? Mr. REID. On the Wellstone amendment.

Mrs. BOXER. May I ask, where are we in terms of time? Mr. REID. Senator THOMPSON wants 10 minutes. We are talking about 40 minutes. We hope at that time we will have something that will dispose of this amendment on which Senator BOXER and Senator SMITH have worked. At that time, we will be in a position to determine what is going to happen thereafter. We have had conversations. Senator THOMPSON has an amendment he wishes to offer today or on Monday.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object one more second.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I want to make the point that Senator SMITH and I are anxious to move forward on our amendment. We are working with Senator FEINSTEIN on an amendment that she would like to offer by UC which, if it is in the spirit of what we discussed, would be fine with us. We hope we can move forward.

Talk about homeland security, 9/11, planes being hijacked and pilots and flight attendants being essentially helpless—we want to change that. We are going to stay here and push hard to try to get a vote on that before the end of the day.

The PRESIDING OFFICER. Is there objection? The Senator from Tennessee.

Mr. THOMPSON. Reserving the right to object, as I understand it, Senator GRAMM will speak first. Then I will have the opportunity to speak and then Senator LIEBERMAN. Does the Senator from Minnesota want additional time? Mr. REID. Under the agreement I just stated, he has 20 minutes if he wishes to use it.

Mr. THOMPSON. First? First meaning immediately, right now, before Senator GRAMM? Mr. REID. After the vote. 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. Just so everyone understands—and I am sure they do—the Senator from Minnesota will send his modification to the desk. At that time, we will vote in relation to the Wellstone amendment. Following that, Senator WELSTONE will speak. Then the lineup was explained before, all in relation to the Wellstone amendment.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 4490, AS MODIFIED

Mr. WELSTONE. Mr. President, I send a technical modification to the desk.

The PRESIDING OFFICER. Under the previous order, the modification is accepted.

The amendment (No. 4490), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 2. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) In General.—Any corporation may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation, under subsection (b), or any subsidiary of such entity.

(b) Inverted Domestic Corporation.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties constituting a trade or business of a domestic corporation; or

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) Definitions and Special Rules.—For purposes of this section—

(1) RULES FOR APPLI CATION OF SUBSECTION (b) (i) Applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) Certain stock disregarded.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) Plan deemed in certain cases.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, any actions shall be treated as pursuant to a plan.

(C) Certain transfers disregarded.—The transfer of properties or liabilities (including by contribution or distribution) shall not be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) Special rule for related partnerships.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as one partnership.

(E) Treatment of certain rights.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) Expanded affiliated group.—The term “expanded affiliated group” means an affiliated group as defined in section 1560(a)(1) of the Internal Revenue Code of 1986 (without regard to section 1560(b)(2)(A) of such Code), except that section 1560(a) of such Code shall be applied by substituting “more than 50 percent” for “at least 80 percent” each place it appears.

(3) Foreign incorporated entity.—The term “foreign incorporated entity” means any entity which is, or for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) Other definitions.—The terms “person,” “domestic,” and “foreign” have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(F) Waiver.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

This section shall take effect one day after the date of this bill’s enactment.

The PRESIDING OFFICER. Under the previous order, the second-degree amendment No. 4490, as modified, is agreed to.

The amendment (No. 4490), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the first-degree
Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleagues, Democrats and Republicans, that I am very pleased this amendment has been accepted. A good part of this is in a similar amendment passed in the House. This will be part of the law of this homeland defense bill.

Maybe I will take up all my time; maybe I should reserve some time to respond. I am interested in what my colleagues, Senators THOMPSON and Gramm, have done on the amendment. Let me explain briefly to other Senators why I have done this.

We did this on the Department of Defense appropriations bill. That was only for 1 year. We offered an amendment yesterday that would bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up their U.S. citizenship to avoid U.S. taxes.

I will give an example. It is a small story that I think tells a larger story. This is Tyco International. We heard all about Tyco International. They saved $400 million in taxes last year by chartering its base in Bermuda.

There was an article in the Wall Street Journal about a month ago that suggested actually these savings might have helped the company buy CEO Dennis Kozlowski’s $19 million home in Boca Raton and a $5,000 shower curtain for his place in Manhattan. They have received $250 million in Government contracts that this company has no employees, has no business activity, and is engaged in this tax avoidance? Why should they be penalized for doing the right thing, which is to stay in our country? That is what is going on right now.

We have a situation where former U.S. companies that have renounced their citizenship currently hold about $2 billion worth of contracts with the Federal Government. This amendment has now passed the Senate, and it is going to become a part of law. So they are not going to be able to do that anymore.

These Bermuda companies have no staff, have no offices, have no business activity. The only thing they are trying to do is shift income and not pay their fair share of taxes. These are Enron-like schemes involving sham loans and other income transfers that allow these companies to reduce their U.S. taxes on U.S. source income, including income from Government contracts. It is called earnings stripping.

I am pleased with this amendment, and I want people to know about this because it has now passed the Senate. If a company reincorporates in a foreign country—99 percent of the shareholders of the new foreign corporation are the same as the shareholders of the old U.S. company, then they do not get to contract with the Homeland Security Agency, and if the company does not have any substantial business activity in its foreign home. That is the two-part test. This is actually the two-part test in the Grassley-Baucus tax bill, and I thank them for their superb work.

There are many sacrifices people are making today. The only sacrifice this amendment asks of Federal contractors is that they pay their fair share of taxes like everybody else.

I say to my colleagues, I know we had a debate last time when I did this on the Dodd appropriations bill. About 99 percent of the people in Minnesota in coffee shops would say: Absolutely. If these companies want to do this kind of tax avoidance, then they should not be getting the Government contracts. I think this is an important test of this kind of egregious corporate behavior.

My second point: I am very proud of the fact that the vast majority of businesses in Minnesota and in our country do not engage in this kind of behavior. I do not want to see them put at any kind of competitive disadvantage because they do the right thing.

My third point: I think this is good public policy. I think in the long run the Senate should say to the American people—Mr. President, there are two Senators in the Chamber who are probably going to say that. They are going to say that in good faith, and they are going to marshal evidence for their point of view.

I have watched them both. Both of them are going to be retiring, and, frankly, though I do not always agree with one of them and I never agree with the other one, both of them have made the Senate a much better place.

Frankly, though I do not always agree with one of them and I never agree with the other one, both of them have made the Senate a much better place.

From my point of view, it is good public policy. There is no reason in the world that these companies should be able to enter into contracts in this kind of egregious behavior. It is a big scam. There is no reason in the world that other businesses and other people should end up having to pay more taxes, and there is certainly no reason in the world that the vast majority of U.S. companies, that play by the rules of the game, stay in our country and do not engage in this kind of tax avoidance, should be at any kind of disadvantage.

I am glad the Senate has passed this amendment. I cannot overstate its importance. This is part of the new look in the Senate. The Sarbanes-Oxley bill was a powerful step forward. It took some jarring events to get that bill out of committee, but all of a sudden people started realizing we have to do business with some of these scandals, we have to deal with some of these abuses.

We are going to have a pension bill on the floor soon. That is going to be part of this. I am really glad the Senate has passed this amendment. I think this is all about dealing with these kinds of corporate abuses. This is all about corporate accountability, and this is all about reform.

I am very proud of the fact the Senate has passed the amendment, and I thank my colleagues for doing so.

I ask unanimous consent to add Senators JOHNSON and Senator HARKIN as original cosponsors.

I yield the floor.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, this amendment is a perfect example, if one goes around doing surveys to decide on public policy, of how far afield from good public policy one can get.

Let me try to make a couple of points. If someone wants to get a good,
In the Finance Committee today, there was an effort to mark up a bill—and people will think this is a joke, but it is the truth—that said if you own property and you want to leave America and you want to go become a citizen in Ireland or Germany or Argentinia, you will have sold your property, and you have to pay a tax to the American Government before you leave. Now, forgive me, but that is right out of Nazi Germany. I don’t understand, when people are trying to come here every day, when we have been a net gainer from people moving capital for over 200 years, why all of a sudden we are passing laws that sound as if they are right out of Nazi Germany.

The idea that somebody cannot leave America and take their property with them, that they have to pay a tax in order to get their property out of America—forgive me, but that rings of another era and another system, a system that I read about in school, and I still hate it. Look, it is good politics to bash on companies that are increasingly international. Many of these companies end up with more American employees by relocating their headquarters than they would have otherwise. It is very good politics to say: We are going to show them. Move your headquarters out of America, or if you did it in 1812, you can’t do business with the government. It is good politics, but it is terrible public policy.

We have probably, over the 200 years with active commerce in America, gained 100 companies domiciling in America for every one that has gone in the other direction. Do we really want to create an economic war where companies say, if you ever open a headquarters in our country, you can never move it anywhere else? Do we want that to happen to companies that want to come to Texas? I don’t think so. So, boy, you can get a great, rousing applause—probably even the Rotary Club would applaud this—until they understood what you were talking about.

We took this amendment because people do not want to vote on it. I am happy to vote on it. This is a bad policy. It is a wrongheaded policy that is basically counter to everything we believe in as a nation. If you do not want to live in America, I just as soon you should leave. If you want to take your property, great, go to it.

Now, the fact that for the whole history of America, property and people have been coming our direction, that does not change the fact you either believe in freedom or you do not. But to start saying, in order to sell us a product, you have to pay a tax, that is wrongheaded. It is a bad policy coming on the same day as this Finance Committee bill that would force you to act as if you sold your property when you want to leave America, to pay a tax. God forbid this should be the policy of the United States of America. And it is not going to be. This amendment is not going to become law. I intend to work very hard to see it doesn’t. I don’t believe it will.

Again, nobody wants to vote against it. Everybody is going to applaud it, but in the end, some logic is going to prevail. When for 200 years people have been bringing wealth here, moving...
businesses here, why we want to prevent people from going in the other direction is beyond my comprehension, other than we are going to get a big applause in doing it. Applause is a poor reason to have public policy.

I reminded him of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will take just 2 minutes, and I know the Senator from Tennessee will speak. I assume I have a little bit of time.

The fact is, this will become law. It will be in this bill. It will stay in this bill. The House passed a similar provision.

I will say a couple things to my colleague from Texas. I appreciate what he said, although I think a lot of it did not describe this amendment. This is not about buy America, or about business moving. It is basically about going after tax cheats. It is about people paying their fair share of taxes. Frankly, as long as we are going to talk about freedom—

Mr. GRAMM. Will the Senator yield on that?

Mr. WELLSTONE. I will be glad to yield.

Mr. GRAMM. Nothing in this amendment talks about taxes. This amendment says if you redomicile without changing half your ownership, that you can’t sell the products in America. You are assuming that if I move my business from France, I have to do it for tax reasons. I may do it for some other reason. I may just do it because I like French food.

So you are acting as if the only reason people do this for taxes. And, even if that were the case, that wouldn’t change my opinion.

Mr. WELLSTONE. No. I would say to my colleague—I appreciate it and I will finish up—I know I will not change his opinion. I am well aware of that. I will just tell you the Senate Finance Committee did a pretty thorough investigation of this, and we know very well that these companies have engaged in what I think is blatant tax avoidance. We know they set up these sham companies that don’t have personnel there or they do not do any business there. We know they avoid paying taxes, including actually transferring some of the money they made in this country to avoid taxes. It is Enron-like schemes.

You talked about freedom. I am free, as a United States Senator, to introduce a piece of legislation that says we go after these tax cheats and they should pay their fair share of taxes. I am free, as a Senator from the State of Minnesota, to represent the people of my State and do so, and that is what I have done and this amendment passed and that is a fact.

Frankly, when my colleague says: Well, the only reason it passed is because it is just a popular thing to do, so Senators really would not have voted against it, that is quite an indictment of the Senate. I would have thought if the majority of Senators believed this was bad public policy, they would have been out here to oppose it—or at least some of them would have. I have to believe the majority believed it was good public policy. Otherwise I don’t think it would have passed. I don’t think they would come and debate and are afraid to express their viewpoint and are afraid to oppose a policy if they don’t think it is a good public policy. If that is the case, it is a sad commentary.

As my colleague knows, I would have been pleased to debate anybody because I think this is absolutely the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we have other business to attend to, so I am not going to belabor this. Let me make my point. Nothing in this amendment has anything to do with or says anything about tax cheating. This amendment would apply to a company that moved from the United States to Great Britain in 1812. The Finance Committee did not do any great deliberation in coming up with this amendment. It was a pay-for, something to create money they wanted to spend, and it seemed like a popular thing to do. Let’s not deceive ourselves into thinking any great thought was behind it. And anybody who does not understand we pass this every day in the Senate that everybody hopes and believes will end up dying somewhere in some dark corner somewhere—where much of God’s work is done, by the way—then I don’t think they understand the reality of politics.

So I just stand by the following points: First, this amendment has nothing to do with taxes. This amendment is punitive to companies that may have started in America, may still employ 90 percent of their people in America but are now domiciled abroad; that is, they call another country their economic home. The incredible paradox of the amendment is that for every American company that has moved abroad, 100 have moved to America over the last 200 years.

Look, it is going to be on this bill. It is in the House bill. But I do not believe it is going to become law.

Second, I want to make the point that offshore investment is good for America in the capital markets of the world if we keep this business up. If we had our major trading partners pass and enforce a similar law, we would lose 100 or maybe 1,000 companies that are coming here for every one we are preventing going there. This is not smart.

Third, I just have to raise this provision considered by the Finance Committee, which is based on the same logic. How can anybody move out of America and take anything with them? My God, for over 200 years, people have moved from Asia and Europe and South America and everywhere, and they brought wealth with them to America. The idea of taxing people to get out of your country, the most dramatic example of that I remember is Nazi Germany.

So I just ask people to please take a look at what we are doing. Some people think they won’t actually become law. I hope not. But I do believe we are going to reach a point where we are going to begin to do some harm. The people in the financial markets around the world must think we are crazy when they see these kinds of amendments.

I yield the floor.

Mr. DODD. Mr. President, I would like to thank Senator WELLSTONE for introducing this important amendment to the homeland security bill.

Our international tax code currently has a loophole that allows U.S. corporations to open shell companies in tax haven countries while enjoying all of the benefits of doing business in the United States without paying taxes. The Finance Committee has reported out a bill that temporarily addresses this very issue. I hope that in the coming weeks we will debate and pass the Finance Committee’s amendment. The amendment currently before us prohibits the new homeland security agency from contracting with any corporate expatriate. I commend my colleague for introducing this fair and very simple amendment. What this amendment says is that you are incorporated outside of the United States and do not have substantial business activities in the foreign country you are incorporated in, and if at least 50 percent of the stock of the entity is held by former shareholders of the domestic corporation or by former partners of the domestic partnership, you will not be allowed to contract with the new homeland security agency.

Also, unlike previous discussions on this issue, Senator WELLSTONE’s amendment includes all inverted companies, so that there is no difference between companies who have just inverted or have been inverted for 6 months or 6 years. This is plain and simple, and more importantly, this is fair.

The U.S. government should not be in the business of contracting with U.S.-based corporations that are avoiding their tax responsibilities by incorporating in offshore tax havens. Corporations have a right to determine where they should incorporate and what is best for their business, just like we have a right to determine how hard earned U.S. tax dollars should be spent. I strongly believe that U.S. tax dollars should not be spent in government contracts to companies that have expatriated in order to avoid paying taxes.

Companies who are or will be affected by this amendment must understand that there are benefits and costs to the decisions they make. This amendment, if adopted, will force corporations to include in their calculi
the fact that they may no longer be able to enjoy the earnings that are brought to them through Government contracts if they incorporate offshore to avoid U.S. taxes. That may or may not alter management’s decision to move offshore, but it does not matter that the company will not be able to contract with the government. If this is the decision, so be it. But we should not perpetuate a system that puts companies that do pay U.S. taxes at a competitive disadvantage relative to companies that have less of a tax burden.

I represent the State where Stanley Works is located. Stanley Works has a wonderful history and tradition in Connecticut, and so it was a great disappointment to many of us when they took steps toward inverting their company to Bermuda. Obviously Stanley Works executives weighed the benefits and costs to inverting the company and found that the costs outweighed the benefits, and so I can speak on behalf of Connecticut when I say, that we are pleased that Stanley Works dropped its plan to reincorporate to Bermuda.

In FY 2001, Stanley Works had a total of $5.5 billion in defense and homeland security related Government contracts. Now that they are going to stay incorporated in the U.S., they would be put at an unfair disadvantage if they have to compete with companies who also weighed the cost and benefits, but decided that they are better off leaving the U.S. or remaining incorporated outside of the U.S.

The amendment currently before us takes away this unfair advantage. And so if companies like Ingersoll-Rand, Cooper Industries, and others are interested in continuing to contract with the Federal Government, then all they have to do is come back.

To continue to contract with companies that have decided to invert, or to allow companies to engage in tax saving techniques not available to most individual taxpayers and yet still be eligible for important and profitable government contracts, would be the words of the government departments. “reduce confidence in the fairness of the tax system.”

U.S. companies that have decided to move offshore currently hold at least $2 billion worth of contracts with the Federal Government. We have a responsibility to ensure that these offshore shell companies are not rewarded for turning their backs on America. And that is exactly what this Amendment does.

At a time when confidence in U.S. business practices is at an all time low, when the country is engaged in foreign policy challenges, and when CBO is projecting lasting deficits until 2006 we cannot continue to condone this practice, and we surely cannot allow the Government to continue to allow this unfair loophole to continue. Offshore tax havens are a massive $200 billion loss of U.S. tax revenue that should stay in the U.S. The 2002 U.S. deficit is expected to be at $157 billion—a deficit that would be closed were these offshore companies to pay their fair share of taxes.

I think that we can agree that we must change our flawed international tax code which is obviously in need of reform. There are problems with the fact that the tax code is currently putting American companies at a competitive disadvantage by taxing income from their overseas operations no matter where the income earned abroad. But what we need to do is work together to change the law and not just abandon ship and reincorporate. And so while we work on making changes to the tax code, it is important that we do not disadvantage those companies who remain in the U.S. by also awarding contracts to those who have left. That is why I am pleased that this amendment passed the Senate today.

Mr. THOMPSON. Mr. President, the Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, the Senator from Texas is right. This is a significant change in procurement policy. They are removing the Government’s—by domestic fiscal Affairs, which has jurisdiction over Federal procurement policy, has not had a single hearing to consider this issue and the impact it will have on the procurement process. I think at the outset it ought to be observed that it is very unfair to publicly accuse a company of being a tax cheat when they have not violated one single law, rule, or regulation of the United States. I have been informed since this discussion has been going on that one of the many unintended consequences, probably, and potentially unintended results, is one involving a company called Intelsat.

If we are going to prohibit companies from dealing with the new Department of Homeland Security, why limit it to the Department of Homeland Security? Let’s prohibit them from doing business with—I guess, the closest comparable department would be the Department of Defense. But the Department of Defense uses satellites of Intelsat.

I do not know the extent of the traffic, but I think it is significant, and I know it is important to the national security. Intelsat is a Bermuda company, and it is an inversion. That is the sort of thing we are dealing with. Of course, the closest comparable department would be the Department of Defense. But the Department of Defense uses satellites of Intelsat.

I do not know the extent of the traffic, but I think it is significant, and I know it is important to the national security. Intelsat is a Bermuda company, and it is an inversion. That is the sort of thing we are dealing with. Of course, the closest comparable department would be the Department of Defense. But the Department of Defense uses satellites of Intelsat.

Another result of this amendment would be to allow foreign companies that have always been foreign companies to be able to bid on Department of Homeland Security contracts. But it would preclude foreign companies that have at one time in the past been headquartered in the United States from bidding on those contracts, even if the work would be performed in the United States by American workers.

So if you have always been foreign, you can deal with the Federal Government. But if at one time, at any time in your past history you were an American company, you can’t. That doesn’t make any sense to me. What is important is that this amendment might violate our trade obligations because it is discriminatory against certain foreign-based companies. If we were to enact the amendment what would be the unintended results? I am concerned we would be giving governments an excuse to ban U.S. companies from bidding on foreign contracts, when we have been fighting to get foreign governments to open their procurement process to U.S. companies.

Denying a company the ability to be awarded Federal contracts based solely on the location of its headquarters represents a significant change in Federal trade and policy and counteracts years of work to streamline the Federal acquisition process. If we begin to use Federal contracts as leverage against potential contractors, the system will inevitably become highly politicized, and the goal of getting the best value on Government contracts will no longer be a priority: It will be a political football, where the procurement process will turn into an attempt to punish our enemies and reward our friends instead of trying to get the best deal for the Government—which, of course, is the best deal for the taxpayer, who are the proponents of this amendment claim they are looking out for.

Government contracts are not gifts. Federal contractors face a burdensome process full of red tape, paperwork, and unique Government regulatory requirements. That is why it can be difficult to get multiple companies to even bid on a contract.

We have attempted to streamline this process in recent years in order to increase competition, to save taxpayers money, but restrictions such as those discourage companies from bidding in the first place. We do not want to end up in a situation where DHS has to rely on sole-source vendors because we prohibit the Department from contracting with an inverted corporation. The least we could do is provide the Secretary with the authority to waive the ban in order to ensure competition in the bidding process. That procurement bar is a serious sanction, reserved only for egregious conduct such as fraud or criminal offenses in connection with obtaining the contract or performing a public contract.

What is important is that Government procurement officials when evaluating a contract bid is no longer the company is headquartered, but it looks at where the work is to be done, whether the company will do a good job, and whether the bid is cost effective.

Whether or not you believe corporate inversions should be prohibited, the fact of the matter is that inversion transactions are legal under the current tax laws. Because the amendment
September 5, 2002

CONGRESSIONAL RECORD — SENATE

S8261

is retroactive, it would bar companies that have engaged in legal behavior—an inversion—from bidding on DHS contracts. The inversion could have occurred a year ago or 10 years ago. Either way, these companies had no way of knowing that they could be banned from bidding on federal contracts if they inverted.

This amendment’s definition of an inversion is problematic, because it would snag any company that inverted at any time if 50 percent of the shareholder voting rights were before and after the inversion. This amendment would not just go after the sham transactions that are targeted by the Finance Committee bill. It would also catch companies that engaged in inversion transactions for legitimate business reasons. The Finance Committee-reported bill has an 80 percent shareholder test, which is intended to target the most egregious transactions.

It is important to note that these companies will pay U.S. tax on the income earned from their government contracts regardless of whether they are headquartered in the U.S.

The amendment does not address the root cause of corporate inversions, which is our highly complex foreign tax regime that taxes companies on a worldwide basis. U.S. tax laws put domestic companies at a distinct disadvantage relative to their foreign competitors who are taxed on a territorial basis.

That is the heart of the problem. That is the root cause, and that is what we ought to be addressing.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for up to 10 minutes.

Mr. WELLSTONE. Mr. President, I wonder if I could have 2 minutes.

Mr. LIEBERMAN. Mr. President, I yield my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, that is very gracious of the Senator from Connecticut.

I just wanted to say again that I appreciate the remarks of both of my colleagues. I did want to address one point that was made by my colleague from Texas, which is that this won’t become widespread. I think almost the identical provision was passed in the House and the Senate has agreed to it. I believe the chairman of the Senate Governmental Affairs Committee is committed to it. I believe there are many people in the House who are as well. I will tell you one other thing. The public is committed to this as well. There are going to be a lot of people looking at the conference committee. The only time I get feisty is when there is an implication: Oh, well, you know we don’t want to go on record because we are afraid to oppose it, which I think is unfair implication. I think it is bad public policy. They come out here and say: We will just knock it out in the conference committee; never mind that the vast majority of people think, of course, this is about tax avoidance; of course, we know what we are doing. Don’t worry about that because it will be business as usual. We will not even in the conference committee and knock it out.

I want to say to my colleagues that I believe there are many Senators and representatives in that conference committee who will make sure that this amendment is kept. I am monitoring this. It will become law. It is not going away. We will not be back to the business of helping these corporations with all their egregious behavior and thinking they can get away with it. It doesn’t work that way any longer. It is a new world. People do not stand for that kind of egregious behavior.

That is the standard of ordinary citizens and good public policy.

The PRESIDING OFFICER. The Senator from Connecticut?

Mr. LIEBERMAN. I thank the Chair. Mr. President, I want to speak in favor of the amendment that the Senator from Minnesota has introduced, which has been adopted, as amended. I want to say that not only do I support it personally, but as the manager of this bill and as chairman of the Governmental Affairs Committee, from which the underlying bill has emerged, when we go into conference on this bill and leave it different, in my mind, is the heart of the problem. That is not only my personal support of the Senator’s amendment but the fact that the Senate has adopted the amendment by voice vote unanimously. I will be pledged to do everything I can to keep it in the ultimate conference report, particularly since the House has adopted a similar amendment.

Mr. President, I want to speak briefly on this. I think the Senator has done something important and that is just. He attached this to a bill on homeland security. But it responds to a broader problem. It does, in a sense, touch the same spirit of patriotism that we generally responded to after the events of September 11 which engendered the basic bill before us. It is this notion that a significant number of American businesses that have been born and grown up here, benefited from all the opportunities that America provides, decided to wriggle their way through the tax laws and locate offshore to avoid paying taxes to the United States of America. This is just wrong. It is like so much else that is going on around it.

Unfortunately, more than a few of our biggest companies have chosen to incorporate overseas and thereby avoid paying U.S. taxes.

Evidently, these companies have asked themselves if it is legal instead of asking if it is right or wrong. They have had some lawyers or accountants tell them it is legal to do this. Legality isn’t the only standard for what is right and wrong.

It seems to me that a company that has grown up in America and that has benefitted from American workers and all that America does to create a climate for enterprise, economic growth, and markets for goods and services that are provided ought to, as an act of pride, even though it may be illegal to go offshore, as an act of citizenship pay its fair share of taxes.

My dad was a small businessman. He did well as he went along. I always remember it makes me think that I was doing something right as a young man that this was. In fact, my dad used to say: I never complain about paying taxes because the taxes I pay are the price I pay as a businessman for doing business in this country, for the extraordinary not only blessings of liberty that America gives, but as part of that, the blessings of economic opportunity that are allowed me—dad never went to college—to start this business and be able to make enough money to send my kids to college and graduate school.

That ethic, which is still shared by the great majority of businesses in our country, including particularly, may I say, small businesses that don’t have the wherewithal to kind of wiggle their way through the tax laws. That is not reflected as often in the actions that we have seen documented so well.

I share the view of many of my colleagues that we should close the tax loophole to prevent companies from running with irresponsibility that is the most direct way to address the problem. But I also support this amendment, which sends a simple and profound message: if you don’t want to participate as U.S. citizens and pay your fair share of taxes, then don’t expect to make billions of dollars of profits from U.S. government contracts that are paid with the tax dollars of Americans who pay their fair share in taxes.

The State of Connecticut has some recent history on this issue—history with a happy ending—that I would like to relate to the Senate. Back in May, StanleyWorks, a proud company based in New Britain, wanted to pack its corporate bags and reconstitute in Bermuda. And not because its executives wanted to try driving on the left side of the road. It was because some of its leadership decided it would be nice to avoid paying taxes to the United States of America.

It is sad and ironic, when you think about it. This company was founded in “New Britain”—a name that calls to mind our roots as 13 colonies that broke away from the mother country because she tried to tax us from afar without representation, and respect that we deserved. And here was a New Britain-based company thinking of setting up a shell in Bermuda to avoid paying taxes even though it is in every other way a full-fledged citizen of our United States.

StanleyWorks started in 1843 when an enterprising businessman named Frederick Trent Stanley set up a small
shop to make door bolts and other hardware from wrought iron. It was one of dozens of small foundries and other backyard industries in town struggling to make a go of it by turning out metal products—but Stanley had a life spirit and an uncommon passion for doing things right. So, as often happens in America, what began as a modest enterprise prospered and grew.

To see this company so willing to scrap a long-held and proud presence in my State, and to see similar things happening around the country, got me angry. It got a lot of us angry. And with good reason. Thousands and thousands of hardworking small American businesses like the business my father owned and operated, and thousands of corporations, contribute to America every single day—not only the way that all businesses do, by producing jobs for Americans—but also by paying a fair share of taxes. Meanwhile, other companies have the gall to look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas and make metal products in the process, relinquishing their good corporate citizenship in the United States of America every single day. But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else pays while, other companies have the gall to look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas and make metal products in the process, relinquishing their good corporate citizenship in the United States of America every single day. But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else meets, you erode our common bonds as a community. It may seem to make you erode our common bonds as a community. It may seem to make us look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas and make metal products in the process, relinquishing their good corporate citizenship in the United States of America every single day. But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else meets, you erode our common bonds as a community. It may seem to make us look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas and make metal products in the process, relinquishing their good corporate citizenship in the United States of America every single day. But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else meets, you erode our common bonds as a community. It may seem to make us look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas and make metal products in the process, relinquishing their good corporate citizenship in the United States of America every single day. But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else meets, you erode our common bonds as a community. It may seem to make us look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

I am proud that at least with StanleyWorks, a little bit of shame seemed to have an effect. StanleyWorks decided not to go overseas and make metal products in the process, relinquishing their good corporate citizenship in the United States of America every single day. But other corporations are still busy relinquishing their American citizenship and, in the process, relinquishing their good corporate citizenship in the very same act. Mr. President, when you wriggle out of taxes you wriggle out of responsibility. When you evade the basic requirements that everybody else meets, you erode our common bonds as a community. It may seem to make us look for a clever way to fatten their bottom line and get an edge over their competitors who play by the rules. That is why I supported the bill by Senators Baucus and Grassley to close the tax loophole that Stanley attempted to exploit, and supported adding to that bill a provision preventing overseas tax dodgers from competing for or receiving federal contracts.

The thing is, we have been waiting to finish this Smith-Boxer amendment. We would like to get that done. But if you have the understanding that you were to speak for 40 minutes—

Mr. GRAMM. Mr. President, probably we could move everything along by my just starting and trying to be expeditious. I speak slowly, so I will try not to repeat myself.

Mr. REID. The Senator has the floor, and he has the right. I would just indicate to everyone we are going to have a vote sometime this afternoon on the Smith-Boxer amendment. Everyone has agreed that would take place. So everyone should understand that after the Senator from Texas completes his statement Senator Boxer will modify her amendment to meet a couple of the objections that were raised, and then she will speak. Senator Smith will speak, and maybe even Senator Hollings will come and speak. Mr. President, I would estimate that probably at around 4:30 or thereabouts we could have a vote on the Smith amendment. I think that would be all of the legislation on this bill today.

The PRESIDENT OFFICER. Mr. CARPER.

Mr. GRAMM. Mr. President, we have started the debate on homeland security, and one of the things that has struck me is that while we have talked about the President’s request for flexibility about his additional emergency, to override collective bargaining agreements—the debate, to this point, has basically been in the abstract. So while it does not make for a pretty speech, I would like to try to get specific this afternoon for 20 minutes and try to give some concrete examples as to what this debate is about.

The President has said that in order to protect the American homeland, he needs the ability to put the right people in the right place at the right time, and that he also needs the ability to move or remove people who are not capable of doing the job that needs to be done in order to protect our country, its people, its property.

I would like to just note the following things on this issue. No. 1, this is not a new concern. In 1984, the Grace Commission stated:

The lack of integration of the INS, the Border Patrol, and the Customs Service would lead to security breakdowns.

That was the Grace Commission in 1983.

Does anybody doubt when INS approved a visa for two of the people who flew airplanes into the World Trade Center, after their pictures and names have been on every television station and every front page of every newspaper in the world, that the concern expressed by the Grace Commission in 1983 has been borne out?

In 1989, the Volcker Commission, on the National Commission on Public Service, concluded:

The current system—

They are talking about our system of hiring, firing, and promoting.
The current system is slow, it is legally trampled, and intellectually confusing. It is impossible to explain to potential candidates. It is almost certainly not fit for filling the mandate to hire the most meritorious candidates.

Does anybody doubt that the young lady who was an FBI agent who tried to warn headquarters that we had suspected terrorists taking lessons on flying planes but not on landing them—should have been promoted and given a raise? I think the concerns of the Volcker Commission in 1989 have been borne out.

And when the U.S. Commission on National Security, chaired by our dear friend and former colleague, Warren Rudman, stated:

An agile, flexible personnel system is required for us to have a successful defense of the American homeland.

We can debate whether the current system is flexible enough, but let me just let the facts speak for themselves. And they are pretty simple facts.

Mr. President, 1,800,000 people worked for the Federal Government in the year 2000—1,800,000. How many do you think were fired because they were incapable of doing their job? With 1,800,000 people working for the Federal Government, how many of them do you think lost their job because they were not getting it done? The answer: 6.

In 2001, how many Government employees do you think lost their job out of 1.8 million because they were not getting the job done? The answer: 3.

Don't believe that all but three Federal employees in all of America, in every agency combined, would have met the standards of the private sector to keep their job? I do not think so.

Only 500 people out of the 1.8 million people who worked for the Federal Government were demoted in the year 2000 for lack of performance. Only 600 were denied pay raises.

The Federal Government. The vast majority of people who got bad ratings—over 99 percent of the people who work for the Federal Government who were given failing grades on their evaluations—got automatic pay increases with the Federal Government. No wonder two-thirds of Federal workers, in independent polls that have been conducted, believe that poor performers are not adequately disciplined. Further, nearly half of all Federal workers believe that job performance has little or nothing to do with a chance for promotion.

It seems to me when you look at these facts, the President is simply asking, in the area where life and death are at stake, to have greater flexibility in being sure we hire the right person: it does not take 6 months to do it; and if somebody is clearly not doing the job, that we at least move them out of these highly sensitive areas.

In listening to people who are defending who, instead of defending the homeland, you get the idea that the President is proposing a wholesale rewriting of personnel laws.

I just want people to look at the facts and see that under the President's bill, only 6 of the 70 chapters in the Federal Registry governing the civil service system are modified, and none of them is repealed.

Another area: Whether people are wondering what are all these politicians talking about is this whole area of collective bargaining. Why, in this area of national security, in order to get a decision made and to get up our shield and to deter, does the President want to be able to waive collective bargaining agreements on a selective basis?

I simply picked out 8 that are very different to give you examples of the kind of problem you have in trying to make the Government work. Please forgive my clumsiness in reading them, but they are pretty revealing.

No. 1: Collective bargaining agreements can prohibit improvements to border protection and inspection areas. Let me give an example. In 1987, the Customs Service office at Logan Airport was renovated with a minor change in the area where the baggage of international flight passengers was inspected. The National Treasury Employees Union argued that the renovation had to be part of a collective bargaining agreement. The Federal Labor Relations Authority ruled that the Customs Service could not renovate its baggage inspection areas without a collective bargaining agreement.

Are we kidding? Are we going to put American lives at stake over changing collective bargaining agreements so that we can upgrade inspection areas? I don't think so. I don't think that is protecting workers or protecting jobs. I think that is protecting the status quo and exposing Americans to being hurt.

Let me give another example: Collective bargaining agreements can prohibit agencies from working together to protect the border. President Clinton's drug czar, Barry McCaffrey, as many will remember, noted the separate union rules that controlled how its inspectors would search vehicles. According to the San Francisco Examiner—this is General McCaffrey speaking—

Officials at one agency were actually forbidden to open the trunks of cars, a policy well known to drug dealers.

We are not asking people to share toothbrushes. We are just asking that the President have the ability to jointly train people at the Border Patrol and at INS and at Customs so that they can work together.

This is a perfect example of where that has not happened. And then the U.S. Commission on National Security, chaired by our dear friend and former colleague, Warren Rudman, stated:

Another example: Collective bargaining agreements could prohibit the forward deployment of the best Customs Service inspectors to foreign ports to inspect container ships destined for the United States. Unions are currently negotiating with the Customs Service to determine which inspectors will be shifted abroad based on merit, but on the INS the INS sought to change its policies regarding body search policy on detainees. Listen to this one. In 1993, the INS sought to change its policies regarding body searches and detentions in order to protect employees from harm and the Service from lawsuits. The American Federation of Government Employees objected, saying the new shift affected overtime and differential pay of existing workers and had to be negotiated with the union. The Federal Labor Relations Authority agreed that new shifts of border inspectors could not be added without a collective bargaining agreement.

Do we really think that President ought to have the ability to add personnel if our lives are at stake? I think the answer is yes.

Another example: Collective bargaining agreements could prohibit special task forces of the Border Patrol from being deployed to an area. Let me read you the union agreement and what it requires for deploying Border Patrol. I am not criticizing them. I have been maybe the biggest supporter of the Border Patrol. Under normal circumstances, when you are posting people, you want them to be posted in areas where they can preserve the basic quality of life. But let me read you what the union agreement says.

They have to be posted where there are suitable eating places, drug stores, barber shops, cleaning establishments, and similar places necessary to sustain the comfort or health of the employees.

In peacetime, when we are getting the job done, that is perfectly reasonable. But are we going to stand by and let a union work agreement say that we can’t, in an emergency, deploy the Border Patrol where there are no dry cleaners? I don’t think so.

Another example: Collective bargaining agreements could prohibit the forward deployment of the best Customs Service inspectors to foreign ports to inspect container ships destined for the United States. Unions are currently negotiating with the Customs Service to determine which inspectors will be shifted abroad based on merit, but on the INS the INS sought to change its policies regarding body search policy on detainees.

When we have a critical area where people’s lives are at stake, we can’t be fooling around with seniority. We have to give the President the right to say: Look, that agreement is perfectly good under ordinary circumstances, and at the post office we are going to agree with it. But when people’s lives are at stake, we are not going to be fooling around where we can’t put the best person in the best place. That is what this debate is about.

Another example: Collective bargaining agreements could prohibit agencies from implementing a new body search policy on detainees. Listen to this one. In 1993, the INS sought to change its policies regarding body searches and detentions in order to protect employees from harm and the Service from lawsuits. The American Federation of Government Employees insisted that no change in body search policy occur until a broader collective bargaining agreement was reached. Under the INS new policy, the union challenged it before the Federal Labor Relations Authority, and they ruled that the new body
search policy could not be implemented without a new collective bargaining agreement.

The President is asking for flexibility in the name of national security. This is exactly the kind of circumvention we are talking about. When we have people at these press conferences saying, protect our workers, they are not talking about protecting workers, they are talking about protecting agreements that don’t make any sense, given that we have had over 3,000 of our fellow citizens killed.

Let me give you a couple more examples. Collective bargaining agreements could prohibit agencies from canceling annual leave during a border crisis. In 2000, the Customs Service was pushing a drug interdiction effort along the Florida coast. When annual leave was canceled, the union filed a grievance on behalf of those Customs officers who wanted to attend the World Police and Firearms Games. The FLRA ruled that despite the interdiction effort, annual leave could not be canceled.

When people are saying the President doesn’t need this authority and these agreements are sacred, is anybody willing to say that in order to protect people’s lives, we are going to deny the President the ability to say no, today we are going to protect people’s lives in your hometown? I don’t think so.

Let me give you one more example. Collective bargaining agreements could prohibit agencies from disbanding a single office. In 1991, INS attempted to shut down a unit facility due to a steady decrease in activity and staffing. No more than two union workers at the facility in its last year, and one manager was capable of handling the workload. Yet, the union challenged the move and the Federal Labor Relations Authority ruled that the elimination of any unit could not occur until the collective bargaining agreement was about.

So when we are talking about giving the President, for national security reasons, the right to waive these work rules, this is exactly the kind of thing that we are talking about. When people’s lives are at stake, should we be able to deploy the Border Patrol on a sustained basis where they don’t have dry cleaners? When people’s lives are at stake, should we be able to change facilities without renegotiating union contracts? When lives are at stake, should we be able to require that people that were attending some conference stay on their job to protect our fellow citizens? That is what this debate is about.

The President has asked for the right to use a policy that has been available to every President for the last 20 years. Yet, in this bill, when we are supposed to be promoting homeland security, that right is taken away from the President. So what has happened here is we are providing a lot more money, and that will help. But we are imposing restrictions on the President that guarantee the money will not be well spent.

I understand the power of special interest groups. I understand that people have other concerns in national security. But I think, under the circumstances, what we face, that those who say the President is trying to trample on labor rights, trying to take away from unions their power, I don’t think they have a leg to stand on. I think if my colleagues could see these examples, they show very clearly exactly the kind of thing we have to do.

Finally, I believe that the vast majority of people who are going to be in these emergency agencies would like to have these restrictions removed. They would like to have promotions based on merit. They would like incompetents who endanger their lives, as much or more than they endanger our lives, to be removed. That is what this debate is about. We have to go back and forth at each other, and I thought it was important to come over and put some meat on the bones and give concrete examples.

I yield the floor, the PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 4922, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modified amendment to the desk, which has been discussed by SMITH and myself, regarding training for pilots and flight attendants. The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4922), as modified, is as follows:

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

TITLE—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 1. SHORT TITLE.

This title may be cited as the “Arming Pilots Against Terrorism and Cabin Defense Act of 2002.”

SEC. 2. FINDINGS.

Congress makes the following findings:

1. Terrorist hijackers represent a profound threat to the American people.

2. According to the Federal Aviation Administration, between 33,000 and 35,000 commercial flights occur every day in the United States.

3. The Transportation Security Administration has determined that air marshals be on all high risk flights such as those targeted on September 11, 2001.

4. Without air marshals, pilots and flight attendants are a passenger’s first line of defense against terrorists.

5. A comprehensive and strong terrorism prevention program is needed to defend the Nation’s skies against acts of criminal violence and air piracy. Such a program should include—

(a) armed Federal air marshals;

(b) other Federal law enforcement officers;

(c) reinforced cockpit doors;

(d) properly-trained armed pilots;

(e) flight attendants trained in self-defense and terrorism awareness; and

(f) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices to permit pilots to monitor activities in the cabin.

SEC. 3. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 49 of title 49, United States Code, is amended by adding at the end the following:

“44921. Federal flight deck officer program

(1) Establishment—Not later than 90 days after the date of enactment of the Amendment to the Federal Flight Deck Officer Program (Public Law 107–44) mandated that the Under Secretary of Transportation for Security shall establish a Federal flight deck officer program to deputize qualified pilots of commercial aircraft or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as ‘Federal flight deck officers’. The program shall be administered in connection with the Federal air marshals program.

(b) QUALIFIED PILOT.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

(1) is employed by an air carrier;

(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

(3) has been the subject of an employment investigation (including a criminal history record check) under section 44906(a)

(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. Such training, qualifications, curriculum, and equipment shall be consistent with and equivalent to those required of federal law enforcement officers and shall include periodic re-certification as determined by the Under Secretary. The Under Secretary may approve private training programs which meet the Under Secretary’s specifications and provide the same. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

(d) DEPUTIZATION.—In general.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

(2) Initial deputization.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

(3) Full implementation.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize as many pilots as possible as Federal flight deck officers under this section.

(e) Compensation.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to...
defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

(g) AUTHORITY TO USE FORCE.—Notwithstanding section 4903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

(h) LIMITATION ON LIABILITY.—

(1) LIABILITY OF CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of criminal violence or air piracy if the injured or damaged party was an employee or agent of the air carrier, or a Federal flight deck officer, who was acting within the scope of his office or employment.

(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—Federal flight deck officers shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of criminal violence or air piracy if the injured or damaged party was a Federal flight deck officer, who was acting within the scope of his office or employment.

(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an “employee of the Government” acting within the scope of his office or employment with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or wilful misconduct.

(i) PILOT DEFINED.—In this section, the term “pilot” means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.

(j) REGULATIONS.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Transportation shall issue regulations to carry out this section.

(k) PROGRAM ELEMENTS.—(1) IN GENERAL.—The requirements prescribed under subsection (l) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

(A) Determination of the seriousness of any occurrence.

(B) Crew communication and coordination.

(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4-week period, in the following levels of self-defense:

(i) Awareness, deterrence, and avoidance;

(ii) Verbalization;

(iii) Empty hand control;

(iv) Intermediate weapons and self-defense techniques; and

(v) Deadly force.

(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(f) Live situational simulation joint training exercises regarding various threats, conditions, including all of the elements required by this section.

(g) Flight deck procedures or aircraft maneuvers to defend the aircraft.

(h) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (i) shall include program elements for instructors that include, at a minimum, the following:

(A) A certification program for the instructors who will provide the training described in paragraph (1).

(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

(2) RECURRENT TRAINING.—(1) Each air carrier shall provide the training under the program within 24 months after the completion of the initial training.

(3) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

(4) COMMUNICATION DEVICES.—The requirements prescribed in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating within the flight deck.

(5) REAL-TIME VIDEO MONITORING.—The requirements prescribed in subsection (a) shall include a program to provide flight deck crew with real-time video surveillance of the cabins of commercial airline flights. In developing this program, the Under Secretary shall consider—

(A) maximizing the security of the flight deck;

(B) enhancing the safety of the flight deck crew;

(C) protecting the safety of the passengers and crew;

(D) preventing acts of criminal violence or air piracy;

(E) the cost of the program;

(F) privacy concerns; and

(G) the feasibility of installing such a device in the flight deck; and

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

(i) RULEMAKING AUTHORITY.—Notwithstanding section 4903(d), the Administrator may promulgate rules, regulations, or orders for the purposes of this section.

(ii) MAXIMUM SECURITY.—The Administrator shall develop and promulgate rules, regulations, or orders to maximize security of flight decks.

(iii) LIABILITY.—The Administrator shall develop and promulgate rules, regulations, or orders that specify the liability of air carriers for acts of criminal violence or air piracy that occur on flight decks.
acts or omissions of the air carrier’s training instructor or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or acts of terrorism shall be considered in good faith and necessary force in defending an aircraft of the air carrier against acts of criminal violence or acts of terrorism.

(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier’s training instructors or cabin crew shall not be liable for damages in any civil action in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or acts of terrorism.

(3) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.

(a) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier’s cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

The provisions of this amendment shall take effect one day after date of enactment.

Mr. President, for the benefit of Members, I know Senator STEIN has been working hard to move things along. We have reached agreement on modifying our amendment, making sure that the pilot training is strengthened. I think she would be satisfied with what we have done.

Basically, it is the amendment that Senator SMITH wrote in the form of a amendment. I think she would be satisfied with what we have done.

I thank my colleague from New Hampshire for his vision and tenacity in making sure that what happened on September 11 will not happen again.

Now we say, is there any one thing we can do to ensure this will never happen again? Yes, there is. Life is too complicated for that. As someone who has been a leader in the effort for sensible gun control laws, what we are doing in this amendment is very carefully thought out. It is backed by the Air Line Pilots Association International, and it is backed by the flight attendants.

I ask unanimous consent that a letter I just received from the Air Line Pilots Association be printed in the RECORD.

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

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL,

Hon. Barbara Boxer,
U.S. Senate,
Washington, DC.

Dear Senator Boxer: On behalf of the 67,000 members of the Air Line Pilots Association, International, I want to offer our thanks and support for your amendment to the pending homeland security legislation. The Boxer-Smith amendment creates a program allowing volunteer pilots who meet strict federal standards to receive training to become federal flight deck officers, authorized to defend the cockpit against acts of criminal violence and air piracy.

Our nation has suffered greatly as a result of the events of September 11. More than 3,000 people were murdered, billions of dollars of property damage was incurred, the nation's economy was rocked, thousands of people were laid off and life in America will never be the same again—all because terrorists were able to kill eight pilots and take over the cockpits of their airliners on that day.

This must never happen again. Providing more armed federal air marshals and enhanced cockpit doors will help. However, not all flights will have the protection of air marshals and new, more secure cockpit doors will not be installed overnight. As an absolute last line of defense our government has authorized U.S. jet fighters to shoot down an airliner if it is hijacked. To authorize such an action, without empowering pilots to defend the cockpit against hijackers, is both illogical and unacceptable.

We are confident that the program, created by your legislation, would not only add a genuine security enhancement in the very near term, but also give passengers and air crew a greater sense of security because their government had provided all possible resources needed to defend against a terrorist hijacking.

The scrutiny and training our members undergo during their preparation for a career as professional airline pilots, we believe, provides a ready-made pool of individuals who would be willing and able to participate in such a voluntary program: highly educated, physically and mentally fit men and women who are conditioned to react calmly and deliberately in a crisis.

In this period of attempting to find money for security initiatives that will have the most immediate and direct impact on preventing another terrorist attack, we believe that this legislation provides the most practical program for cockpit defense.

Thank you for your efforts on this important issue of safety and security. Sincerely,

DUANE E. WORTH, President,

Mrs. Boxer: Mr. President, I think this letter from the pilots comes from the heart. When we think back to that terrible day, we know exactly what happened. The flight attendants were trained never to interfere if someone wanted to hijack a plane. The pilots were trained to go along. Do you know, according to the flight attendants that we wrote the bill and with the help of my chairman and his ranking member, we wrote the part of the bill that deals with putting air marshals on all the high-risk flights, the long-haul flights. I am here to say today unequivocally that we are way behind.

On some of the airlines—very few—they have not strengthened the doors. Guess what, Mr. President. As my chairman has repeatedly said, they are open during the flight. I am on flights constantly, all across the country and in Europe, and I see the doors come out of that door. Guess what they do. Sometimes they have a cart in front of the door to protect against the cockpit...
The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, Senator SMITH had the floor for a moment, so if I may speak.

THE PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I believe this is an important amendment, one I find great support for in this country. I believe it makes sense to arm qualified airline pilots, to add another layer of protection to our existing aviation security system. That is what we are seeking to do.

We have had increased security, of course—increased screening requirements, fortified cockpit doors, increased numbers of sky marshals—since September 11. We must continue to do more and do all that we can.

I recently wrote an op-ed in the Denver Post, as well as in a Wyoming paper, that indicated some 80 percent of American people, according to the polling, support this idea. This amendment mirrors the legislation introduced in both Houses of Congress and now before the Senate.

The U.S. Department of Transportation, which has had a change of position, proposed a limited arms pilot program, but the Smith amendment would be even stronger. The Smith amendment would prevent airlines from discriminating against pilots who wish to participate.

The Smith amendment would provide liability protection both for the airlines and for lawful actions of armed pilots preventing a terrorism tragedy turning into a feeding frenzy for the trial bar.

Unfortunately, opponents of arming the pilots have fostered misplaced fears of the issue. Here are some of the facts.

Pilots would use firearms only in the defense of aircraft after hijackers breach the cockpit door. No man-made door is impenetrable to determined attackers, of course.

According to the May 2 House subcommittee testimony from Boeing's director of aviation safety, commercial airplanes are extremely unlikely to suffer a catastrophic failure due to firearms on board. Aircraft are designed with sufficient strength, redundancy, and damage resistance that even single or multiple handgun bullets would not create holes that would result in the loss of the aircraft.

Even the worst possible mishap that could be brought about by an armed pilot is certainly not comparable to the alternatives. A plane destroyed by a missile fired from a U.S. fighter plane or that crashes into a ground target is simply not an acceptable outcome when there is a chance of preventing it by allowing federally commissioned, trained, screened, and volunteer pilots through the efforts of this amendment, the fight against terrorists and hijackers.

I certainly hope we can support this important amendment and make our skies even safer for Americans to travel. I urge my friends to vote yes on the Smith amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. While we are awaiting the arrival of Senator SMITH, I thought I would give some more details about the bill.

I see Senator SMITH is in the Chamber, so at this point I am very happy he has come back. I know he had to attend a quick meeting. I say to Senator SMITH if we can get a vote this afternoon, it will be good for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. While the Senator from California is still in the Chamber, let me thank her in a big way for the wonderful cooperation she has given us as we have worked together to bring this amendment to the floor. But also, more importantly, to bring the flight attendants and the pilots together in this effort and to have legislation that is going to help them as we get through this terrible ordeal.

This has been a long, arduous effort since 9/11. I know the Senator has worked with various groups, as I have.

Right after 9/11 we started to meet with pilots and flight attendants to hear from them as to what it was they believed they needed.

It became very clear, as the Senator from California has said, that the flight attendants were not properly trained and believed they needed that training. They were the first to die, we believe, in those aircraft. Not only that, the pilots themselves had absolutely no defense against these terrorist attacks.

In listening to the families, the flight attendants, and the pilots, we were able to piece together, work through, and develop legislation which I hope this Senate will pass this afternoon.

This amendment will train and arm commercial pilots with a firearm to defend the cockpit of our Nation's commercial aircraft from acts of terrorism. It also provides for increased training for flight attendants and communication devices for pilots and flight attendants to have the latest communications and video monitoring devices.

It is a terrible comment on our times that this kind of effort has to be put forth that that's what we live in, where people who are determined to kill us have no qualms about killing themselves. What happens, as we all
know, is that these aircraft become weapons of mass destruction. They become bombs, in essence.

As the Senator from California said, the option of not having guns in the cockpits or trained crews is having guns in the cockpits or trained crews is having guns or air defense, F-16s which will shoot down commercial aircraft with Americans on board, a terrible scenario to have happen, basically making the decision to take fewer lives to avoid killing more people been; aut or air defense is not possible. A terrorist might happen on the ground. It is a terrible scenario we do not want to see happen.

I am not sure we can guarantee 100 percent it will never happen, but we can cut the odds with this legislation. That is why I am so excited about its passage. Hopefully, when it goes to conference with the House—the House bill is very similar but not quite where we need it to be—we can conference this and the President will sign it.

I want to start by telling the flight attendants this morning in the press conference. They were very emotional and very articulate, I might add, in talking about the training they did not have, and they have not had any additional training since the 9/11 incident. I believe this is unique. Very few pilots and flight attendants a fighting chance against these terrorists before our Government has to resort to shooting down an airplane and by all odds keeping the terrorists from getting into that cockpit. The cabin would be the first place the terrorists would be. At least with trained flight attendants, they can perhaps incapacitate the person or at least slow the person down. If that person gets to the cockpit with a lethal weapon, a properly trained pilot will stop that person before that person gets into the cockpit and causes the plane to lose control.

We have met some wonderful people. I was taken aback this morning in the meeting with Alice Hogan. She is the mother of Mark Bingham who lost his life on flight 93, one of the many heroes on that aircraft. It is very emotional to see these people coming to Washington and talking with us and asking us to help. They should not have to ask, but they are here, they are articulate, and they are emotional. They want help. They deserve help. We do not want any more flight 93s or flight 175s.

A few weeks ago, I met Ellen Saracini whose husband Vic was the pilot of the aircraft that went into Tower 2. Ironically, she told us, she had had a conversation with her husband not too long before September 11 in which he indicated to her he wished band not too long before September 11 had had a conversation with her husband.

One other thing I want to mention, because it has not been talked about: have not heard anything official, but there has been some rumor there may be an effort to go with a test program, or a pilot program—no pun intended—where guns would be put in the cockpit on 2 or 3 percent of the planes, maybe train the flight attendants, maybe not. We need those flight attendants trained. This is not where we need to be. This is not going to get the job done.

If someone is a passenger on an airplane, they might want to know whether this is one of the 2 or 3 percent where the pilots are armed. I know I would want to ask. Ninety-seven percent of the planes are not going to have these so-called test provisions.

I am thinking, what are we testing for? It is not a good idea. The House started out with this, and they left it a long time ago and moved our way on the legislation. So the less we know about this, let's say we implement a test program for 5 years. Three percent of the aircraft have trained pilots and are carrying arms, and nothing happens for 5 years—and we would hope it would never happen, right? We are going to wait until something happens with the other 97 percent? And when something happens, we will increase it to 15 or 20 percent? It is illogical. We need this bill to pass now. Armed pilots. The pilots want it. The people on the plane want it. The American people want it. I hope the majority of the Senate wants it, as the majority of the House.
President, Southwest Airlines Pilots' Association.

CAPTAIN JOHN E. DARBAH,
President, Northeastern Pilots Association.

CAPTAIN BOB MILLER,
President, Coalition of Airline Pilots Associations.

[From the Washington Post, June 4, 2002]

GUN . . .

(By Richard Cohen)

Careful readers of this column will remember when, some time ago, I was burglarized. It was the middle of the night, sometime around 3 a.m., when I heard a noise in the back door being forced open. I awoke at my partner’s side, my thumb on the heart, rushed to the head of the stairs and heard someone running around the floor below. At that moment, what I wanted more than anything in the world was a gun.

What I wanted at that moment—and only that moment—I hasten to add—was denied last month to airline pilots who just might have had to deal with a hijacker somehow getting into the cockpit. That decision was made by the pro-gun Bush administration only deepens the mystery. If I were a pilot, I would want a gun. And in every survey, most pilots say they do.

The gun I would want would not be carried on my person. It could have been in the bathroom where I went to the bathroom or left the cockpit for any reason. It would be in a secure location, accessible only to someone who knew a code, and while it might be loaded with bullets that could stop a man but not penetrate the fuselage, even conventional ammo does not present an unacceptable risk. Planes don’t deflate like balloon—there are fewer bullet holes. And, anyway, air marshals and other law enforcement officers already fly not only armed but with conventional ammo.

This gun would be used only as a last resort to stop a terrorist from gaining control of the plane. It’s probably not too much to say that if pilots had had weapons on Sept. 11, the attacks might have been averted. A man with a box cutter is no match for a man with a gun.

The union that represents the pilots, the 20,000-member Airline Pilots Association, favors having a weapon in the cockpit. Not all pilots agree, of course. Some of them feel that arming pilots would distract from the real job at hand and that the cockpit can be as secure as quickly as possible. This includes, among other things, bulletproof cockpit doors that can’t be broken down. It also includes keeping up the air marshals program. After all, El Al Israel’s national airline, does not arm its pilots and has not had a hijacking since 1968. It uses sky marshals. But El Al has one large difference. The United States has more 20,000 flights a day. It will be a long time, if ever, before there’s a sky marshal on every flight. That cannot, of course, be said for pilots. Every flight has at least one.

Back in 1995, when he was governor of Texas, George W. Bush signed a bill giving Texans the right to carry a concealed weapon. The bill insisted only that the gun-toters be at least 21, pass a criminal background check and have no history of mental illness. I only hope that pilots already meet those criteria.

If that’s the case, then why is it somehow logical to allow every Texas Dick and Harry to pack some heat but to forbid that same right to airline pilots, who, I may point out, often are ex-military people? Regardless, what would all have had was a gun, and their first duty, always, would be to fly the plane—no matter what. Only if a terrorist somehow managed to gain access to the cockpit would the pilot use the weapon. Could even a stray shot be worse than a commandeered plane on a terrorist mission?

If the unthinkable happens, let us hope for the tightest restrictions on guns. I fear the things, since they are easily concealed and lethal. The more there are, the more chances there are for one to fall into the wrong hands. That is precisely what I feared the night I was burglarized—not that the burglar had a knife (I had scissors, but a gun). But even in my most anti-NRA moods, I want the cops to be armed, since, among other things, just be being so, they deter crime. Armed pilots would also be a deterrence to the terrorist who with the chance that an air marshal is aboard or the certainty that, in the cockpit, it is gun and a person—cool enough to be an airborne police—who cool enough to use it. Just one night in my life, I wanted a gun. On just one flight, a pilot might feel the same way.

[From the Washington Post, June 6, 2002]

ARMED (AND TRUSTED)

(By George F. Will)

The next perpetrators of terrorism in America probably are already here, perhaps in agents of lawyers, of liability—explains why the airlines oppose arming pilots. But legislation could immunize airlines from liability resulting from harms suffered by passengers as a result of pilots’ resisting terrorist.

The three pilots who favor allowing pilots to carry weapons to whether to do that. Armed pilots might be tempted to imprudent bravery—particularly ‘renegade’ pilots with fighter-pilot mentalities, who would leave the cockpit to battle terrorists in the main cabin. And arming pilots serves the pilots’ interest of requiring a third pilot in each cockpit.

The three pilots who favor allowing pilots to carry weapons to whether to do that. Armed pilots might be tempted to imprudent bravery—particularly ‘renegade’ pilots with fighter-pilot mentalities, who would leave the cockpit to battle terrorists in the main cabin. And arming pilots serves the pilots’ interest of requiring a third pilot in each cockpit.

Passengers already entrust their lives to pilot’s judgments. Landing a hijacked plane is indeed the first priority, but pilots need to be able to do that. A third pilot can only be spared or whose pilots opposed guns in cockpits. Today’s column presents, without endorsement, the views of three commercial airline pilots who oppose guns in cockpits.

The next perpetrators of terrorism in America probably are already here, perhaps in agents of lawyers, of liability—explains why the airlines oppose arming pilots. But legislation could immunize airlines from liability resulting from harms suffered by passengers as a result of pilots’ resisting terrorist.

The three pilots who favor allowing pilots to carry weapons to whether to do that. Armed pilots might be tempted to imprudent bravery—particularly ‘renegade’ pilots with fighter-pilot mentalities, who would leave the cockpit to battle terrorists in the main cabin. And arming pilots serves the pilots’ interest of requiring a third pilot in each cockpit.

Passengers already entrust their lives to pilot’s judgments. Landing a hijacked plane is indeed the first priority, but pilots need to be able to do that. A third pilot can only be spared or whose pilots opposed guns in cockpits. Today’s column presents, without endorsement, the views of three commercial airline pilots who oppose guns in cockpits.

The next perpetrators of terrorism in America probably are already here, perhaps in agents of lawyers, of liability—explains why the airlines oppose arming pilots. But legislation could immunize airlines from liability resulting from harms suffered by passengers as a result of pilots’ resisting terrorist.

The three pilots who favor allowing pilots to carry weapons to whether to do that. Armed pilots might be tempted to imprudent bravery—particularly ‘renegade’ pilots with fighter-pilot mentalities, who would leave the cockpit to battle terrorists in the main cabin. And arming pilots serves the pilots’ interest of requiring a third pilot in each cockpit.
procedures when carried on a person rather than in luggage. Here is what else can be undetected by security screeners busy confiscating, grandmothers’ knitting needles: The six-inch serrated knife that a passenger found, in a post-Sept. 11 flight, secreted under her seat. Two semi-automatic pistols that recently passed unnoticed through metal detectors and were discovered only when the owner’s bags were selected for a random search at the gate. A mostly plastic 22-caliber gun that looks like a cell phone and can inflict a neck wound that will not stop bleeding.

The idea that arming pilots is a means of justifying a third pilot is disingenuous: Re-engineering cockpits for that would be impossible complex. Equally implausible is the idea that a Taser (electric stun gun) is a satisfactory aid when locked in a plane, seven miles up, with a team of trained terrorists.

A pilot’s gun would never leave the cockpit because the pilot never would. And shooting a terrorist standing in the cockpit door frame demands a sniper’s skill. The powerful pressurization controls, as well as the location and redundance of aircraft electronic, hydraulic and other systems, vastly reduce the probability that even multiple wayward gun shots—even of bullets that are not frangible—would cripple an aircraft.

About fear of “fighter pilot mentality”: The military schools are screening pilot candidates to eliminate unstable or undisciplined candidates. Airlines, too, administer severe selection procedures for pilots, who are constantly scrutinized. Captains have two physical examinations a year (first officers, one) with psychological components. Everything said in the cockpit is recorded.

Besides, many passengers fly armed—county sheriffs, FBI and Secret Service agents, postal inspectors, foreign body-guards of foreign dignitaries. Why, then, must the people on whom all passengers’ lives depend—pilots—be unarmed? Especially considering that the prudent law enforcement doctrine is that lethal force is warrantmed when menaced by more than one trained and armed opponent.

To thicken the layers of deterrence and security, in the air as well as on the ground, Congress should promptly enact legislation to empower pilots to choose to carry guns. Time for our Do-Dos to clicker. And the next ones probably are already among us.

Mr. SMITH of New Hampshire. Mr. President, I stand:

This amendment trains and arms commercial pilots with a firearm to defend the cockpit of our Nation’s commercial aircraft from acts of terrorism. The amendment also provides for increased training for flight attendants and crew devices for pilots and flight attendants to have the latest communications and video monitoring devices.

Today, there are no defensive capabilities our Nation’s pilots. No fire-arms.

Only Federal air marshals, on a very small percentage of commercial flights, are armed to defend against terrorism. What will else has failed to defend a commercial aircraft, the only option for the defense of the public from the use of a commercial aircraft as an instrument of mass terror is for the United States military to shoot down that commercial aircraft.

I firmly believe that we should give our Nation’s pilots & flight attendants a fighting chance against terrorists before our Government resorts to shooting commercial aircraft out of the sky. I believe we should have joined a bipartisan coalition including Senator ZELL MILLER, Senator CONRAD BURNS, Senator FRANK MURkowski, and Senator BARBARA BOXER in introducing our bill, S. 2554, the “Arming Pilots Against Terrorism and Cabin Defense Act of 2002.”

On July 21, 2001, the FAA limited the carriage of weapons of aircraft to certain law enforcement officers.

September 11, 2001—the worst terrorist attack in U.S. History. That attack could have been prevented if pilots were armed.

I was convinced of this fact by a wonderful and brave woman—Ellen Saracini of Pennsylvania.

Over one month ago, I spoke at a press conference with Ellen Saracini.

Ellen is the wife of the late Captain Vic Saracini. Captain Victor Saracini was the pilot of United Flight 175 on its way from Boston to Los Angeles when it was commandeered on September 11 and crashed into the World Trade Center Tower 2.

Vic supported armed pilots before September 11th and Ellen has continued that support.

Our nation has suffered a great loss with the loss of the pilots, flight attendants and thousands of victims of September 11th.

I never ever want to see an event like September 11th happen again and I firmly believe that armed pilots will be an effective tool to prevent any future contemplated acts of terrorism.

What we learned from September 11th is that a military jet shooting down a civilian aircraft is not only possible, it is now commonly considered as a part of airline security.

We also recently learned that the military contemplated ramming commercial jets with military aircraft if they were hijacked weapons of mass destruction. On September 11th, I understand that the shooting down of commercial aircraft may have been necessary at the time. Today, there is no excuse not to arm pilots before we allow our military to shoot down commercial aircraft.

At the time it was the right decision, because the despicable acts of September 11th were unthinkable—not anymore.

Since September 11th, there have been some advancements in commercial airline security, yet, the most common sense legislation to train and arm commercial airline pilots, has yet to be implemented.

The Aviation and Transportation Security Act approved and signed into law. This act authorizes air carrier pilots to carry a firearm in the cockpit if: (1) the Undersecretary for TSA approves; (2) the air carrier approves; (3) the firearm is approved; and, (4) the pilot has received proper training.

This law was passed as a result of my amendment in the Senate and a provision passed by the House. I was untroubled with that. I had the hope that the Department of Transportation would give adequate consideration to the issue of armed pilots.

The FAA published a request for comments on whether it would be allowed to be armed on December 31, 2001. By March 15, 2002, the FAA had received over 7,500 comments and according to the FAA’s analysis, more than 96% of the comments favored armed pilots. As a result of the open comment period, the TSA decided to agree with the 4% of respondents who disapproved of armed pilots and ignored the comments of 96% of respondents.

This is a critical point in the debate today. Today, the Transportation Security Administration is authorized to start training pilots in the proper use of a firearm to defend the cockpit. One pilot said that the current inaction on the part of TSA and the Department of Transportation is a criminal act of negligence. Maybe this inaction is a political act of negligence that needs to be addressed by the Senate today.

On May 21, 2002, the former Under Secretary for Transportation Security, John Magaw, testified that he would continue to approve the arming of commercial pilots.

The House passed a strong armed pilots bill by an overwhelming margin—today the Senate finally considers an amendment to train and arm pilots.

The bottom line is that armed pilots are the first line of deterrence and last line of defense to terrorism.

First line of deterrence, because terrorists will never target American commercial aircraft again, if terrorists know that an armed pilot can attempt hijacking with deadly force.

Last line of defense, because an armed pilot is the last line of defense before an F-16 or other military aircraft shoots down a hijacked aircraft full of innocent civilians. It really is that simple.

Nonlethal weapons are a great supplement to a firearm—but it is not an alternative.

Our nation’s air marshals are armed with a firearm. Maybe they should also be given a stun gun or a tazer, but nobody in this chamber would argue that our nation’s air marshals should only have a stun gun. Tazers and stun guns are good to disable one or two terrorists, but a firearm is the best alternative to defend against a September 11th style attack.

The pilots and the flight attendants want safer travel. My understanding is that the Department of Transportation initially opposed arming pilots because our amendment grants the airlines a limited liability shield to protect from aggressive trial lawyers. Our amendment will ensure
that the pilots and airlines are not held liable for actions taken to protect the lives of the crew and passengers from terrorist attack.

A commercial aircraft is not going to crash as a result of the discharge of a firearm on a commercial aircraft. On May 2, 2002, Ron Hinderberger of the Boeing Company testified before the House Committee on Transportation. Hinderberger said: “The risk of loss of an aircraft due to a stray round from a handgun is very slight.”

The cost of this program is not going to be too much to bear. The cost that I never want this nation to pay again—is another September 11 style attack on the United States of America. I am willing to work with the good members of the Senate to keep the cost of this program to a minimum. My office has consulted some private training facilities including Gunsight in Arizona and Blackwater Lodge in North Carolina. Both have assured my office that the cost would be minimal. Gunsight quotes the cost at about $2000 per pilot for initial training and about $700 per pilot for recurrent training.

Flight Deck Officer Program to train flights.

Additional charges include the cost of a Federal air marshall should be on all high risk flights.

The amendment creates a Federal Flight Deck Officer Program to train and arm pilots.

Ninety days after the bill is passed the Undersecretary for Transportation shall establish a program to deputize qualified pilots to volunteer for the armed pilots program.

The bill grants pilots the authority to use force and provides a liability protection for pilots acting in scope of their duties as Federal Flight Deck Officers.

The amendment establishes the Aviation Crewmember Self-Defense Division within the TSA to train flight attendants to prepare them for terrorist and other threats.

Another provision states that the air carriers shall provide flight and cabin crew with a discreet, hands-free wireless method of communicating.

The purpose of this device is to provide a method for the pilot to communicate with the flight attendant to understand if there is a threat to a commercial aircraft.

Also, another provision was added at the request of Senator BOXER to provide a low cost and cost effective video monitoring device for the pilot to monitor the activities in the passenger's cabin. This gives a pilot a view of any possible threat to the pilot's cockpit without having to open the cockpit door.

Today it is an honor to be fighting on behalf of the pilots, flight attendants, commercial airline passengers, and the American people who support the idea of armed pilots and trained flight attendants on the floor of the United States Senate.

If my state of New Hampshire is any barometer of the popularity of Armed Pilots—the Congress would pass this amendment by Unanimous Consent right now.

The House of Representatives conducted hearings, marked up and passed an armed pilots bill by a margin of 310-113 on July 10th.

Today, the Senate is considering a similar armed pilots amendment and it is my hope and prayer that this amendment is passed by the anniversary of September 11th. One year is long enough for the American people to wait for this very sensible, reasonable amendment to arm pilots and train flight attendants.

Also, I want to thank the Allied Pilots Association, the Airline Pilots' Security Alliance, the Air Lines Pilots Association, the Coalition of Airline Pilots Associations, the Southwest Airlines Pilots' Association and the Association of Flight Attendants for the leadership and hard work these groups have completed to help the Congress draft and pass an armed pilots and trained flight attendant's bill.

Yesterday, we learned that many different reporters investigating airport security were able to smuggle small knives and pepper spray through the checkpoints of 11 airports over Labor Day weekend.

These airports included Newark International, Logan Airport in Boston, Dulles Airport, O'Hare, LaGuardia and Kennedy, among others.

These are our largest and busiest airports, where security should be the tightest.

And this report is certainly not the only instance where weapons have passed through security without detection.

But we have to assume that occasionally mistakes happen, even at our biggest and busiest airports.

Some sort of weapon could be smuggled aboard an airplane.

All it took on September 11th was a few box-cutter knives.

This recent example of screening insecurity is just another reason why airline pilots need to be armed.

Because they will provide the first line of deterrence and the last line of defense.

In other words, if terrorists know that the pilots have firearms, then they will be less likely to attempt a takeover.

But if the unthinkable happens and a terrorist gets through security with some sort of weapon and then tries to take over a plane, the plan is to start descending to land the plane immediately, and to use the firearm if the terrorists try to get into the cockpit.

The terrorists will not be able to get into the cockpit with armed pilots.

And the lives of passengers and the crew, as well as perhaps thousands of Americans on the ground, will be saved.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senator from New Hampshire is right. Pilots do work hard. I have commented to that effect on other occasions, and on other measures. Our problem is, looking at the Senate floor, we have two Senators, maybe three at the most. What really occurs is that we are addressing a fixed jury.

In other words, 35 years ago when I came to the Senate, we did not have the luxury of television. So if you wanted to know what was going on, you had to come over on the floor. In 1967, there were always 20 to 30 Republican Senators in their cloakroom, and 20 to 30 Democrats in their cloakroom. If an issue was raised, you could make a point and come right out on the floor. Or if you agreed with a particular Senator, you could thank him for his observation. In a sense, we would learn from each other.

We now have the TV everywhere. Incidentally, if you are watching it in your office and you find you want to raise a point, you cannot raise it quickly; then you find out someone else has been waiting an hour, another Senator has been waiting a half hour, so your opportunity is totally missed. But the real point is, we do not listen to each other.

The pilots have worked—he is dead right, they have worked this bill. And to my surprise, it has come up this afternoon.

I have tried my very best to improve airline security since the terrorist attacks. As the chairman of the Commerce Committee, I got the best possible witnesses together, and we immediately passed out of the committee a bipartisan, unanimous airline security measure. We passed it out of the Senate 100 to 0.

While we had the view in the Senate that airline security should be within the Justice Department in order to compromise and get things done, we got along with that, and conceptually accepted it in the Transportation Department which proved to be, of course, a mistake in that we wasted now 6 or 7 months in confirming the man who took over, but was replaced in the particular role as head of transportation security. Without a much debate and without a report we just put his nomination up on the floor and we voted to have him confirmed so he could get off to a running start.

In any event, we made a mistake. I realize we were behind the curve, and we had a some unnecessary requirements with respect to airline security and they were going in the wrong direction in some instances.

Let me say categorically, I am pleased Admiral Loy, the Commandant of the Coast Guard—we had the Coast Guard authorization in our particular committee, so we worked closely with Admiral Loy on Coast Guard and airport security. We had field hearings together, as well as within the Senate. He is very realistic, very attune, an expert, very professional, very much experienced on security. He had not
taken over for very long before the August break. I did not demand that he respond to questions for his nomination, but I gave him our questions in a 2-page letter and said: Work over August and we will have a hearing on this security measure, the gun.

I am constantly asked by the press about this issue, and we would be delighted to vote on guns in the cockpit, we would be delighted to vote in the committee.

I had this hearing scheduled. I talked to Admiral Loy only yesterday. He has answered our letter, and he is ready to go next Tuesday.

He has been doing just the right kind of work, getting around and conferring with the airport managers and getting everybody working together. Not unlike the former occupant of this desk who greatly impressed me, Senator Robert Kennedy. He had never been in the courtroom, but when he was selected as the Attorney General of the United States, he went to the Attorney General to go around and shake hands with the 32,000 in the Justice Department at that time.

You have to get your team working together. Admiral Loy has done that. But it was just about a year ago, slightly less than a year ago, because the pilots, as the Senator from New Hampshire has pointed out, have been working on this issue. We all have many responsibilities. I just have not had the time and the opportunity to bring up the facts and test the people there already have. The Senator from California said: “And since we know this, and since we know that,” why have any further tests? I could not agree with the distinguished Senator from California any more. We do know. How do we know? We know from the best of the best.

There is one airline that is under the gun. That is the Israeli airline, El Al. In fact, they have been so successful in preventing hijacking that they do not even have a ticket counter itself, as they did in Los Angeles, and shoot it up and kill those people there.

But knowing El Al is the most under-the-gun airline, we had the privilege of talking to a gentleman, the chief pilot of El Al, in September of last year. It was just about a year ago, slightly less than a year.

He said: “Senator, what you want to do is get a secure door to the cockpit. That is the last line of defense. Not a gun—the last line of defense is that secure door. And that door is never, ever to be opened in flight.” Once the door is secure and if there is any disturbance whatsoever in the cabin, they go immediately to the ground and law enforcement meets them there.

The chief pilot of El Al emphasized—I will never forget it—he said: “Senator, they can be assaulting my wife in the cabin. I do not open that door.”

And for 30 years they have not had a hijacking.

We have a test, and that is why I am on the floor of the Senate trying to make sense out of this bad mistake that is about to be made because there is one thing you do not want to do, and that is put weaponry on the plane itself. In fact, the marshals pointing their guns recently on that Delta flight going from Philadelphia to New York. You do not point your gun, and law enforcement and gun safety dictate that, unless you intend to use it. Anybody should know that.

So even our marshals need better training already. But be that as it may, for 30 years now they have not had a hijacking on El Al Airlines. We have had a test and we know it.

The trouble is, this has been worked politically. I say how the system works. I look around and I look for the measures and speakers who will talk in support of it. I find out that Senators who first were inclined to vote with me and listen and understand the problem, they have gone. I know the White House position is they should not have them. It has been announced and re-affirmed that they do not want pilots to carry guns in the cockpit. But you don’t see any White House official ever sending word to President Bush and the policy of this administration.

More to the point, I could talk all day long, or talk into next week and just hope that we can work out a compromise with respect to keeping the door closed. But let me read a letter, which is new to me. It was less than an hour ago when I had an appointment with Mr. Leo Mullin, the CEO of American Airlines down in Atlanta, down in my backyard. Mr. Mullin was there and mentions the discussion we had about the economic travail of air transport in America. He said:

By the way, I want to thank you for your leadership on this.

I haven’t led anybody. I can’t find anybody behind me. I am not a leader unless they let my staff vote. I think they would go along with me. But I have less hope today, of having the Senator to go with me, and we have called the White House.

You can rest for a while. Don’t worry about it because I am going to take a little time and give you all some rest. I know I am doing the Lord’s work.

This letter is dated today.

Dear Senator Hollings: With the safety of our passengers and employees as our number one priority, we are writing to convey our serious concerns regarding S. 2554 that would permit the use of firearms by pilots aboard commercial aircraft. As discussions continue on the merits of this subject, we stand ready to work with Congress and the Administration in an effort to reach a consensus position. It must be noted, however, that while we are spending literally billions of dollars to keep dangerous weapons off of aircraft, the idea of intentionally introducing thousands of deadly weapons into the system appears to be dangerously counter-productive.

In the aftermath of the tragic events of September 11, we understand the rational for providing crewmembers with means to defend themselves and their aircraft. However, we believe that allowing guns aboard every aircraft is ill-advised.

A variety of serious safety, technical and training issues have been raised that require answers prior to moving forward with any changes to even consider even tampering with cockpit doors by cockpit crews. To ensure the safety and security of our customers and employees, we have a duty and obligation to ask these questions and demand a better understanding of the answers. Otherwise, innocent passengers and crewmembers will be killed or injured through accidental firings of weapons, or worse, there being used against crew and passengers.

We believe that the public must know what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stowed, maintained and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training program disrupt the airline’s ability to schedule flights? How often are firearms utilized by trained law enforcement officers lost, misplaced, stolen, fired accidentally or used against the officer carrying them?

The Transportation Security Administration has testified that the cost to the government for the program is approximately $899 million. In light of programs already completed and underway to secure cockpit doors, we seriously question the cost effectiveness of a program mandated in S. 2554 that would impose another burden on scarce TSA resources. Indeed, with secure cockpit doors now being further upgraded with even higher protective capabilities, the added cost and unnecessary risk for both passengers and crewmembers. Just as we would not introduce an aircraft into service without thorough testing, training of crewmembers and ensuring all safety protocols are in place, one should place deadly weapons in the hands of flight crews without a thorough evaluation.

In view of these concerns, we urge you to reject S. 2554 for the introduction of thousands of deadly weapons into the cockpits of our aircraft.
Sincerely,

ATA Board of Directors: Carl D. Donaway, Chairman & CEO, Airborne Express; John F. Kelly, Chairman, Alaska Airlines; Glenn R. Zander, President & CEO, Aloha Airlines; W. Douglas Parker, Chairman, President & CEO, America West Airlines; Donald J. Hall, President & CEO, American Airlines; J. George Mikaelson, Chairman, President & CEO, American Trans Air; Richard H. Shuyler, Chief Executive Officer, Atlas Air; Gordon Bethune, Chairman & CEO, Continental Airlines; Leo F. Mullin, Chairman & CEO, Delta Air Lines; Vicki Brewer, Chairman & CEO, Eastern Airlines; David Siegel, President & CEO, US Airways; Thomas H. Weldon, President, United Parcel Service Airlines

Mr. HOLLINGS. I think there are 101,249 commercial airline pilots with active pilot certificates. So we could have 100,000 running around here with pistols. And, incidentally, possibly getting pistols on board for the hijackers because you have to understand that hijackers don't want to go down now. You just don't have an individual coming on board because he wants to fly to Cuba. You don't have somebody escaping criminal justice because he wants to get out of the country. We know and we have been put on notice, they have five-man teams, professional suicidal terrorists. Try that on, Senator SMITH. Try that on as a pilot. You are a big man. I think Senator SMITH could take care of some of them. I think he could take care of two of them and, with a pistol, maybe take care of three. But while he has already killed three, unloading, quick, the pistol, they still have two more that are going to knock him down and take over the other pilot. You crack that door and you are a goner. You are not going to stop professional teams of suicidal attackers. I don't care how good a pilot or how much training you have had, it is not going to happen. That plane is going to be taken over.

Think about the situation where there is some disruption and I have a pilot and some fellow is coming at me and I can defend myself. That is not the problem. The problem here is to prevent, if you please, Senator, an air- line in the United States, a commercial airline, from ever being used as a weapon of mass destruction. You don't want to see that. You want to prevent whatever else, but you save it, with all that fuel aboard, from ever being run into the Chrysler Building, the Empire State Building, the Sears Building, the Coca-Cola Building down there in Atlanta—wherever they want to run it. They can make a mark if they wiped out the Coca-Cola Building in Atlanta, I can tell you that. And that is the whole idea. It is not nice, but it get to it on national news.

So it is that they commercially trade. They stay in country for at least 2 years. They are disciplined. You never know what they do. They train at the gym every day, they are physically fit, and they go on-board planes not with pistols but with box cutters, or whatever else they have on them. But they know how to break in any ordinary back door and take over that plane. So you can't crack the door. They should never be opened in flight—and we would have a 30-year record of no hijackings and never have this occur again.

There is one way I know of that I can guarantee the American public the best security I can— if anybody can give that guarantee—is to take the EI AI procedure and protocol and follow it to the letter T. They have a 30-year track record of not having any terrorist hijacking.

I will go ahead and read because they have something about testing. I am not worried about cost. I am not worried about testing. I am not worried about the professionalism in the trade. I am worried about this never, ever happening again—no 9/11.

I am able, if I can get a majority of this body to go along with me and go along with the administration, to give this body to go along with me and give me your guarantee that there are going to be no hijackings and never have this occur again.

Let me divert. There is a law in a lot of the countries that you can't have a weapon. There is not going to be a weapon in a cockpit if you land in downtown Heathrow. We know that. You have all kinds of considerations that come into this. Let me further read from the letter:

What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training program disrupt the airline’s ability to operate their schedules?

How often are firearms utilized by trained law enforcement officers? Will they be lost, or misplaced? Will they be fired accidentally, or used against the officer carrying the weapon?

I have the figures on that. In some years over 30 percent, but many law enforce- ment officers are killed when their own weapons are used against them. I have all kinds of criminal statistics from the FBI.

I read further:

The Transportation Security Administration has testified that the cost to the government for the program is approximately $850 million.

I agree with the distinguished Sen- ator from New Hampshire. I am not worried about the cost; I am worried about costs. As of yesterday at 11 o'clock, the deficit was $394 billion, and by the end of the month it will exceed $400 billion. But you can see what they are doing now. They are trying to offload expenditures into the next fis- cal year because they are worried about the campaign a couple of months from this time in November. And they have come from a $5.6 trillion surplus. They already have created a $400 billion deficit. Nobody wants to talk about the deficit. We have gotten America away from corruption—certified by the CEO.
Get the CEO of the U.S. Government to certify his figure. No way, Jose.

I will go back. I read that sentence again in this letter.

The Transportation Security Administration has testified that the cost to the government is approximately $850 million. In light of programs already completed and underway to secure cockpit doors, we seriously question the cost effectiveness of a program mandated in S. 2554 that would impose a further burden on scarce TSA resources.

Therein I divert to join the Senator from New Hampshire and the Senator from California. I am not worried about how you think they are right.

When we are trying to prevent a 9/11, let us not start talking money around here. When somebody is against something, they all want to start talking money. But when I get up and try to get it paid for, I can’t find anybody who wants to pay.

Talking about Social Security, we have been using that as a piggy bank, and not a lockbox. Come on. We know it.

Indeed, with secure cockpit doors now being further upgraded with even higher protective capabilities, the advisability of introducing dangerous and unnecessary weapons in the cockpit environment must be carefully considered.

Until such time as validated answers to these and other questions are available, we believe that a decision to deploy firearms aboard commercial aircraft raises a serious issue about cost in this instance. We have already spent $15 billion to keep people safe aboard our aircraft.

Mr. HOLLINGS. So, working with him, we are going to find out his steps, and when, and, get realistic drop-dead dates, and so forth, especially airports—that they can’t be rebuilt—and get this equipment in and everything else.

I remember the distinguished Senator said: Look, they make them out in my backyard, and they are only making seven a month. They can make 50 a month if they have the orders.

This was last year.

Mr. HOLLINGS. So we are together on that. I will agree with you on the flight attendants and anything else we could simply get done, safety, and more than anything else, get the airline business back up and going.

I am very much disturbed that we could adopt the Smith-Boxer amendment, and you could have a plane being used as a weapon of mass destruction. There isn’t any question about it. It is not going to be one fellow, and one fellow defending himself in the cockpit. I can see it now, with the flight attendant outside saying, ‘He’s killing me’—it is ‘Open the door.’ Once that door is slightly cracked, they have their team, and they will have practiced how to take over that plane.

They will take the shots, the first two or something like that, but the other three will get in and have that plane. And they will have control and they will have pistols. They will take that pistol away. I can tell you that here and now.

So you have really weaponized the aircraft, which EL Al says do not ever do that. I can tell you that right now. Don’t weaponize. They do not have weapons in the cockpit.

With that having been said, that is why I feel as strongly as I do. We have had the tests. I agree with the distinguished colleagues. We are not worried about cost in this instance. We have already spent $15 billion to keep people economically going. To save one life, I would spend another $15 billion. So far it is cost; it is not the training; this is a tested and true program of never having had a hijacking in 30 years.

I yield the floor.

The PRESIDENT pro tempore. Mr. MILLER. Madam President, I believe that my timing could have been a little better.

Mr. REID. Madam President, will the Senator from Georgia yield for a question?

Mr. MILLER. Yes.

Mr. REID. I have heard a lot of the debate—not all of the debate—and I
have had a number of Senators from both sides who are interested in knowing when they could leave. I was trying to figure out a better way to say that. I wonder if there is any idea now from the Senators involved—Senators Boxer, Sarmiento, Hollings—as to how much longer is needed to debate this before we have a vote.

Mr. HOLLINGS. Not quite yet.

Mrs. BOXER. If I might just answer the question this way: I would say, in all honesty, the ball is in the court of my chairman, Chairman Hollings. We have a couple of people who want to talk, but they are not asking for a lot of time. They have brief comments. But as soon as the Senator from South Carolina believes he is ready, we are ready. We do not have anything else we have to add. So we are working with him. We are trying to work with him on the issue of cockpit doors. We are hoping that it will occur to him perhaps support us or at least allow us to have a vote. We just have to wait and see.

Mr. REID. Madam President, I appreciate very much the Senator from Georgia yielding. I just say this: I can remember when the Senator offered his amendment was adopted overwhelmingly, on the energy bill that pickups would not be subject to SUV guidelines. And I had a conversation with the Senator from Georgia at that time that I thought it should be a requirement that all pickups sold in the United States should come out with gun racks. Do you remember that, Senator from Georgia?

Mr. MILLER. I would be happy not to make any remarks and we vote right now. I am not anxious to follow Senator Hollings in this debate. But if we are not going to have a vote right now, then I think I will make some remarks.

Mr. REID. I think you should proceed.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, as I started to say, my timing could be somewhat better than following my good friend from South Carolina.

No one in this body or outside of this body has more respect, more admiration, and more downright affection for someone than I do for the Senator from South Carolina. His record as Lieutenant Governor, as Governor, and as Senator from South Carolina has been outstanding. At the end of our discussion, I hope you will agree. I think you will agree, because I think the American public feels about this subject, ask them this question: If you had the choice between flying on an airline with pilots who were armed to protect the cockpit, and an airline whose pilots were unarmed, which would you choose? I am convinced they would overwhelmingly choose to fly with armed pilots, and I am just as convinced that terrorists would prefer to fly with unarmed pilots.

That is why I am a cosponsor of this bipartisan amendment to train and arm our Nation’s airline pilots. I, for one, trust our Nation’s pilots to keep me safe when I fly. But I want to give them the training and the tools they need to keep all Americans safe in the air.
were individually issued lockboxes that would be used to transport their weapons to and from the aircraft. They would be trained on weapon use and their responsibilities under the program, and subject to periodic evaluation. The pilots would be responsible for maintenance and proper care of the weapon. We determined that the alternative program of aircraft at altitude, or discharge into a cockpit doors, we seriously question the cost effectiveness of a program mandated in S. 2594 that would impose a further burden on scarce TSA resources. Indeed, with secure cockpits increasingly upgraded with even higher protective capabilities, the advisability of introducing dangerous and unnecessary weapons in the cockpit environment must be reevaluated.

Many of the federal law enforcement experts we consulted continue to have significant concerns about arming pilots with either lethal or non-lethal weapons. The air industry shares these concerns. The Board of Directors of the Air Transport Association has sent Secretary Mineta a letter signed by twenty-one airline chief executive officers urging a cautious approach to arming pilots and outlining their concerns (attached).

I ask unanimous consent that the letter from the board of directors of the Air Transport Association, sent to Secretary Mineta, be printed in the Record.

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

AIR TRANSPORT ASSOCIATION.

Washington, DC, September 2, 2002.

Hon. Norman Y. Mineta,
Secretary, Department of Transportation,
Washington, DC.

Dear Mr. Secretary: With the safety of our passengers and crew members as our number one priority, we are writing to convey our thoughts regarding S. 2594 that would permit the use of firearms by pilots aboard commercial aircraft. As discussions continue, we recognize the severity of this issue and are ready to work with Congress and the Administration in an effort to reach a prudent consensus position.

In the aftermath of the tragic events of September 11, we understand the rationale for providing crew members with means to defend themselves and their aircraft. However, we believe the use of firearms by cockpit crews to ensure the safety and security of our customers and employees, we have a duty and obligation to ask these tough questions and to have a clear understanding of the answers. Otherwise, innocent passengers and crew members could be killed or injured.

For example, what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stored, maintained, and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training programs for the airline’s ability to operate their schedules?

The Transportation Security Administration has testified that the cost to the government for a program of this size, including aircraft, weapons, and other equipment, could be very expensive. The Transportation Security Administration has testified that the cost to the government for a program of this size, including aircraft, weapons, and other equipment, could be very expensive.

I am convinced that if there is to be real protection of the cockpit, it must be accomplished while securing it appropriately, it would be necessary to install special sleeves for the weapons in each cockpit. Obviously each different aircraft will raise different design and installation considerations. It would be necessary for TSA, the airlines and aircraft manufacturers to assess these issues in more detail.

Coordination with other nations and international airlines: There are numerous thorny issues that must be resolved for foreign nations and foreign airlines. For example, what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stored, maintained, and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit?

In the aftermath of the tragic events of September 11, we understand the rationale for providing crew members with means to defend themselves and their aircraft. However, we believe the use of firearms by cockpit crews to ensure the safety and security of our customers and employees, we have a duty and obligation to ask these tough questions and to have a clear understanding of the answers. Otherwise, innocent passengers and crew members could be killed or injured.

For example, what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stored, maintained, and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit? Will the training programs for the airline’s ability to operate their schedules?

The Transportation Security Administration has testified that the cost to the government for a program of this size, including aircraft, weapons, and other equipment, could be very expensive. The Transportation Security Administration has testified that the cost to the government for a program of this size, including aircraft, weapons, and other equipment, could be very expensive.

I am convinced that if there is to be real protection of the cockpit, it must be accomplished while securing it appropriately, it would be necessary to install special sleeves for the weapons in each cockpit. Obviously each different aircraft will raise different design and installation considerations. It would be necessary for TSA, the airlines and aircraft manufacturers to assess these issues in more detail.

Coordination with other nations and international airlines: There are numerous thorny issues that must be resolved for foreign nations and foreign airlines. For example, what studies or testing have been conducted to determine the effects of an accidental weapon discharge in a pressurized aircraft at altitude, or discharge into a sophisticated instrument panel? How will the firearm be stored, maintained, and protected from misuse between flights, particularly when the aircraft is parked overnight or deployed in international operations? What is the process to measure the ability of armed pilots to handle a firearm in the close confines of the cockpit?
I yield the floor, Mr. LIEBERMAN. Madam President, I rise to support this amendment, which would enable those who already entrust their lives on airplanes—namely, pilots and flight attendants—to have the tools they need to disable terrorists in the air.

Since September 11th, we have taken many steps to make it safer to fly. For all the agency’s troubles, the creation of the Transportation Safety Administration has been a step forward. Airlines themselves have beefed up their security. Airports like Bradley International Airport in Windsor Locks, Connecticut—which I toured last month—have made very visible progress. And so much of this progress has resulted from better collaboration and cooperation, which bodes well for the creation of a Department of Homeland Security.

But we still have a long way to go and a short time to get there. I was disturbed by an investigative report in yesterday’s New York Daily News. Let me read you the opening:

‘Carry-on bags concealing potentially deadly weapons were missed at some airports. Fourteen flights. And not once did anyone catch on.’

To test the supposedly more stringent security imposed at the nation’s airports after the Sept. 11 attacks, Daily News reporters boarded flights over the Labor Day weekend carrying contraband including box cutters, razor knives and pepper spray.

‘Not a single airport security checkpoint spotted or confiscated any of the dangerous items, all of which have already passed from airports and planes by federal authorities.

Obviously we must fix these lapses without further delay. But at the same time, we have to realize no matter what steps we take, there will be a small chance that someone will get through.

The reality is that a dangerous person has managed to get on a plane with a weapon or an explosive device, there is one last line of defense: the people on the plane. We need to make sure that last line of defense is a strong line of defense.

Having our flight crew carry weapons has been carefully considered in both houses of Congress. We’ve thought through stun guns as an alternative, but it turns out they are unreliable, and the cockpit is too narrow to use them effectively. While potential concerns and complications about equipping pilots with firearms have been raised, in the end, this idea just makes sense.

It is also important to note that this amendment provides much-needed training and communications capability for the cabin crew. These provisions will prepare flight attendants, who are often the first to encounter potential hijackers on a flight, to handle this threat. This amendment would also have improved communications with the cockpit in the event of an emergency.

Besides the fact that firearms can actually give our flight crews a practical advantage over terrorists in the air—if it comes down to that—sending the message that the good guys will be armed gives us an important psychological advantage as well. The mere fact that a pilot or co-pilot could have a lethal weapon should be a powerful deterrent to would-be terrorists.

We will never forget the heroism of the men and women on Flight 93 who resisted the hijackers and brought down their plane. We have been headed in our direction. It is in their spirit that this amendment should be considered. The flight crew isn’t a passive target. It is an active force that can fight back against anyone who seeks to hijack a plane or use it as a weapon ever again.

Of course we need to secure the cockpit door. Of course we need to make sure that the passengers are screened effectively for weapons. Of course we need to have high-quality, well-trained air marshals on our flights. But we should also take this sensible step of training and equipping our flight crews, who we already entrust with our lives, with the tools they need to protect us.

I strongly support this amendment.

Mr. SPECTER. Madam President, I am unable to support the amendment by my colleagues Senator SMITH and Senator BOXER to arm pilots on commercial flights because I am concerned that such a proposal would invite gun fights in the cockpit.

I believe that federal air marshals are the individuals best suited to handle any terrorist situation which might arise on a flight, and am fully supportive of providing the financial resources necessary to hire additional air marshals. Although this amendment would provide significant training for pilots to handle firearms, I remain concerned that in an emergency situation their concentration should be focused on flying the plane, not dealing with attackers in the passenger cabin.

I do strongly support the provision in the amendment which would provide self-defense training for flight attendants, however I simply do not believe it is worth the risk to have the availability of guns in the cockpit which could fall into terrorist hands.

Mr. HATCH. Madam President, I rise today in support of the amendment offered by my friend and colleague, Sen. BOXER, the Arming Pilots Against Terrorism and Cabin Defense Act of 2002. This amendment sends a strong message to would-be terrorists and acts as a significant deterrent against the hijacking of America’s planes.

As a last line of defense in potential terrorist attacks, I believe that pilots who want to should have the ability to defend themselves in the cockpit. This is a policy that makes sense. An overwhelming majority of the American public supports arming...
pilots. Counterterrorism experts believe that firearms are the best deterrent when it comes to cockpit security. I have heard from large numbers of pilots and constituents from my home state of Utah who advocate for the ability of pilots to carry weapons on-board aircraft, at the same time, it is important for them to receive proper training to be able to discharge a firearm in the cockpit safely and effectively.

I also support the language in this amendment that exempts the airlines and pilots from liability as they attempt to defend our airplanes. This is an industry that has been struggling, even before the tragic events of September 11th. We must not further burden these companies with what could eventually be frivolous lawsuits that would endanger the domestic airline industry very existence. I am encouraged to see that this important issue is addressed in Senator Smith’s amendment.

I must add that, while there are many worthy aspects to this amendment, portions of it give me pause. The foremost issue is who bears the burden of its cost. A time when Congress has a critically important decision to make as we face our responsibility to improve our national aviation and homeland security procedures, we must balance those responsibilities with our commitment that many of us made to our constituents to spend within our means and avoid increased deficit spending. This amendment could have serious unintended consequences. As part of our nation’s aviation and homeland security policy, the Federal Government picking up the tab for Federal air marshals, the federalization of the baggae screening process, and reinforced cockpit doors. These are important safety measures that I strongly support. The Transportation Security Administration estimates this amendment will initially cost approximately $884 million, of which the majority, $865 million, will go for pay to training, requalification, equipment, background check management, and direct course costs for 85,000 pilots over a period of two years. And at least $264 million of the $885 million will be recurring costs. Furthermore, an additional $16.5 million will need to be allocated for the purchase and installation of gun storage boxes on airplanes. That being said, I don’t think that the airline industry can afford to pay these training costs either.

Serious questions must be raised about having the Federal Government picking up the tab for pilots to be trained, but flight attendants as well. I strongly support the ability of these individuals to carry weapons on-board planes after they have received proper training. I am concerned about the Federal Government picking up the tab.

While I have reservations over a few of the provisions of this bill, on the other hand, it can readily be argued that no legislation allowing pilots to be armed if they wish might compromise the safety of our skies. This is not a perfect piece of legislation, but on both sides of the debate it is a needed one. I will vote for this amendment in order to take an additional step to help ensure the safety of our airlines and urge my colleagues to do the same.

Mr. THURMOND. Madam President, I rise today in support of the amendment to establish a program to permit pilots to defend their aircraft against acts of criminal violence or air piracy. This legislation will provide a critical last line of defense to our aircraft, allowing qualified pilots to carry firearms.

The legislation requires the Under Secretary of Transportation for Security to establish a program not later than 90 days from the date of enactment to deputize qualified volunteer pilots as Federal law enforcement officers to defend the cockpits of commercial aircraft in flight against acts of criminal violence or air piracy. Pilots who are deputized will be known as ‘Federal Flight Deck Officers’ and will be authorized to carry a firearm and use force—including deadly force—against an individual in defense of an aircraft.

I was disappointed that the Department of Transportation initially opposed this effort. Recently the Department has indicated its support for a limited pilot program. While important work has been done by the Federal Aviation Administration, the Department of Transportation, the Department of Justice, and the Department of Homeland Security, the issue is not as simple as it may seem. As we have seen in recent events, the threat of an attack on our skies is real.

I am grateful for the support of Senator Boxer and Senator Smith in this effort, which allows commercial pilots the right to carry firearms in defense of their aircraft.

We have heard the explanation given time and again, if indeed an aircraft is seized and you have to defend that plane, that there is the authority to take that airplane down with a military jet, an F-16, or whatever. I think any Member, if asked would they support that amendment. The Smith amendment would provide a critical last line of defense, that virtually every Member of this body would say absolutely, anything other than the alternative, which would be to take the aircraft down.

I have listened to the debate here off and on today, and I would like to comment a little bit. The Senator from South Carolina is interested in the secure doors.

Some of the airlines are putting secure doors on their aircraft. They are doing it currently at their own expense. I just took a flight across the country, and the cockpit door was opened six times by either the pilot or copilot on a 5½ hour flight. At least two times it was opened to provide food access into the cockpit. So that cockpit door was opened eight times during that flight.

That is the harsh reality. We do not have the capability to feed nor to provide restroom facilities for the crew. We are certainly not going to retrofit all the aircraft in the skies immediately with those capabilities in the cockpit. So we are going to have the potential risk. While those who perhaps commute short distances feel secure because of a closed cockpit, we do not have that on a cross-country flight. That is the harsh reality.

It is also apparent, as the Senator from Arizona pointed out, that there is some difficulty in implementing the Smith amendment, and the question of who pays for it, obviously, are concerns of the airline industry. How the guns are managed, if you
will, is a concern of the airlines. Their business, obviously, is reducing the amount of administrative authority they can, but our job is protecting the public.

If, indeed, history proves itself, as it appears to have done in a couple of instances, one occurred on a FedEx cargo plane. During takeoff, the crew was overpowered by an individual who was a crew member who happened to be deadheading on the flight, and he attacked, and eventually killed the pilot. There was a tremendous fight in the cockpit. This aircraft was fully loaded with fuel and freight, but the crew managed to subdue this individual with the weapon they were able to take away from the individual who initiated the attack and land that aircraft safely. It was a hammer. It was very bloody. Nevertheless, it proved that the crew was willing to do whatever they could to stop that aircraft from crashing. I gather it was to crash into some of the FedEx facilities.

If we look at the concerns expressed in the general discussion about secure doors, we cannot secure the door; it is going to be opened from time to time. There is talk about changing the air pressure in the cabin by puncturing the hull. An air marshal is obviously trained. If there is an alteration of some nature, there is as much chance of penetrating the hull by him. Evidence has shown there is not an explosion, there is a decompression, and a decompression is manageable by the cockpit crew.

As we look at the alternatives, it is clear that the airlines oppose this because they are not in the business of managing guns. Their bottom line is transporting passengers. It does create problems. But if we look at how we are implementing the security program in this country, it was not very well thought out. I am not suggesting that as an objection. Nevertheless, we are looking at a first rather I should say last line of defense which is probably more correct.

We have debated this back and forth. We as legislators, and certainly as passengers, have to recognize we trust the flight crew with the safety of the passengers and security, and we should give them all the tools to complete that task. That is the reason I am standing with my friend, Senator Smith, on this legislation. It is first and foremost an attempt to increase the level of safety aboard our commercial airliners.

My State of Alaska has many small planes. There are firearms available for various reasons: If the plane goes down or if a passenger attempts to overcome the crew. As we look at the question of guns in the cockpit, there is a great inconsistency. One is the inconsistency associated with sky marshals, and the other is associated with the realization that we would simply be arming pilots who are highly trained.

I do not think there is any question about the substance of this amendment. It provides a greater level of safety. I think most of the pilots would agree they, too, want to have this capability and are prepared to use it in an appropriate manner.

I do not take this legislation lightly. This amendment does not cavalierly attempt to hand out guns to flight crews, and wish them the best.

Because of September 11, 2001, and the tactics used by the hijackers that day, we must change the way aircraft and passengers are protected. This amendment is an important part of that effort.

As many in this body are aware, there is a large percentage of pilots who have served in the military and law enforcement. In fact, many also serve as reservists in the different branches of the military. These pilots have been trained in the use of weaponry. Why not utilize the trained personnel already on hand?

The Airline Pilots Association supports this concept and has written to the F.B.I. requesting a program to train cockpit personnel. I have heard from many pilots in Alaska and around the country that support it. So why not further enhance the chances of passenger and aircraft survival?

I applaud the administration and this Congress for moving quickly to secure cockpit cabins, adding needed Sky Marshals, improving airport perimeter security, training screening personnel, and increasing flight deck security.

But we must also afford passengers the utmost in security after the plane has cleared the runway. Arming pilots is not the only solution; in fact, it is an important component. The pilots know they need it. The passengers will support it. And this Congress should pass it. I encourage my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. Nelson of Nebraska). Who yields time?

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to add Senators Tim Hutchinson, Craig Thomas, and Strom Thurmond as original cosponsors, and I thank my colleague from South Carolina for his cooperation. I appreciate it very much. I again thank my colleague, Senator BOXER, for her leadership, and I thank Senator REID for his cooperation as well.

Mr. HOLLINGS. I thank the Senator from New Hampshire.

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

The Senator from California.

AMENDMENT NO. 492, AS FURTHER MODIFIED

Mrs. BOXER. Mr. President, we are about to vote in 2 minutes. I am going to wrap up in 2 minutes. I send a modification of my amendment to the desk. I want to explain to my colleagues that this is a modification that has been written by Senator HOLLINGS. It will result in a door remaining closed during the flight except for mechanical emergencies or physiological emergencies.

This is an issue on which Senator Baucus has been a very strong and sometimes lone voice. We are very proud to accommodate him, and we hope, therefore, he will be with us on this vote.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 4992), as further modified, is as follows:

At the end of the amendment add the following:

SECTION 1. PROHIBITION ON OPENING COCKPIT DOORS IN FLIGHT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

Sec. 44917. Prohibition on opening cockpit doors in flight

“(a) IN GENERAL.—The door to the flight deck of any aircraft engaged in passenger air transportation or interstate air transportation that is required to have a door between the passenger and pilot compartment under title 14, Code of Federal Regulations, shall remain closed and locked at all times during flight except for mechanical or physiological emergencies.

“(b) MANTRAP DOOR EXCEPTION.—It shall not be a violation of subsection (a) for an authorized person to enter or leave the flight deck during flight of any aircraft described in subsection (a) that is equipped with double doors between the flight deck and the passenger compartment that are designed so that

“(1) any person entering or leaving the flight deck is required to lock the first door through which that person passes before the second door can be opened;

“(2) the flight crew is able to monitor by remote camera the area between the two doors and prevent the door to the flight deck from being unlocked from that area.

“(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44916 the following:

“(44917. Prohibition on opening cockpit doors in flight.

Mrs. BOXER. Mr. President, in closing this debate, I thank everyone, particularly Senator Smith for his amazing work.

I ask unanimous consent that Senator Baucus be added as a cosponsor.

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

Mrs. BOXER. Mr. President, I say to the flight attendants and the pilots who worked so hard to help us get this to a vote today: Your work will be rewarded. You are, in many cases, the last line of defense that our security checkpoints are failing, unfortunately. They are doing better, but they are not where they should be, and contraband is getting on to the planes, coupled with the fact that our military has orders to shoot down a plane that has been taken over by hijackers. Let’s give this program a chance. Let’s give people a chance to save their lives and the lives of the crew, the passengers and, frankly, the people on the ground.

The measure is important for homeland security, to make sure we are doing everything to avoid another 9/11. I ask for an aye vote.
I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. REID. Mr. President, before we vote—and the vote will occur momentarily—I have spoken to the majority leader, and this will be the last vote tonight. What he has indicated the majority leader has indicated we will come in on Monday at 12 o’clock. We will have an hour of morning business, and at 1 o’clock we will vote on a judicial nominal, or if we do not work something out in the cloture motion that was filed today, we will vote on that on Monday. We will have a pro forma session in the morning, and that would ripen on Monday.

We are going to have to vote on Monday at 1 o’clock either on a judicial nomination or cloture on drought assistance.

I appreciate everyone’s cooperation today. We have been able to move forward two very important amendments on this very important legislation. I have spoken with Senator THOMPSON. We have not cleared this with Senator BYRD and others. We want to make sure Senator THOMPSON has the first amendment when we come back on Monday, and following that, Senator BYRD will have the next amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays on the amendment. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4492, as further modified, to agree to.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Jersey (Mr. COCHRAN), the Senator from North Carolina (Mr. BACON), and the Senator from Hawaii (Mr. AKAKA), the Senator from Kentucky (Mr. BUNNING), and the Senator from North Carolina (Mr. HELMS) are not present.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Nevada (Mr. ENZI), and the Senator from North Carolina (Mr. HELMS) are not present.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING), would vote “yea.”

The result was announced—yeas 87, nays 6, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>87</td>
<td>6</td>
</tr>
</tbody>
</table>

ROLL CALL VOTE NO. 210. LEG.

The legislative clerk proceeded to call the roll.

Mr. LEIBERMAN. Mr. President, I ask unanimous consent to agree to the amendment, is agreed to, and the motion to reconsider is laid on the table.

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

Mr. SHELBY. Mr. President, I am pleased to join with Senator BAYH in offering an amendment to the homeland security bill.

It is a straightforward amendment designed to improve and strengthen the protection of our Department of Defense installations which contain the storage and destruction facilities for our Nation’s chemical agent and munitions stockpile.

Prior to September 11, no temporary flight restrictions existed for any of our Nation’s chemical weapons stockpile sites. Secretary Rumsfeld took quick action after September 11 to establish temporary flight restrictions at each of these sites, but numerous violations of these flight restrictions have occurred.

In the case of the Anniston Chemical Destruction Facility and storage site, 22 violations have occurred since flight restrictions were implemented by the Department of Defense. The latest was just today when a Lear-type jet flew over the incineration facility at less than 1000 feet. Another violation that caused great concern was a night time over-flight which included 3 passes by an unidentified aircraft.

These violations are serious matters. Current law provides for stiff penalties to be levied against those who violate restricted air space. In the case of our chemical weapons storage sites and weapons destruction facilities, we must be ever vigilant. That is what this amendment seeks to do by:

First, requiring the Secretary of Defense to review the current temporary flight restrictions to determine if they are sufficient to provide maximum protection to these facilities from potential airborne threats and to report his findings to Congress.

Second, the amendment would require the FAA to review any report attached to these amendments which apply to these sites. Mr. President, as I have stated, very serious penalties already exist for those who violate these restrictions. Given the tremendous danger to the workers and local citizens associated with any unintentional crash or intentional act at any one of these storage sites, I believe this amendment is both reasonable and prudent in requiring the FAA to report on actions taken in response to a confirmed and properly investigated restricted airspace violation.

Lastly, in the amendment we ask the Secretary of Defense to assess the use of periodic air patrols and military flight training exercises to see how effective they are in terms of their effectiveness as a deterrent to airspace violations or other potential airborne threats to these facilities.

While little, if anything, could be done to stop someone intent on attacking one of these storage sites from the air, we should take every step to make sure that these flight restrictions are respected and violators are punished. This amendment is about safety, enforcement of the law, and, ultimately, protection of our citizens who live in close proximity to these chemical weapons facilities.

MORNING BUSINESS

Mr. LEIBERMAN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. LEIBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business.

The PRESIDING OFFICER. The Senator from Alabama.

THE NOMINATION OF PRISCILLA OWEN

Mr. SESSIONS. Mr. President, we had a very sad day today. The Senate
Judiciary Committee, on a party-line, partisan vote of 10 to 9, voted down the nomination of Priscilla Owen, a justice on the Texas Supreme Court, for a position on the Fifth Circuit Court of Appeals.

Having practiced many years in Federal court, 15 years full-time as a Federal prosecutor, I care about the Federal courts. I want it to be the very best it can be. I believe deeply in the rule of law in America. I believe it is a tradition we have to cherish and turn over to our children and our grandchildren, so that it has the same strength, moral coherence, and integrity that it has always had.

In fact, a news report today that the world today that are struggling so badly—the Third World nations—are not struggling because their people will not work or because they do not have resources. Too often, it is generally because there is no legal system that can operate where people can make loans and expect them to be repaid, or where they can own property and not have it stolen from them. So the legal system is exceedingly important.

What happened this morning—and it was particularly tragic—represents a culmination of a decision, apparently reached a year or so ago, when President Bush was elected, and three liberal activist professors—Laurence Tribe, Cass Sunstein, and Marcia Greenberger—met with the Democratic Conference to discuss judicial nominations. And they asserted that President Bush had won by only a small margin and, therefore, he did not have the same authority that other Presidents had to nominate judges, forgetting, of course, that the total vote percentage received by President Clinton, I believe, was only about 44 percent. President Bush got a larger percentage of the American vote.

But at any rate, these professors set about to deliberately alter the confirmation ground rules. In fact, a newspaper—I believe the New York Times—reported had met to changing the ground rules on the nominations of Federal judges. And it was a real serious thing.

So, well, that is politics. You hear those kinds of things.

You wouldn’t think that the decisions we have used since the founding of this Republic, certainly in the last 60 years of anybody’s recognition here of the normal way things are done, would be significantly, but I am afraid we may be wrong. We may be seeing significant change. I am hopeful that is not the case. Maybe we can turn it around. Maybe it is not too late. But today’s vote was very disturbing because we had one of the finest nominees ever to come before this Senate, a nominee that clearly had the votes to pass on the floor of the Senate but was voted down in committee, blocked from coming to the floor of the Senate so we could have a full airing and a full vote.

We had some hearings in the Judiciary Committee and subcommittees on how to change the ground rules. Some liberals, including law professors alleged in one of the hearings that one out of every four Supreme Court nominees during the first 100 years of this country were voted down because of ideology. We have checked that in detail and found no situations, and that is just not true. They suggested that the burden should lie on the nominee to prove him or herself worthy. We demonstrated that history did not support that position. They asserted that the Supreme Court of the United States is a right-wing Court and that ideology drives what they do, undermining respect for the law. I reject that characterization of the Supreme Court.

They said that the ABA ratings need to be given consideration, except in this case the nominee got a unanimously well-qualified rating, the highest possible rating of the ABA.

They said that we don’t want to have a judicial activist, and under Roe v. Wade. We can’t have a right-wing activist. And they asserted that ideology or politics is a basis for rejecting a nominee.

We had hearings on this. Lloyd Cutler, who served as special counsel for two different Democratic Presidents, flatly rejected that in the hearing, made a strong statement saying this would politicize the courts. So did Griffin Bell, former Attorney General under President Jimmy Carter. They made a strong case that ideological approach to the judiciary, something we have never done in this Senate’s history.

One thing we noticed, all of these arguments don’t meet the test of logic or history or facts except one, and that was the one chosen—raw political power to vote down a nominee of extraordinary capability submitted by President Bush. We have not seen that before.

We had at one of the hearings a Democratic justice, former justice retired from the Supreme Court of Texas. He was here to support Justice Owen from Texas. He said to me after the hearing: At least for some of these nominees there was a basis to vote against them, but they have no basis to oppose Owen. They put out nothing on her.

That is a fact. Nothing was said that would undermine her ability, even if you were highly suspect of a nominee. To me, there were just no facts there. She conducted her life not politically but professionally, as a lawyer, with integrity and outstanding ability.

They said that in the first 100 years so many Supreme Court Justices were voted down on ideology. That is an absolutely untrue statement. In fact, only a few were rejected for political reasons, and sometimes those battles were pretty tough in the days of the founding of this country.

We don’t even have hearings on most of them.

They say that the burden should be on the nominee. Well, if history is to serve as a guide, we would do well to think about what we have done here. During the first 130 years of our country’s history, the Senate did not even ask a nominee to come before the Senate for a hearing. The first nominee to even appear before the Senate before confirmation was Justice Harlan Fisk Stone, in 1925. Nominees did not appear regularly before the Judiciary Committee until John Marshall Harlan in 1955. Occasionally the committees asked a few nominees questions in confirmation but there was no kind of examinations we have today.

So it would be difficult for anyone to argue that historically we have put the burden on the nominee to prove their worthiness.

What we have always done is that the President submits people. The Senators from that home State have to approve that nominee. If they don’t approve, the nominee almost universally is not confirmed. But if the home State Senator approves, then we go to the committee, and the committee looks to see if they are extreme, if they have good integrity, if they have basic legal skills, that they have a proven record of capability and respect within the bar that would make them worthy of the position of a lifetime appointment on the bench.

The Senate is not a rubber stamp. It should not vote for every nominee, just because the President submitted that nominee. But we ought to have a basis within that traditional realm of evaluation of a nominee to vote one down. That was lacking here today.

As Senator Orrin Hatch said: Her testimony was perhaps the finest testimony ever received in his time as chair and ranking Republican on that committee.

Those are the facts about our history. My Democrat colleagues assert somehow that the Supreme Court of the United States is a right-wing Court and that we need a balance. We need to make sure that moderate or liberal nominees get put on for every moderate or conservative or liberal that was on there, some sort of balancing out, some sort of moderate deal. That is not the way we have done nominations. The President submits nominees. We evaluate them and see if they are worthy.

I will just ask: What is moderation? What does that mean? Does that mean you enforce half the law? You analyze it halfway? You don’t make anybody mad with your ruling? You try to carve your ruling so it satisfies everybody? If the statute of limitations is run and the person wants $10,000, do you give them $5,000? Is that justice? Is that moderation? I don’t think so.

This Supreme Court has faced some tough decisions. It protected the burning of an American flag and said that the act of burning a flag is free speech. The act of burning a tangible object is covered by the first amendment protection of free speech. I don’t think that is good, in my personal view. But you had
people such as Justice Scalia, sup-
posedly a conservative, voting for that with others. I think it was a bad deci-
sion. But they ruled on that, this so-
called right-wing Court.

They banned voluntary school prayer at high school football games. They
had the support of the lawyer, the Judge Griffin Bell of the 11th Circuit
Court of Appeals, actually originally from the Fifth Circuit Court of Ap-
peals, and Attorney General of the United States under President Carter,
once said—perhaps in jest; perhaps not—nobody ought to serve on the Su-
preme Court, on the Federal bench, that doesn’t believe in prayer at foot-
ball games.

I don’t think that is a good opinion. I don’t believe a voluntary prayer at a
football game violates the establish-
ment clause of the first amendment, but that is what the Supreme Court
has ruled, and many other cases along
that line.

They stopped the police from using heat sensors to search for marijuana-
growing equipment in houses. That was pretty much considered a liberal opin-
ion.

They struck down a law that bans virtual child pornography, which I was dis-
appointed in, as a prosecutor. I know how difficult that is to make it for prosecu-
tors to be successful. And they reaffirmed and ex-
dpanded abortion rights to include sub-
stantial protections for partial-birth
abortion, this so-called right with an exe-
cutor, I know how difficult that is to do. They
were qualified, well qualified, or un-
qualified, giving her the highest rating. The
Bar association, as I recall, has 15
of them to be unanimous. They se-
lected 15 of them to be unanimous. They se-
lected 15 of them to be unanimous. They se-
lected 15 of them to be unanimous. They se-
lected 15 of them to be unanimous.

(Mr. DAYTON assumed the Chair.)

Mr. SESSIONS. Well, they said the ABA rating was the gold standard, but
that didn’t help them in this argument because the ABA unanimously voted
that Priscilla Owen was well qualified for the Eleventh Circuit. They had seen
her practice law, they had seen her as a justice of the Texas Supreme Court, and
they said she was well quali-

fied, giving her the highest rating. The
Bar association, as I recall, has 15
members of the committee that actu-
ally does that vote. Heretofore, they didn’t say anything about whether you were
qualified, well qualified, or un-
qualified. Now they tell you whether or not it was unanimous. It is hard to get
15 of them to be unanimous. They se-
lected the committee that evaluates
them, and it is a fairly sizable com-
mittee. Many are civil rights attor-
eyes, some are big law firm attorneys,
some are individual practitioners, and
others are officials in the State bar. It
is a big committee, and it is hard to get
a unanimous vote of well qualified, but
she was so rated.

They said: We don’t want anybody who would reverse the right of a
woman to have an abortion—reverse Roe v. Wade. Well, everybody knows a
judge on the Fifth Circuit cannot over-
rule the Supreme Court’s opinion on
abortion, cannot overrule any Su-
preme Court decision, including Roe v.
Wade. In fact, the Fifth Circuit has ex-
plicitly adopted Roe v. Wade in
Planned Parenthood v. Casey. Both of
those are big-time, important abortion
cases. They have already affirmed
those.

Priscilla Owen has never voted on or
opposed Roe v. Wade, as Justice Byron
White was an opponent of the Court.
She never called Roe v. Wade a “heavy
handed judicial intervention,” as Ruth
Bader Ginsburg, President Clinton’s
nominee to the Supreme Court, did. She
never voted for a statute to ban the
abortion, as they never sup-
ported a constitutional amendment to
ban abortion, as DICK GEPHARDT,
the would-be Speaker of the House, has
done in the past. Would all of these in-
dividuals be blackballed and fail to
pass a lockstep test of the Democratic
majority on the Senate Judiciary Com-
mittee if they were nominated for a
Federal judgeship? I think this is going
a bit far.

So we have heard that we cannot have a conservative judicial activist on the
court. I agree with that. You can have
people who are so conservative that they force their agenda by reinter-
preting the words of statutes, as well as you can have a liberal do that. The
traditional conservative theory of law is that you observe the words of the
legislature and enforce them as written, whether you like it or not.

Traditionally, the ideology of the left—as is dominating in our law
schools today, unfortunately—is that
cially, the law is a tool for social progress and not a
protection of rights, as we have under-
stood it.

Traditionally, in the last 30 years, most of the activism has come from
the left. We have actual people who as-
sert with quite a strong conviction
that if the legislature didn’t act, the
court had to act. Have you ever heard
that? I think we have heard that pretty often. But think about it. Particularly in
Federal Court when you have a life-
time-appointed judge. Well, let’s see.
The legislature didn’t act, so now we can do whatever we want to as a judge,
or as the court.

Well, if the legislature did not act, and they are the duly elected rep-
resentatives in fact they have acted, haven’t they? They have decided not to act on
whatever political agenda somebody has. And
that does not justify a judge becoming a legislator because of that.

I think this is important also. This
nominee, Priscilla Owen, has just been
magnificent and disciplined in her view of
the law. One of the things they com-
plained about was her interpretation of a single Texas statute, passed by the legis-
lation, on parental notification.
She clearly followed the legiti-
mate sources of law in interpreting
that. She read the statute clearly. She
interpreted the words of the statute
using the pro-abortion cases of the U.S.
Supreme Court upon which the statute
was based, and it was not an act of ac-
tivism. In fact, Senator DEWINE care-
fefully analyzed these matters, and in the 12 cases under this statute—and
she was quite ranked against this fine nominee’s record—in 3 of
them she voted with a majority of
the judges on the Texas Supreme
Court. Most of the time, 9 cases, she
voted with a majority.

But think about it. Particularly in
every case that reached the Supreme Court of Texas, the Texas law was vaguely written and
difficult to interpret, and it involved a
situation in which a trial judge and an intermediate court of criminal appeals
had both to tell that the operation of a
parent had to occur before an abortion
by a minor could be conducted. So she
was, in each instance, voting on a case in
which a trial judge saw the situation
firsthand, and an intermediate court of
appeals had ruled in favor of the Tex-
time-appointed judge—trust me.

Well, we looked at it hard. Senator DEWINE’s analysis of it was very
thoughtful and persuasive. Well, they say, that is bad, we don’t want a parent
to be notified. Some states have paren-
tal consent, where, if the parent con-
sent to an abortion for a teenager. In
some States, they have to have consent
to get a tattoo, or an earring, or a nose
ring, but they don’t need to have con-
sent to get an abortion. All it said was
they had to tell at least one parent, un-
less there was an excuse not to. It did
not require permission of that parent.
And 82 percent of the people in this
country, when polled, say they favor
parental notification.

Who is extreme here? Is it the
group smearing her for enforcing a
rather modest Texas law, or is it the
nominee herself?

Actually, her study of that was very
carefully done, I think, and actually
utilized definitions in the U.S. Su-
preme Court opinion to help clarify the
definitional tools of Texas law on the
correct presumption that when Texas
had the parental notification law, they
tried to make it compatible with the
Supreme Court ruling, which is what a
great judge does.

Well, only the most extreme liberal
groups such as NARAL, Planned Par-
thood, and the ACLU, that have been
active against her, could see anything
wrong in this, in my opinion.

Well, they said you can’t get into
politics. That is something to discuss.
This nominee hardly has any politics.

Senator Gramm from Texas said when
people asked her to run for the Sup-
Faiing third in her class at
Baylor Law School and was one of the
finest litigators in Texas, well re-
pected. When she was approached to
run, she was a single mom. She gave up a highly lucrative law practice to take on the race for the supreme court. She won, and then won again, with 84 percent of the vote. She had the endorsement of every single newspaper in Texas, and she won. She was an exceptional candidate in every way.

She is not a person who is a political warrior. As Senator Gramm said, “I am a political warrior, I know what one is.” This lady is not. As Senator Hutchinson of Texas, who knows her and endorses us, sees, she is a highly qualified legal professional who goes about her day trying to do the right thing.

The danger in all this, to my way of thinking, is that we are sliding into a concept that the courts in America are inherently political and they cannot be trusted to enforce the law as written. Indeed, these professors assert and trusted to enforce the law as written.

The concept that the courts in America are inherently political and they cannot be trusted to enforce the law as written is inherently political and they cannot be trusted to enforce the law as written. It is consumerism view that nothing is really knowable, that there is no truth, that character really does not count, that there are just winners and losers. If you do not get your judge on the court, you do not win.

This is a dangerous philosophy. In fact, I raised it with Professor Laurence Tribe, the brilliant activist liberal law professor. In his written statement to our Judiciary Committee when we had hearings, he flat out said, that we might as well reject the Olympian ideal of justice under law—that an Olympian ideal was an illusory concept.

That theory is a threat to the rule of law in America, and I think we saw it played out in Committee this morning because they basically said: This lady did not agree with parental notification; we heard she was a conservative; we cannot trust her to interpret the thousands and thousands of cases that come before her. That is not true.

I practiced as a Federal prosecutor before Federal judges and tried hundreds of cases. I was there for years. There may be a case every now and then that a judge’s philosophy of life—you would expect one more likely to buy this argument than that argument. But if you had the cases, if you had the law, if you had the authority, whether the judges were Republican, Democrat, liberal, conservative, routinely, day after day in my court and certainly in America, judges followed that. This is a dangerous concept to be selling around here.

Yes, we have politics in this body. There is nothing in the Senate that is not involved in politics. Of course, we are a political body. That is not true in courts, and if it is, we are in big trouble.

Why should you respect a court if you do not believe they are enforcing the law? People who hold that rules of property ownership are ways to oppress people who do not have property by people who have property and that the enforcement of a deed is somehow an act of class warfare against the poor. If you do not own the property, you do not own it in America. They want to say you ought to get a part of it anyway. It is a dangerous philosophy we are about.

My friends, I conclude. I feel deeply about this issue because what was unique about this rejection of this superb nominee who testified brilliantly in addition to having a brilliant record, what was most disturbing about this process was that she was ignored, and she was just voted down—Raw power. Maybe that is supposed to send a message to the President, but this is a real person who has a real family, who has dedicated her life to the rule of law. She is popular in her home State. She had the confidence of the President of the United States who was Governor of the State of Texas, and he knows the people in Texas. She has the support of Kay Bailey Hutchison and Phil Gramm and the Smart Law from Texas, and she should have been confirmed.

The failure to do so troubles me because I am afraid we may be adopting this postmodernism view that nothing is knowable, that there is no truth, that character really does not count, that there is no such a thing as a rule of law because it is all just a manipulation; that whoever has the power writes the laws to benefit themselves and oppress everybody else.

If that is what we are heading to, I think we have a problem. Maybe that is not so. Some have said: Are we going to retaliate? I have been asked a lot about that. Is that the way Republicans are going to do the Democrats if we get a Democratic President and he submits nominees?

Let me just say this way: I do not give up. I am hoping that a number of the members of the Judiciary Committee maybe made premature commitments. Maybe the way they did not realize the full consequences of their votes, and that we will not continue to see this kind of overt politicalization of the process. I think that should avert a historic alteration in the process by which we have dealt with judges in confirmation.

We have to maybe take a deep breath. I am very upset and most of the Republican members of our committee are very upset and wonder what happened.

Under President Clinton, only one nominee in 8 years was voted down in committee or on the floor of the Senate. We have already had two voted down in committee on a party-line vote, and in both cases, the nominee would have passed had they been on the floor of the Senate. In both cases, there was a majority vote on the floor of the Senate to pass them had they gotten out of committee.

This is a healthy. I respect the talent and ability and commitment of my Democratic colleagues on the Judiciary Committee, but they are very much a Northeast-West Coast group. They do not represent the legal thinking of a majority of Americans, much less a majority of the Senate.

This little group, by sticking together in lockstep fashion, have asserted and demonstrated a power to undermine nominees before even get a full vote on superb nominees such as Judge Pickering. He had been on the Federal bench for 12 years. He was No. 1 in his class in law school. He was well qualified by the American Bar Association for the Court of Appeals, and he was voted down.

I think it is a big deal. I am very frustrated about it. There is a lot of unease. I do not know of anything to do but to continue to go forward, continue to talk to my colleagues, ask them to back off; let’s go back to the traditional respect given to Presidential nominees, and I think we can make progress there.

Some said a lot of nominees who received well-qualified ratings did not get confirmed. True. The overwhelming had objections from home State Senators. As soon as the Democratic Members of Congress got the majority and Senator Leahy became chair, they asserted not only did this happen, but they wanted to strengthen it further than they have in the past. I do not see how anybody can complain on the senatorial courtesy rule if they, in fact, are asserting not only should it be maintained but strengthened.

If President Bush nominates a judge from New York and Senator Schumer objects to that judge, that judge will not move and will not be confirmed even though that judge is voted well qualified. That is just the way it has been. Sometimes it is unfair, but that is how it has been.

As Senator Hatch, who just came into the Chamber, who so ably chaired the Judiciary Committee, knows, that is the way it has been. The Senate has not seen any call for weakening of that rule.

I would say we have a long way to go in the future to work through this unfortunate event. I hope we can. It would be a tragic event, indeed, if this Senate were to abandon its historical system of evaluating judges.

I thank the Presiding Officer, and I yield the floor.

The PRESIDENT pro Tempore, the Senator from Utah, Mr. Hatch, I want to congratulate my colleague Senator Sessions and thank him for his kind remarks today. As usual, he is one of the most articulate and eloquent spokespeople in this country with regard to the Federal Judiciary and, of course, with regard to the law in general and the rule of law. I want him to know I have a tremendous amount of respect for him and how much I enjoy working with him on the Judiciary Committee. The Senator from Alabama adds much to the Judiciary Committee. He is a terrific addition to the Committee and will leave his mark decades from now for his service in the Senate.
Mr. President, the Senator from Alabama has made a lot of points on what happened in the Judiciary Committee today, but I wanted to take a little time, as well, to address the injustice dispensed by the Judiciary Committee against Priscilla Owen of Texas. President Bush nominated her to the Fifth Circuit Court of Appeals.

The Committee defeated her nomination today. Although I am afraid it was a deal cut long before Justice Owen’s hearing occurred, in defeating Justice Owen’s nomination I regret that my friends on the Committee and the Senate Democrat leadership chose the path of partisanship over friendship and fairness.

The justice my colleagues dispensed is like no other the Judiciary Committee has ever inflicted. It is incomparable to any controversy raised against any nominee, Democrat or Republican. My Democrat colleagues rejected a nominee who is unblemished, having had a well-regarded law practice. So far as I know and to be involved in their children’s most painful decision, an abortion.

Even with parental notice, every minor has a right to abortion in Texas, and no decision of Justice Priscilla Owen denies that. In fact, in Texas, minors cannot get a tattoo without parental consent, but they have an unhindered right to obtain an abortion.

Last year, most members of the Judiciary Committee voted to require parental consent for 18- to 21-year-olds to get credit cards. Such is our world, Mr. President.

This willful error by The New York Times is one example of the deceptions and distortions perpetrated on Justice Owen’s exemplary record. Of course, The New York Times again repeats the falsehood that Judge Alberto Gonzales, now our White House Counsel, called Justice Owen an activist while he was serving on the same court, when in fact the truth is that a careful review of the full record of the particular case shows he was referring to another judge who wrote another dissenting opinion. He was not referring to Justice Owen. Yet we have heard time after time the same arguments used against Justice Owen.

The New York Times was not alone in addressing Justice Owen’s nomination. I am heartened to know that beyond the overwhelming support from her own home State of Texas and the scores of op-ed pieces written across the country about this nomination, Justice Owen’s nomination to the Fifth Circuit has received editorial support from over 24 newspapers published across the Nation and across the political spectrum, including The Washington Post, The Chicago Tribune, The Dallas Morning News, The Denver Post, The Daily Oklahoman and the Chicago Tribune, to mention a few.

Only three newspapers, in fact, in New York, Los Angeles and San Francisco, have written out firmly against this nomination. I ask unanimous consent that a selection of these 24 editorials in support of Justice Owen be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Dallas Morning News, July 25, 2002]

**OWEN NOMINATION; CRITICS ARE DISTORTING TEXAN’S RECORD**

After hearing U.S. Court of Appeals candidate Priscilla Owen vilified in recent weeks as everything from racist to anti-abortion to (gasp!) pro-business—the members of the Senate Judiciary Committee got the chance Tuesday to judge for themselves what all the fuss is about. And, after a year in the deep freeze, the 47-year-old Texas Supreme Court justice finally got the chance to defend herself against those who have distorted her record and character in a bare-knuckled attempt to keep her off the Fifth Circuit of Appeals.

One of the biggest distortions is that Justice Owen is a “Judicial activist” intent on bending and twisting statutes to fit a rigid political agenda. That is the view of Sen. Richard Durbin, a Democrat from Illinois, who tore into Justice Owen for what he said was a tendency to “expand and embellish” in her written opinions. Democratic Sen. Dianne Feinstein of California was more polite but just as direct when she asked Justice Owen point-blank if she was, in fact, a “judicial activist.” Justice Owen’s response suggests that the Baylor Law School graduate is absolutely clear on what position she is applying for. She has no desire to legislate from the bench, she told Sen. Feinstein. If confirmed, she added, she will be guided by the job call for: interpret the law as written.

Justice Owen can be trusted to do exactly that, as those in Texas legal circles know her best. Her supporters include Republicans and Democrats alike, and their
vote of confidence should count for something—especially when weighed against the smear campaign engaged by the lobbies of the left.

As for Justice Owen’s personal views on abortion, or on any issue, they remain totally irrelevant. By all accounts, she has spend the last eight years on the Texas high court to be a conservative activist. Those who oppose a judicial nominee have every right to challenge the nomination. But they do not have the right to— in legal terms— “assume facts not in evidence.” For all their political grandstanding and name-calling, the smear campaign engaged by the smear credit the committee should do its best to rectify this situation by scheduling a vote without further delay and approving Justice Owen’s nomination.

(A From the Florida Times-Union, July 26, 2000)

A FINE CHOICE

Using legitimate criteria—judicial expertise, temperament and reputation—there is no finer candidate for a spot on a federal appeals court than Priscilla Owen, whose nomination was the subject of a committee hearing this week.

Owen is an honors graduate who earned the highest grade on the bar exam, has served with distinction on the Texas Supreme Court since 1991—and is so respected that every major newspaper in Texas endorsed her successful campaign for reelection in 2000.

After she was nominated for the 5th Circuit Court of Appeals, the American Bar Association unanimously gave her the highest possible rating for the job—no small matter since the Senate Judiciary Committee chairman said previously that the ABA’s rating is “the gold standard by which judicial can-
didates are judged.” A bipartisan group of 15 past Texas Bar presidents endorsed her nomination, as have Democratic former justices.

Still, her nomination is in trouble because she is deemed insufficiently liberal by a few fringe special-interest groups that have considerable influence with the Senate’s Democrat leadership.

The main complaint revolves around cases in which young girls wanted to have an abor-
tion, but their parents did not know about them.

Under Texas law, a parent must be told unless a judge rules a girl is sufficiently ma-
ture and informed to make the decision alone.

Owen contended some youngsters were not informed sufficiently.

That, extremist, pro-abortion groups say, proves Owen is a “judicial activist” who makes rulings based on ideology instead of what the law actually says. Never mind that they have enthusiastically supported judicial activism in the past and that Roe vs. Wade, the decision legalizing abortion, was in itself a blatant act of judicial activism.

Owen is under fire not because she is a ju-
dicial activist but because she is perceived as a conservative activist.

The facts are, however, that Owen based her opinion on U.S. Supreme Court guide-
lines—and the author of the law said she had interpreted it the way the legislature in-
tended.

Parental notification laws are designed not just to protect the young but also to keep pedophiles from coercing their young vic-
tims into destroying the evidence before they can be arrested, tried and locked up.

They say they are a “judicial activist” who will try to legislate from the bench. But when U.S. Sen. Dianne Feinstein, D-Cal-
fornia, asked her about that charge, Owen responded: “If I am confirmed, I will do my utmost to apply the statutes you have writ-
ten as you have written them, not as I would have written them or others might want me to interpret them.”

But none of this should matter much to the Senate Judiciary Committee, which is supposed to examine a nominee’s qualifica-
tions for federal judicial temperament.

No one has questioned (yet) her tempera-
ture, fitness for office, and temperament. That, critics insist, proves she is too probusiness. But why should an arsonist be allowed to profit from his own crime?

The appointment is being scandalously po-
tificated among its critics. Moreover, it is impor-
tantly, the American people deserve better.

(From the Wisconsin State Journal, July 29, 2000)

OWN IS QUALIFIED FOR FEDERAL BENCH

Feingold and Kohl should stop their Senate colleagues from “borking” Priscilla Owen.

Why should Wisconsinites care about Texas Supreme Court Justice Priscilla Owen, nomi-
nated by President Bush to the 5th U.S. Cir-
cuit Court of Appeals?

Because “borking” —judging a judicial nominee on political and ideological grounds rather than qualifications—is ugly no matter which party is doing it and must be stopped.

Because Wisconsin’s two senators, Herb Kohl and Russ Feingold, sit on the Senate Judiciary Committee, where the “borking” of Owen is under way. If these two Demo-
crats take the high road and approve Owen for a federal appeals court, their courage could persuade their Senate colleagues to give up this nasty practice.

The charge against Owen is being led by the extremist, pro-abortion groups who are incensed that Owen voted several times to uphold a Texas law that allows minors to get abortions without notifying their parents only in extreme circumstances.

Polls show that a majority of Americans support parental notification laws, and the U.S. Supreme Court has ruled that such laws do not violate the terms established by Roe vs. Wade. Nonetheless, National Abortion Rights Action League President Kate Michelman called Owen “someone who exem-
plifies the most extreme hostility to repro-
ductive rights of any of the nominees that President Bush has named.” My, my.

Other groups complain that Owen’s rulings show her to be anti-consumer, anti-worker and pro-business. They say she too often voted to overturn huge jury verdicts in mal-
practice and product-liability cases. Consid-
ering that Texas juries’ propensity for hand-
ling down outrageous verdicts makes the state a favorite filing-ground for trial attor-
neys pursuing dubious liability cases, Owen should be applauded for attempting to apply the brakes.

They say she is a “judicial activist” who will try to legislate from the bench.

But none of this should matter much to the Senate Judiciary Committee, which is supposed to examine a nominee’s qualifica-
tions for federal judicial temperament.

No one has questioned (yet) her tempera-
ture, fitness for office, and temperament. That, critics insist, proves she is too probusiness. But why should an arsonist be allowed to profit from his own crime?

The appointment is being scandalously po-
tificated among its critics. Moreover, it is impor-
tantly, the American people deserve better.

(From the Wisconsin State Journal, July 29, 2000)

OWN IS QUALIFIED FOR FEDERAL BENCH

Feingold and Kohl should stop their Senate colleagues from “borking” Priscilla Owen.

Why should Wisconsinites care about Texas Supreme Court Justice Priscilla Owen, nomi-
nated by President Bush to the 5th U.S. Cir-
cuit Court of Appeals?

Because “borking” —judging a judicial nominee on political and ideological grounds rather than qualifications—is ugly no matter which party is doing it and must be stopped.

Because Wisconsin’s two senators, Herb Kohl and Russ Feingold, sit on the Senate Judiciary Committee, where the “borking” of Owen is under way. If these two Demo-
crats take the high road and approve Owen for a federal appeals court, their courage could persuade their Senate colleagues to give up this nasty practice.

The charge against Owen is being led by the extremist, pro-abortion groups who are incensed that Owen voted several times to uphold a Texas law that allows minors to get abortions without notifying their parents only in extreme circumstances.

Polls show that a majority of Americans support parental notification laws, and the U.S. Supreme Court has ruled that such laws do not violate the terms established by Roe vs. Wade. Nonetheless, National Abortion Rights Action League President Kate Michelman called Owen “someone who exem-
plifies the most extreme hostility to repro-
ductive rights of any of the nominees that President Bush has named.” My, my.

Other groups complain that Owen’s rulings show her to be anti-consumer, anti-worker and pro-business. They say she too often voted to overturn huge jury verdicts in mal-
practice and product-liability cases. Consid-
ering that Texas juries’ propensity for hand-
ling down outrageous verdicts makes the state a favorite filing-ground for trial attor-
neys pursuing dubious liability cases, Owen should be applauded for attempting to apply the brakes.

They say she is a “judicial activist” who will try to legislate from the bench.

But none of this should matter much to the Senate Judiciary Committee, which is supposed to examine a nominee’s qualifica-
tions for federal judicial temperament.

No one has questioned (yet) her tempera-
ture, fitness for office, and temperament. That, critics insist, proves she is too probusiness. But why should an arsonist be allowed to profit from his own crime?

The appointment is being scandalously po-
tificated among its critics. Moreover, it is impor-
tantly, the American people deserve better.

(From the Wisconsin State Journal, July 29, 2000)

OWN IS QUALIFIED FOR FEDERAL BENCH

Feingold and Kohl should stop their Senate colleagues from “borking” Priscilla Owen.

Why should Wisconsinites care about Texas Supreme Court Justice Priscilla Owen, nomi-
nated by President Bush to the 5th U.S. Cir-
cuit Court of Appeals?

Because “borking” —judging a judicial nominee on political and ideological grounds rather than qualifications—is ugly no matter which party is doing it and must be stopped.

Because Wisconsin’s two senators, Herb Kohl and Russ Feingold, sit on the Senate Judiciary Committee, where the “borking” of Owen is under way. If these two Demo-
crats take the high road and approve Owen for a federal appeals court, their courage could persuade their Senate colleagues to give up this nasty practice.

The charge against Owen is being led by the extremist, pro-abortion groups who are incensed that Owen voted several times to uphold a Texas law that allows minors to get abortions without notifying their parents only in extreme circumstances.

Polls show that a majority of Americans support parental notification laws, and the U.S. Supreme Court has ruled that such laws do not violate the terms established by Roe vs. Wade. Nonetheless, National Abortion Rights Action League President Kate Michelman called Owen “someone who exem-
plifies the most extreme hostility to repro-
ductive rights of any of the nominees that President Bush has named.” My, my.

Other groups complain that Owen’s rulings show her to be anti-consumer, anti-worker and pro-business. They say she too often voted to overturn huge jury verdicts in mal-
practice and product-liability cases. Consid-
ering that Texas juries’ propensity for hand-
ling down outrageous verdicts makes the state a favorite filing-ground for trial attor-
neys pursuing dubious liability cases, Owen should be applauded for attempting to apply the brakes.

They say she is a “judicial activist” who will try to legislate from the bench.

But none of this should matter much to the Senate Judiciary Committee, which is supposed to examine a nominee’s qualifica-
tions for federal judicial temperament.

No one has questioned (yet) her tempera-
ture, fitness for office, and temperament. That, critics insist, proves she is too probusiness. But why should an arsonist be allowed to profit from his own crime?

The appointment is being scandalously po-
tificated among its critics. Moreover, it is impor-
tantly, the American people deserve better.

(From the Wisconsin State Journal, July 29, 2000)
But the only real argument against her is that she’s not the sort of choice a Democratic president would make. That’s no reason Bush shouldn’t have picked her, or that the Senate shouldn’t confirm her.

(From the Boston Globe, July 28, 2002)

The REAL EXTREMISTS

Theodore Jacoby

Why do professional abortion-rights advocates anathematize as “antichoice” anyone who favors even minimal regulation of abortion? Their absolutism would seem as ridiculous if they were advocates of public domain law.

For example: Americans have a fundamental right to own and use land, but no one believes we should be untrammeled. A great body of law has developed to regulate what people do with their land—from local zoning ordinances to common-law judgments. Reasonable people can and do debate the wisdom of particular regulations. But nearly everyone agrees that there must be some restrictions on an owner’s right to make use of his property. Only a crank would argue that to favor any sort of limitation at all is to be “antiownership” or an enemy of landholders.

To take another example, Americans have the constitutional right to express their views in public. But no one takes the First Amendment to mean that self-expression may never be restricted. Your right to free speech cannot be used to intimidate you to testify, to threaten the life of the president, or to falsely shout “fire!” in a crowded theater, or to give perjured testimony in court.

Yet when it comes to abortion, there is no such thing as a reasonable restriction—not to the abortion-right spokeswomen whom we invasively view whenever they come up. A 24-hour waiting period? Pre-abortion counseling to discuss possible risks or alternatives? Parental notification when a minor wants an abortion? An ban on partial-birth abortions? The politician who calls for such limits or the judge who upholds them can count on being slammed as a threat to “reproductive rights” or a foe of “choices.”

Just ask Priscilla Owen, the Texas Supreme Court justice nominated by President Bush to the Fifth Circuit US Court of Appeals. What accounts a refined and thoughtful judge; the American Bar Association unanimously pronounced her “well-qualified.” But because in several teen-abortions cases she ruled that parental notification was required, she is being excoriated. Planned Parenthood calls her an “anti-choice extremist.” The National Organization for Women accuses her of “dismissing women’s rights.” The National Abortion Rights Action League says she “exemplifies the most extreme hostility to reproductive rights.

But who are the real extremists here? In a new analysis, the Gallup News Service reports “that polling shows the public support for parental consent laws—policies that are even more restrictive than parental notification.” In 1996, a Gallup survey found 74 percent of Americans in favor of requiring parental consent for a minor’s abortion. Since then, the level of support has gone even higher. In a 1998 CBS/New York Times poll, 78 percent wanted parental consent. And in a Los Angeles Times survey two years after that, the figure was 82 percent.

Justice Owen insists her rulings are based on Texas law, not her personal views. But if they do reflect her personal views, she clearly has lots of company. Are more than four Americans in five “anti-choice extremists” as is it NARAL, NOW, and Planned Parenthood that are far outside the mainstream?

In poll after poll, a majority of respondents say that, as a general rule, abortion should remain legal and the government should not interfere with a woman’s right to end her pregnancy. But restricting abortion in specific ways or circumstances, they often say yes.

Thus, 86 percent of Americans would make abortion illegal in the following circumstances: (Gal- lup, 2000), and 63 percent would vote to ban partial-birth abortions. Mandatory pre-abortion counseling is favored by 86 percent of the public; keeping the viability period by 79 percent (CBS/New York Times, 1998). (These all presuppose a healthy mother and child; Americans overwhelming support legal abortion when the mother is seriously threatened or when there is likely to be a serious defect in the baby.)

It makes sense that the public does not regard it to give perjured testimony in court.

To take another example, Americans have the constitutional right to express their views in public. But no one takes the First Amendment to mean that self-expression may never be restricted. Your right to free speech cannot be used to intimidate you to testify, to threaten the life of the president, or to falsely shout “fire!” in a crowded theater, or to give perjured testimony in court.

Yet when it comes to abortion, there is no such thing as a reasonable restriction—not to the abortion-right spokeswomen whom we invasively view whenever they come up. A 24-hour waiting period? Pre-abortion counseling to discuss possible risks or alternatives? Parental notification when a minor wants an abortion? A ban on partial-birth abortions? The politician who calls for such limits or the judge who upholds them can count on being slammed as a threat to “reproductive rights” or a foe of “choices.”

Just ask Priscilla Owen, the Texas Supreme Court justice nominated by President Bush to the Fifth Circuit US Court of Appeals. What accounts a refined and thoughtful judge; the American Bar Association unanimously pronounced her “well-qualified.” But because in several teen-abortions cases she ruled that parental notification was required, she is being excoriated. Planned Parenthood calls her an “anti-choice extremist.” The National Organization for Women accuses her of “dismissing women’s rights.” The National Abortion Rights Action League says she “exemplifies the most extreme hostility to reproductive rights.

But who are the real extremists here? In a new analysis, the Gallup News Service reports “that polling shows the public support for parental consent laws—policies that are even more restrictive than parental notification.” In 1996, a Gallup survey found 74 percent of Americans in favor of requiring parental consent for a minor’s abortion. Since then, the level of support has gone even higher. In a 1998 CBS/New York Times poll, 78 percent wanted parental consent. And in a Los Angeles Times survey two years after that, the figure was 82 percent.

Justice Owen insists her rulings are based on Texas law, not her personal views. But if they do reflect her personal views, she clearly has lots of company. Are more than four Americans in five “anti-choice extremists” as is it NARAL, NOW, and Planned Parenthood that are far outside the mainstream?

In poll after poll, a majority of respondents say that, as a general rule, abortion should remain legal and the government should not interfere with a woman’s right to end her pregnancy. But restricting abortion in specific ways or circumstances, they often say yes.

Thus, 86 percent of Americans would make abortion illegal in the following circumstances: (Gal- lup, 2000), and 63 percent would vote to ban partial-birth abortions. Mandatory pre-abortion counseling is favored by 86 percent of the public; keeping the viability period by 79 percent (CBS/New York Times, 1998). (These all presuppose a healthy mother and child; Americans overwhelming support legal abortion when the mother is seriously threatened or when there is likely to be a serious defect in the baby.)

It makes sense that the public does not regard it to give perjured testimony in court.

TOO SMART FOR THE SENATE

Priscilla Owen isn’t exactly a household name. But what happens to her today in the Senate Judiciary Committee will say a lot about President Bush’s legacy in the federal courts. Will the Senate winnow out the Democrats who form the majority will allow him to have one.

The Gang of Ten is scheduled to vote on Owen’s nomination to the Fifth Circuit Court of Appeals, and she ought to be an easy sale. Currently on the Texas Supreme
Court, she is one of the best legal minds of her generation and at age 47 is potential Supreme Court material. She's a conservative, but the liberal American Bar Association gave her its highest rating—a unanimous well-qualified.

There was a time that jurists of her intellectual caliber were welcomed by Senators of both parties. But Senator BIDEN was chairman of the Judiciary Committee, the Senate confirmed 127 judicial nominees Senator BIDEN achieved this record despite not receiving any nominee for the first 6 months. Then-Chairman Brooks Smith's confirmation hearing was held on July 20 of that year, more than a week later than the first hearing this session, which occurred on July 11, 2001.

Clearly, getting started in July of year one is no barrier to the confirmation of 127 judges by the end of year two, but we have confirmed only 73 nominees in this session.

Senator BIDEN's track record during the first President Bush's first 2 years also demonstrates how a Democrat-led Senate treated a Republican President. Then-Chairman BIDEN presided over the confirmation of all but five of President Bush's 75 nominees in that first 2-year session. Chairman THURMOND's record is quite similar. The contrast to the present could hardly be more stark.

We are about to close President Bush's first 2 years in office having failed the standards set by Chairmen BIDEN and THURMOND, and that is nothing over which to be proud.

Some discredit Justice Owen's nomination by pointing to the few Clinton judges who did not get hearings when I was chairman, especially Jorge Rangel and Moreno. But Judge Smith did not talk about that. In fact, they worked hard to create an impression exactly opposite by focusing not on his work as a judge but on his previous membership in a small men's fishing club. Never mind that Susan B. Anthony Award because of "his commitment to eradicating gender bias in the court system." But his opponents did not talk about that. It was put in place under the Ku Klux Klan in the 1960s, at a time when civil rights were being won, and his children smacked in the crosshairs of a violent and unforgiving terrorist organization. That was an act of real bravery motivated by his belief in doing right.

What happened? The hearing room and the subsequent fundraising letters echoed with the word "racist." Charles Pickering's record was completely turned upside down.

Judge Brooks Smith's true history fared no better. Judge Smith had a reputation for going out his way to assist women in the legal profession. Judge Smith received the Susan B. Anthony Award because of "his commitment to eradicating gender bias in the court system." But his opponents did not talk about that. It was put in place under the Ku Klux Klan in the 1960s, at a time when civil rights were being won, and his children smacked in the crosshairs of a violent and unforgiving terrorist organization. That was an act of real bravery motivated by his belief in doing right.

Mr. HATCH. I am heartened not just for the sake of Justice Owen, but because at her hearing I expressed alarm at the efforts by some to introduce ideology into the confirmation process. I am heartened that editorial and op-ed writers across the country reflect not only support for Justice Owen but also the near universal rejection of this misguided effort to make the independent Federal Judiciary a mere extension of the Congress, and less than the independent, coequal branch it was intended to be.

It is important to place this vote against Justice Owen's nomination in context for the American people because parts of those who seem to justify this wrong in childlike fashion with the intellectual crutch of "they did it, too."
Today, we heard again the stale rhetoric that Justice Owen fails plaintiffs, from those who are more interested in being more just to plaintiffs—to make it more to the point, the plaintiff’s trial lawyers who are their strong supporters.

In fact, there are several leading cases that Justice Owen’s detractors ignore in which she ruled for plaintiffs and against manufacturers and physicians. Think about it. Sometimes a company’s lawyer may be wrong, under the law. Now, I know there are those on the other side of the aisle who think that just cannot be, as they are adamantly work on behalf of the plaintiff’s trial lawyers. Sometimes businesses are right.

Of course, much of the opposition of Justice Owen has been driven by interest groups that advocate for the right to abortion. And this is becoming tre mendously popular, especially in the landmark cases of abortion. Millions and millions of dollars are put into People for the American Way and other pro-abortion groups. Thus, this case is terrifying to have these groups against you, but it is the right thing to stand up against them when they are wrong. In this case, they have been wrong.

These groups have said they want judges on the bench who will read and apply and follow the Supreme Court cases in the area of the right of privacy, especially in the landmark cases of abortion. Yet here we have Justice Owen, the first nominee we have considered in this session who as a judge read those cases, cited them, quoted them, applied them, has followed them. Yet her record was so distorted as to make it seem she was against abortion when, in fact, she is not. I don’t know where she stands on that particular issue.

Justice Owen researched the case law of abortion and has faithfully incorporated Supreme Court rulings into her decisions. The current issue is a hot topic in abortion court. This shows the application of precedent that should satisfy any one interested in upholding the Supreme Court’s abortion decisions or any other decision. It was the right thing for her to do because she was bound by the law of the land. Frankly, as much as some pro-life people may not like that, she upheld the law, which is what she should have done.

Yet the defeated this morning, primarily on that single issue, when it really was not an issue. But it was distorted, and it was manipulated, and it was used against her in, frankly, a very despicable way.

Of Justice Owen’s critics are not praising her for following the Supreme Court law. They are attempting to portray her as a judicial activist. The truth is, she is a judicious judge who never digresses from the rules of precedence and legal construction. She always grounds her decisions in binding authority or judicial rules of decision.

Of course, the charge that she is a judicial activist is a cynical trick of words from Washington special interest lobbyists, liberal special interest lobbyists, as well as their well-funded allies in Texas who have made their careers taking positions without letting the words of the Constitution stand between them and their political objectives.

The people of Texas, almost 84 percent of them, voted for Priscilla Owen to be reelected to the State supreme court. They are attempting to elevate her to the high court. She is a majority of the people of Texas who know what a high quality person she is. Yet these people today, the people on the committee, ignored all of that.

Why are they doing so? Ironically enough, they are doing so because they do not like the Texas statute requiring parental notice in cases of abortions for children. Justice Owen voted to give the statute some meaning. It was a poorly drafted statute where they could not tolerate, and that is always a bad statute. As she explains in brilliant fashion in her written responses to the questions of Senators, Justice Owen sought to find that meaning in Supreme Court cases that informed the Supreme Court legislators in adopting the notice law.

This is what any good lawyer would try to do or would know to do, let alone a good judge. She sought to give the lower courts in her State that were reaching different results in county to county, Supreme Court guidance.

Even Planned Parenthood’s lawyer understood this. She said in a 2000 interview:

A lot of what the Supreme Court is doing is giving guidelines to the lower courts on how to interpret the parental notification law.

Justice Owen’s opponents think a minor should always be able to avoid the Texas legislators’ standards. It is the group allied against Justice Owen, who are the judicial activists here, the ones who are looking to achieve in the courts an outcome that is at odds with the law passed by the duly elected legislators of the State of Texas.

The Texas legislature did not pass a judicial bypass law with some exceptions. They passed a parental notice law, and they stated that they intended the court-granted exceptions to be rare. And, in fact, in practice they are rare.

This is what Justice Owen’s opponents cannot stomach. So here they are in our midst. But why? The truth is that while my colleagues’ vote is entirely about an abortion litmus test, I fear the opposition to Justice Owen from the abortion lobby is not at all about abortion rights, because abortion rights are affected by a mere notice statute. The opposition to Justice Owen is not really about abortion rights, it is about abortion profits.

Simply put, the abortion industry is opposed to parental notice laws because parental notice laws place a hurdle between them and the profits from the abortion clients—not the girls who come to them but the adult men who pay for these abortions. These adult men, whose average age rises the younger the girl is, are eager not to be disclosed to parents, sometimes living down the street.

At $1,000 per abortion and nearly 1 million abortions per year, the abortion industry is as big as any corporate interest that lobbies in Washington. They not only ignore the rights of parents, they also protect sexual offenders and statutory rapists.

And who are the lobbyists for the abortion industry? They are exactly the same cast that launched an attack on Justice Owen. Columnist Jeff Jacoby did in the Boston Globe:

Who are the extremists on this issue?

Who is out of the mainstream? It is certainly not Justice Owen. Eighty-two percent of the American people favor parental notice laws, and 86 percent of them favor Justice Owen interpreted. In fact, 86 percent in the State of Illinois favor these laws.

I will say it again. While my colleagues are applying an abortion litmus test, the assault on Justice Owen from the outside groups was not about abortion rights. It is about abortion profits. It is not about a woman’s right to an abortion. It is about assailing parental laws that threaten the men who pay for abortions. It is whether parents should at least never consent, but just know when a minor child is having an abortion paid for by an adult.

But there is another interest at play here. Justice Owen was also opposed by the trial lawyers—I should say the plaintiff’s trial lawyers. It is they who keep score over judges and how they rule on consumer, environmental, and personal injury cases, all of the areas of the law from which they make their highest profits. And it is the trial lawyers, who most fund the special interest groups, who oppose all of President Bush’s nominees.

I have to say, I know a number of these great plaintiff’s lawyers, and a number of them are very upstanding people. But unfortunately, the vast majority are more interested in making sure they can continue to get big verdicts than they are in doing what is just.

I do not want to malign those who are decent, honorable plaintiff’s lawyers. I was one of those myself, as well as a defense lawyer. But I could not stomach this type of attitude towards the law that some of them are pushing.

In almost infantile fashion, they would portray Justice Owen as pro-this or anti-that. Professor Victor Schwartz, a leading authority on torts in this country, addresses this in a letter he sent the Judiciary Committee. After reviewing Justice Owen’s record, this tort law expert concludes that Justice Owen cannot be described as pro-defendant or pro-plaintiff.

The truth is that Justice Owen functions as any judge should, as an unbiased umpire. As an umpire, Justice
Owen calls the balls and the strikes as they are, not as she alone sees them and not as she wants them to be. It is silly to suggest she is pro-bat or pro-ball, pro-pitcher, or pro-batter. Of course, trial lawyers and those who shill for them have an interest in Justice Owen's confirmation. As she said in her hearing, she is blind to rich or poor without turning a blind eye to equity. Any Senator who met her or who attended her hearing or who read the letters from those who know her or who questioned her compassion and fairness. I hoped that no Senator would cast a vote who did not meet her or who did not attend the hearing. But unfortunately I know some did.

Let's speak truth to power. Justice Owen was picked to be opposed because she is a friend of President Bush from Texas. She was opposed by an axis of profits. This axis of profits combines the money of trial lawyers and special interest groups and the Washington special interest groups and spreads its influence to the halls of power in Washington and in State courts across this country.

As an aside, some estimate that one of these lobbying groups rakes in somewhere between $12 million and $15 million a year from the Hollywood crowd and others, especially the trial lawyers in this country. There is nothing on our side that even comes close to that to be able to compete.

The opposition against Justice Owen is intended not only to have a chilling effect on women jurists who will keep them from weighing in on exactly the sorts of cases that most invite their participation in their perspectives as women, but also on all judges in all State courts who rule on cases that trial lawyers want to win and cash in on.

Today's vote besmirched a model young woman from Texas who grew up, worked hard, and did all the right things, including repeatedly answering the call of public service at a sacrifice of personal wealth and family. I might add, she was one of the top lawyers in the country. She worked for one of the top law firms in the country. She was doing very well financially many times over what she makes as a Texas Supreme Court justice. She was a single mother who was raising her child. She goes to a church and is in the choir in her church and helps to lead the choir. She is a decent, honorable person, and she is about as nonpolitical as anybody I have ever seen come before the Senate Judiciary Committee. Yet she has been treated very poorly indeed.

Today my Democrat colleagues voted against the American promise—the promise that anyone who works hard can serve the public trust. Such a vote, in my opinion, should not have taken place anywhere but in the light of the Senate. One hundred Senators would have the right to determine whether this fine woman should or should not sit on the Fifth Circuit Court of Appeals. I have to say it should have taken place in the light of the Senate floor and not in the shadows of the Judiciary Committee.

I fear, as a result of the Owen vote, a sword of Damocles has fallen on the Senate and on the people. The opposition is intended not only to have a chilling effect on qualified jurists, but also to have knowledge of, and an opportunity for involvement in, one of the most important decisions of the children's lives. In those cases, Justice Owen did exactly what any restrained judge should do: She applied the Texas statutory law as directed by the Texas Supreme Court in Doe v. Wade. Ironically, it is Justice Owen's opponents—the ones who accuse her of being an activist—who would fail her. Her friends in the legislature and the Supreme Court in order to reach a political result.

The New York Times uses similarly flawed analysis when it accuses Justice Owen of "reflexively" deciding cases in favor of "manufacturers over consumers, employers over workers and insurers over sick people." The Times is not on a political basis, but also belies the accusation of "activism." Only someone obsessed with outcomes—rather than the law governing the particular cases—wouldagency by a mere counting up wins and losses among parties that have appeared before a judge. Working as a judge is like being an umpire. Justice Owen cannot be characterized as pro-thix or pro-that any more than an umpire can be analyzed as pro-bat or pro-ball. A judge's job is to apply the law that has been set down by the courts to properly ensure that court victories go 50/50 for plaintiffs and defendants, consumers and corporations.

I chose the words of Senator Biden, a former Chairman of the Judiciary Committee, who said some years ago that: "[Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal, it is not about Democrat or Republican. It is about intellectual and professional competence to serve as a member of the third co-equal branch of government."

The New York Times attack on Justice Owen's "lack of sensitivity to judicial ethic" is also contrary to what I believe Justice Owen went above and beyond and the Texas ethics rules in her last election, voluntarily setting her own stricter guidelines for fund-raising.

She has also reaffirmed the Texas judicial elections process in order to protect the integrity of the courts.

Owen, whom the American Bar Association has interviewed, rated Priscilla Owen has the highest rating, undoubtedly fits well in the mainstream of American thought. If defeated, Justice Owen will become the first judicial nominee when it accuses Justice Owen of judicial "issue litmus tests."

Today my Democrat colleagues voted against the American promise—the promise that anyone who works hard can serve the public trust. Such a vote, in my opinion, should not have taken place anywhere but in the light of the Senate. One hundred Senators would have the right to determine whether this fine woman should or should not sit on the Fifth Circuit Court of Appeals. I have to say it should have taken place in the light of the Senate floor and not in the shadows of the Judiciary Committee.

I fear, as a result of the Owen vote, a sword of Damocles has fallen on the Senate and on the people. The opposition is intended not only to have a chilling effect on qualified jurists, but also to have knowledge of, and an opportunity for involvement in, one of the most important decisions of the children's lives. In those cases, Justice Owen did exactly what any restrained judge should do: She applied the Texas statutory law as directed by the Texas Supreme Court in Doe v. Wade. Ironically, it is Justice Owen's opponents—the ones who accuse her of being an activist—who would fail her. Her friends in the legislature and the Supreme Court in order to reach a political result.

The New York Times uses similarly flawed analysis when it accuses Justice Owen of "reflexively" deciding cases in favor of "manufacturers over consumers, employers over workers and insurers over sick people." The Times is not on a political basis, but also belies the accusation of "activism." Only someone obsessed with outcomes—rather than the law governing the particular cases—wouldagency by a mere counting up wins and losses among parties that have appeared before a judge. Working as a judge is like being an umpire. Justice Owen cannot be characterized as pro-thix or pro-that any more than an umpire can be analyzed as pro-bat or pro-ball. A judge's job is to apply the law that has been set down by the courts to properly ensure that court victories go 50/50 for plaintiffs and defendants, consumers and corporations.

I chose the words of Senator Biden, a former Chairman of the Judiciary Committee, who said some years ago that: "[Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal, it is not about Democrat or Republican. It is about intellectual and professional competence to serve as a member of the third co-equal branch of government."

The New York Times attack on Justice Owen's "lack of sensitivity to judicial ethic" is also contrary to what I believe Justice Owen went above and beyond and the Texas ethics rules in her last election, voluntarily setting her own stricter guidelines for fund-raising.

She has also reaffirmed the Texas judicial elections process in order to protect the integrity of the courts.
Mr. HATCH. Mr. President, it is really starting to get to me that because of special interest control of this body, abortion is becoming a single litmus test issue on the part of a number of Senators in this body—not all, thank goodness, on either side, but a number of them. I think it is a very important issue. There are very sincere people on the pro-choice side. There are very sincere people on the pro-life side. Both sides deserve consideration and respect.

When we get to where one single issue—whether the Senate should nominate a person who can serve in a position in this country, such as a Federal judge, we know this country is in trouble; that is, whether it comes on this side or it comes on that side.

I can remember when Reagan was the President and we had control of the committees. There was a constant berating of us because they thought we might have abortion as a single litmus test issue. The fact of the matter is, we didn’t. I know. I know that. I never even asked because I know who did the betting. He happened to be a former staff member of mine. He never asked that question. They might have thought they had somebody who was pro-life, but they never understood that question. That was not even a consideration in the questions. They found out that a number of their people whom they nominated and who were confirmed were pro-choice.

During the Clinton years when I was chairman of the committee, I would not allow that single litmus test to be used on our side because I don’t believe any single litmus test should be used in any way with regard to the Federal judiciary. The fact that I might disagree with a nominee on an issue that is important to me is somewhat irrelevant unless there are other really justifiable reasons for voting against the person.

I am finding that basically justifiable reasons depend on how much force is brought to bear by outside interest groups—groups on both sides that are basically supportive of the pro-abortion side. I have had folks on other side say it is a litmus test. Thank goodness, not many.

But that is why they wanted to keep Priscilla Owen from coming to the Senate floor—because Priscilla Owen would have passed on the Senate floor, would serve very well on the Fifth Circuit. I think, if you held up your hand, please both sides of this body because of the very decent person she really is, because of the great legal scholar she is, and because of the honest and upright person she is.

We have lost that opportunity for this year. But I can tell the American people that if they will support President Bush, and if we can get control of the Senate, Priscilla Owen will make it through because she will at least have a vote. I believe she will make it through.

In that regard, I am very appreciative of the endorsement of the Senator from Georgia, Senator ZELL MILLER, of her right to have a vote on the floor and his statement that he would vote for her—a Democrat Senator. I think he recognizes that this body is becoming very polarized. It is becoming a body that may not be a great body anymore, if we keep going this way. We are polarizing ourselves to where single litmus test issues can determine whether or not we vote and do what is right.

Frankly, we ought to be doing what is right regardless of any single litmus test issue. I hope there are some on both sides who believed otherwise. But I think they are a distinct minority. But on the Judiciary Committee on this issue of abortion, I have to admit that it is coming down to the point where it is a prime issue.

My colleagues on the other side of the aisle will say they voted for people who are pro-life. That is true, because you can only do this so many times to a President’s nominee. You can’t get away with asking people to support a person if they don’t get away with it with regard to Justice Priscilla Owen. She deserves a vote on the floor.

I have to say I am reaching a point in my tenure here where I am so sick and tired of the political body on judicial nominations. I am so sick and tired of the way people are treated here. That is on both sides from time to time. I really believe, barring just cause, that every President’s nominee for the Federal judiciary ought to be given a vote on the Senate floor regardless of what the Senate Judiciary Committee does. If the committee votes a person down, that should be given tremendous weight; no question about it—in this case as well. But the fact of matter is that at least the Constitution says we should have a right to consent. And it doesn’t mean 10 Senators, it means 100 Senators. I believe that would be only fair. And if they believe it ought to be done whether a President is Republican or Democrat.

I wish I had made that suggestion. I did allude to it on more than one occasion on the floor during the last 6 years of President Clinton’s tenure.

I have heard nothing but bad-mouthing about what Republicans did to President Clinton’s nominees, even though half of the Federal judiciary today are Clinton judges and President Bush is not. It is a fair question to ask whether they treated him fairly. Let me tell you, there is no reason for that. President Reagan got 382 Federal judges through and confirmed. That is the most in history. He had 6 years of a Republican Senate—his own party—to help him to do that. President Clinton is getting virtually the same number—and he had 6 years of a Republican Senate, an opposition party Senate which helped him to do that. I know. I was chairman during those 6 years. He was treated very fairly.

There are always those who do not make it, I have to admit. There is always a complaint about that. But that
is true whether it is Republican control of the committee or Democrat control of the committee. I would stack up our record on getting Clinton judges through against any record of the Democrats with regard to Reagan or Bush nominees.

Frankly, we are talking about circuit court nominees here who have been sitting on the nominations list now for over a year and a half, some of the finest nominees in history—just to mention a few, John Roberts is being considered as a Supreme Court Justice—whether they are Democrats or Republicans. He is one of the two or three top appellate lawyers in the country who I don’t think has an ideological bent.

How about Miguel Estrada, the first Hispanic to ever be put on the Circuit Court of Appeals for the District of Columbia? I don’t believe he would be anything but one of the finest judges in the country; Michael McConnell, who is considered one of the two or three greatest appellate lawyers in the country—a law professor.

You could go right on down the line. Deborah Cook; Jeffrey Sutton. They have all been sitting there for a year and a half. There are 50 or more who I think have been very badly treated. There is no reason not, other than they know how brave all these people are.

I suspect they think they can ascertain how they are going to rule on the bench once they get there. Frankly, nobody knows how that is going to work once the person gets a lifetime appointment.

Let me just say again that one-half the Federal judiciary are Clinton judges or not nominated to act on them for any complaint on the other side, even though, yes, there were some who didn’t make it at the end, just as there are always 50 or more who didn’t make it who were Republican nominees at the end of the first Bush administration.

By the way, John Roberts was nominated by the first President Bush. He is still sitting there. He is one of the two best appellate lawyers in the country just sitting there for a year and a half. I might add that others, as well, have been nominated twice now and are just still sitting there after more than 10 years.

So it is time to get this out of the realm of politics and start doing what is right; and that is, the President has a right to nominate, which is the greater power. We have a right to confirm or not confirm, but that ought to be done on the Senate floor, not by 10 people who are either of my opinion, by and large, doing the bidding of these outside groups who have tremendous sway because of their money.

Mr. President, I yield the floor.

Mr. LEAHY. In less than 14 months the Judiciary Committee has favorably reported 80 judicial nominees and voted not to report 2.

Four conservative, Republican women have already been reported and three have been confirmed by the Senate: Sharon Prost to the Federal Circuit; Edith Brown Clement to the 5th Circuit, who was the first nominee to the 5th Circuit to get a hearing in seven years, since 1994; Julia Smith Gibbons to the 6th Circuit, who was the last circuit court candidate to get a hearing in almost 5 years; and today the Committee voted unanimously to report Judge Reena Raggi, who is nominated to a vacancy on the 2nd Circuit.

In addition, approximately a dozen more women to the Federal Circuit and the Courts of Appeals, as well as those who held up any vote on Allen Snyder, Bonnie Campbell and the others, could ask themselves what standards they applied in so doing. The same question is raised here as to those who opposed and voted against Margaret Morrow, Gerry Lynch, Mary McLaughlin, Ronnie White, Ann Aiken and those who held up any consideration of Clarence Sundram or Fred Woolcher and the scores of nominees never allowed a hearing.

I do not wish to embarrass other Senators, but I am struck by how the statements I have heard today are wholly inconsistent with votes and actions in the years in which they were delaying, opposing and voting against the moderate judicial nominations of a President on another political party.

I raise this consideration not as a matter of tit for tat, for we have assiduously avoided payback, but because it is Republicans who are trying to change their history and pretend that they did not oppose nominees based on what they perceived to be the ideological outlook of the nominees. I refer to my colleagues on the other side of the aisle who are saying something very different now than they said in the prior six years when they were blocking judicial nominees, but in light of the attacks on the Committee, some context is necessary to understand the hollowness of the charge that Committee members acted unfairly, inappropriately or in some unprecedented fashion in their consideration of the nomination of Justice Priscilla Owen.

For example, one Republican said that he “led the fight to oppose the confirmation of [two judges] because their judicial records indicated...
that they would be activists who would legislate from the bench.” While we may differ on whether a judge’s record evidences judicial activism, Republicans can hardly now be saying that such inquiry is inappropriate. 

Another Senator argued in 2000 in defense of his record of stalling Senate consideration of judicial nominees voted out of the Judiciary Committee that having “strong qualifications and personal attributes,” being “fine lawyers [who] are technically competent” was not the test. He said then: “My concern is with their judicial philosophies and their likely activism on the court. . . . Judicial activism is a fundamental challenge to our system of government, and it represents a danger that requires constant vigilance.” He went on to say that the Senate should not defer to the President “if there is a problem with a series of decisions or positions [judicial nominees] have taken.”

Another Senator said in 1998 that the Republicans were “not abusing our advise and consent power. As a matter of fact, I don’t think we have been aggressive enough in utilizing it to ensure that the nominees to the Supreme Bench are mainstream nominees.”

Yet another Republican said in 1994: “My decision on a judicial nominee’s fitness is based on my evaluation of three criteria: character, competence and judicial philosophy—that is, how the nominee views the duty of the court and its scope of authority.”

There are numerous other examples, of course, but these suffice to make the point.

I ask that my full statement in opposition to the nomination of Justice Owen from the Judiciary Committee consideration be included in the Record at the end of these remarks. It focuses on the merits of the nomination. Senator FEINSTEIN, Senator KENNEDY, Senator SCHUMER, Senator DURBIN and Senator DeWINE. A few of the statements in the two-hour debate before the Committee were not helpful to a reasoned debate, but by and large the Committee debate was on the merits. That followed an extensive hearing, that lasted six hours, which Senator FEINSTEIN chaired fairly and patiently. A thorough hearing and a fair vote is what Justice Owen’s nomination received from the Committee.

The name-calling, threats, tactics of intimidation and retaliation are not helpful to the process. Holding up important legislative initiatives is harmful. Holding up “the comma bill” and threatening Democrats that they will be harming from Air Force One are silly. Today the Senate Judiciary Committee reported a conservative Republican nominee to the Senate for a vacancy on a Court of Appeals. This nominee, Judge Reena Raggi, was first appointed by President Reagan—long before the test came before the Committee with strong bipartisan support and without the divisive controversy that accompanied so many of President Bush’s circuit court nominees. Judge Raggi was reported out unanimously today. Indeed, since the change in majority less than 15 months ago, the Committee has worked hard to report 80 judicial nominees to the Senate. They include a number of women and judges of various political persuasions. I have made suggestions to the White House for improving the nominations and confirmations processes but those suggestions continue to be rebuffed. I wish the White House would work with us rather than stridently insist on seeking to skew the federal courts ideologically.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred in August 2001 in St. Paul, MN. Two men leaving a Ku Klux Klan rally attacked a four year old boy of mixed race. The attackers pushed the boy off his bicycle, yelled racial epithets, and punched the child in the side of the head.

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

SITTING DUCKS

Mr. LEVIN. Mr. President, last week the Violence Policy Center, VPC, released a report entitled Sitting Ducks detailing the danger of the .50 caliber sniper rifle as a terrorist threat to, among other things, refineries and hazardous-chemical facilities. According to the VPC’s report, the .50 caliber sniper rifle, equipped with explosive or armor-piercing ammunition, is capable of hitting a target accurately from more than a thousand yards away making it well suited to attack fuel tanks and other high-value targets from a distance.

The VPC report highlights the danger of a .50 caliber sniper rifle being used in a simple conventional attack with potentially disastrous results. The weapon is not only readily available, “low technology”, but a .50 caliber sniper rifle is so powerful that it has been said to be able to wreak several million dollars’ worth of jet aircraft with one or two dollars’ worth of ammunition.

Despite its obvious power, under current law .50 caliber sniper rifles are no more regulated than hunting rifles. That is why I cosponsored Senator FEINSTEIN’s “Military Sniper Weapon Regulation Act,” S. 505. This bill would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This action would subject these weapons to the same regimen of registration and background checks to which other weapons of war, such as machine guns, are currently subjected. This is a necessary step to assuring the safety of Americans.

Mr. DOMENICI. Mr. President, as we meet here just days from the anniversary of the terrorist attacks on our country, it is my sad duty to report that another of my statesmen has lost his life in the war on terror. Sergeant First Class Christopher James Speer, a former resident of Albuquerque, NM, was killed on August 7, 2001, as a result of wounds he sustained during a firefight with suspected terrorists in Afghanistan. Today, I want to take a few moments to convey my condolences to the Speer family, and to talk a little bit about this special young man who was.

Christopher Speer was a 1992 graduate of Sandia High School in Albuquerque. Upon graduation, he enlisted in the United States Army and became a medical specialist. In 1994, he volunteered for and was selected for Special Forces training. After completing this training, he was assigned to the 3rd Special Forces Airborne Group at Fort Bragg, North Carolina where he served as a medical sergeant. Last spring, Christopher was sent to Afghanistan as part of a Joint Special Operations task force.

On July 27th of this year, Christopher took part in a U.S. operation aimed at confirming intelligence about enemy activities in one of the most dangerous parts of Afghanistan. During that operation, our troops were ambushed and a four-hour gun battle ensued. During this battle, five American personnel were wounded, and one of them—Christopher Speer—lost his life. He was a patriot, a hero, a legend, a model of valor and ten years of dedicated service to country Christopher received the Soldier’s Medal, the Bronze Star with “V” device, the Purple Heart, the Defense Meritorious Service Medal, the Meritorious Service Medal, the Army Commendation Medal and two Army Achievement Medals.

In addition to patriot, Christopher was very much a family man, as well. And for those family members who knew him best and loved him most, this September 9th will be especially difficult. Because on that day, Christopher was to have turned 29 years old. To Tabitha, his wife; to Taryn and
Mr. GRASSLEY. Mr. President, my colleagues this evening will report on the Finance Committee views on the current time tax policy. As I am the ranking Republican member of the Finance Committee and a participant in crafting this provision, I felt compelled to respond. First of all, I am proud to serve on the Finance Committee. When someone characterizes a bipartisan Finance Committee proposal as anything ‘‘right out of Nazi Germany,’’ I am going to be disturbed.

Mr. President, there is a major principle at stake here. A key premise in our tax system is that those individuals and corporations that derive financial benefits from economic activity that is, as the tax law says, ‘‘effectively connected’’ with the United States, should be taxable on that income no matter where their domicile is. Any alternative to this concept would result in U.S. persons bearing a larger burden of Federal taxation than a foreign person earning a livelihood here. America and her major trading partners recognize this principle. It is reflected in the tax laws of our trading partners and the international tax treaty network.

Let’s take a look at current law. For individuals that expatriate, an income tax is imposed on appreciation in the assets of the expatriate, on a 10 year going forward basis, if the expatriate is leaving the U.S. with the ‘‘principal purpose’’ of avoiding U.S. income tax. For purposes of this current law rule, expatriates are deemed to have expatriated with the ‘‘principal purpose’’ of avoiding U.S. income tax in two cases. In the first case, the deemed rule applies if the expatriate had, on average, $100,000 of net income, for the five years at the time of expatriating. In the second case, the deemed rule applies if net worth of the expatriate exceeds $500,000. In the case of corporations, the appreciation in assets transferred offshore is taxable at the time of transfer.

Mr. President, it is clear that, under current tax policy, individuals and corporations that attempt to either leave or transfer assets are taxable when they leave the U.S. Frankly, the so-called ‘‘inversion’’ transactions as a loophole that undercuts current law principles. It is on that basis, closing an insidious loophole, that this Finance Committee recently reported legislation to curtail inversion transactions.

Similarly, in 1995 and 1996, the Finance Committee, and full Senate, sought to plug the loophole on the individual expatriation level. A proposal virtually identical to the one criticized by Senator Gramm, Long, and others was passed, on several occasions during those two years. That proposal did not become law because the Senate, with much reluctance, receded to the House in conference. The House proposal aimed to tighten the law.

The Chairman and Ranking Member have revived the Finance Committee expatriation proposal because of concerns about the effectiveness of current law. In fact, the Joint Committee on Taxation’s estimate of this proposal appears to confirm that the long-standing tax policy with respect to individual expatriation will be better served by the Finance Committee approach. Under the Finance Committee proposal, individuals that expatriate would, as the Senator from Texas said, be taxable on gain in appreciation in U.S. assets when they leave America. This proposal would replace the current law regime described above. The Finance Committee proposal, is hardly ‘‘right out of Nazi Germany.’’ It strengthens long-standing tax policy.

Mr. President, let’s keep our eye on the ball. Current law, not a putative Nazi regime, preserves the fairness of U.S. tax system. The Finance Committee proposal makes sure the fairness of the U.S. tax system is strengthened by closing loopholes.

SUCCESS AT VINCA

Mr. DOMENICI. Mr. President, I rise to remind my colleagues that an important milestone in our progress toward reducing the risks of proliferation of weapons of mass destruction took place about 2 weeks ago.

Events like September 11 would have been far worse if terrorists had access to weapons of mass destruction. Since September 11, appreciation of this threat has increased dramatically. Many of us have spoken on the need to rein in the forces of international terrorism and any possibility that they may gain the use of such weapons.

The milestone to which I refer is the successful removal of enough weapons-grade uranium from the Vinca Institute of Nuclear Sciences near Belgrade, Yugoslavia to make more than two nuclear bombs. This removal was accomplished through coordination among government and private groups, including contributions from Yugoslavia and Russia, the International Atomic Energy Agency, and the Nuclear Threat Initiative.

I especially salute the contributions made by the Nuclear Threat Initiative, headed by Ted Turner and our former colleague Senator Sam Nunn. This episode represents another critical effort from the NTI. I’m very honored to serve on the Board of the NTI, along with Senator Lieberman. There will always be aspects of international efforts that are difficult to handle through government channels, where the private resources of the NTI may be vital.

But even as we congratulate ourselves over this victory, we need to recognize that it is very small in the overall picture of the problem. Estimates are that weapons-grade uranium exists at over 350 sites in over 50 countries. Some of these have very small quantities, but many of these locations have enough material for one or more bombs. Some of these sites include research reactors, provided by either the United States or the Soviet Union, fueled by highly enriched uranium which could be diverted for weapons use.

And we also need to examine why it required such complex coordination to accomplish this work and explore how Congress can simplify the process in the future. This part of the puzzle has a much simpler solution, because the tools to accomplish this are now part of the 1991 Nunn-Lugar-Domenici Legislation.

Let me briefly explain why the Vinca operation required so much coordination. The Yugoslavian government very logically required that any Vinca solution address both fresh fuel and spent fuel from their research reactor. The fresh fuel was highly enriched uranium, and our government was able to assist because it represented a proliferation threat for weapons of mass destruction. That cooperation is authorized through the 1991 Nunn-Lugar and the 1996 Nunn-Lugar-Domenici Legislation.

But the spent fuel at Vinca, which is not useful for making a nuclear weapon, could pose both an environmental concern as well as a dirty bomb threat, depending on its level of radioactivity. The former represents work that is clearly beyond the authorization of our Government’s nonproliferation mission and the latter represents work that is not authorized.

Now since September 11, there have been volumes of testimony on the threat posed by highly radioactive materials and their potential use as dirty
bombs. But today, despite these concerns, there are no statutes which address the government’s authority to offer help to other countries regarding dirty bomb threats.

I am pleased to note that the Domenici-Biden amendment to the Senate Armed Services legislation authorizes to enlarge the ability of the government to step into such situations. With final passage of that amendment in the Armed Services legislation, we can provide important new tools for our government.

Under that amendment, programs to address dirty bomb issues are specifically authorized, including assistance to any country requesting our aid. And of equal importance, programs to broaden our ability to address fissile material issues around the world, not just associated with the former Soviet Union, are authorized along with new approaches to speed up the conversion of highly enriched uranium to material unusable for weapons.

Even with this amendment, I am sure there will be many opportunities for private groups, like the NTI, to step in and plug gaps in Government programs. But with this amendment, we will vastly simplify future operations at the hundreds of remaining sites.

The Domenici-Biden amendment enjoyed broad support in the Senate, and I appreciate that Senators LUGAR, LANDRIEU, HAGEL, CARNANAH, MURKOWSKI, BINGAMAN, and LINCOLN joined us in introducing it.

It is my hope that the success at Vinca, along with the sobering realization that we need to repeat this success hundreds of times to fully address the threat of proliferation of materials suitable for nuclear bombs, will encourage the conferenceers from both the House and the Senate to ensure that provisions of the Domenici-Biden amendment are in the Armed Services authorization bill that will eventually emerge from Conference.

ADDITIONAL STATEMENTS

THE 38TH ANNIVERSARY OF THE WILDERNESS ACT
• Mr. FEINGOLD. Mr. President, today, I commemorate the 38th Anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964, by President Lyndon B. Johnson. The Wilderness Act of 1964 established a National Wilderness Preservation System “to secure for the American people of present and future generations the benefits of an unquantifiable resource of wilderness.” The law serves to Congress the authority to designate wilderness areas, and directs the Federal land management agencies to review the lands under their responsibility for their wilderness potential.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, the wilderness system is comprised of more than a 100 million acres that are administered by four Federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of legislation of this type is a remarkable accomplishment. It requires steady, bipartisan commitment, strong executive support, and direct leadership. The United States Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role.

I have been very pleased to see this body return to the tradition of designating wilderness since the 35th anniversary of the act in 1999. The 106th Congress passed, and President Clinton signed, a total of eight wilderness bills totaling 1.9 million acres of public land to the National Wilderness Preservation System. This is the largest number of acres of wilderness added to the system since 1994 and is a stark contrast to the 105th Congress, which did not enact any wilderness designations.

While the 107th Congress may not surpass the wilderness achievements of the 106th, there are a number of wilderness bills pending in the 107th Congress, several of which are likely to become law before the end of the year. The designation of the James Peak Wilderness in Colorado and additions to the Black Elk Wilderness in South Dakota have already been approved by Congress and signed into law by President Bush. Bills designating new wilderness areas in Washington, Nevada, and Puerto Rico are likely to move forward this fall, while others, such as those to designate wilderness in Washington State and California, may see hearings or other congressional action.

Many would agree that more must be done to protect our wild places, but much has already been done to protect our wild places. In commemoration of anniversaries like this one, the Senate should celebrate our accomplishmen, on behalf of the American people, in the protection of these wild places.

HONORING EARLIEEN ALLEN FRANCIS
• Mr. BUNNING. Mr. President, I have the privilege and honor today to recognize Ms. Earleen Allen Francis of Clinton, KY. Last month, Ms. Francis was presented with a certificate of honor for her military service as an Army Nurse during WWII by the Kentucky Department of Veteran Affairs.

Ms. Francis, now 91 years young, is among fewer than 20 survivors of the group of about 60 Army and Navy nurses captured by Japanese forces after the fall of Corregidor, a small fortified island in the Philippines. In 1942, Japanese troops advanced on the Bataan peninsula. The Army and Navy nurses stationed at Bataan were evacuated to Corregidor as a safety precaution. However, shortly after being moved, Japanese troops stormed the small island and captured 20 of the 85 nurses, including Earleen Allen Francis.

For three long and grueling years, Earleen and the 19 other nurses were starved and locked up by their captors. Their freedoms were stripped from them in the blink of an eye. In many ways, Earleen never quite recovered from this horrific time period in her life.

Ms. Francis’ story has been told in books and on television and she was even honored by President Reagan in 1983 for her service to America. It is important that her story continues to be told.

I believe it is vital that we as a nation never forget about heroes like Earleen Allen Francis. Sometimes, we are forced to fight and die for our freedoms. Freedom and democracy don’t always come easy. We sometimes have to fight for what we believe in and stand for.

I ask that my fellow Senators join with me in honoring Earleen Allen Francis for her sacrifice and commitment to America—the land of the free.

IN RECOGNITION OF THE MARIN CONSERVATION CORPS
• Mrs. BOXER. Mr. President, I rise to recognize the achievements of the Marin Conservation Corps, MCC, the oldest local, private, non-profit conservation corps in the United States.

Twenty years ago the winter of 1982 brought severe flooding to much of Marin County. Concerned citizens led by Richard Hammond took action by going out and battling the winter storms and working to protect the neighborhoods and natural habitats that were at risk. Since I was a member of the Marin Board of Supervisors at that time, I well remember them.

From this community effort the Marin Conservation Corps was born. It identified its mission as developing the youth of Marin County by providing meaningful employment, education and training opportunities through projects that conserve natural resources, deliver human services and respond to public emergencies.

In the 20 years since its founding, more than 3,000 corps members have
participated in environmental service and educational programs. Youth and young adults between the ages of 11 and 30 receive service and educational opportunities. Participants in MCC may earn their high school diplomas through the MCC charter school, enroll in American G.I. Colleges or pursue lifelong learning programs, gaining valuable education and job training while learning the importance of community service.

Community service projects have included building and maintaining Marin County’s hiking trails, clearing and disposing of highly flammable brush throughout Marin to prevent fire hazards, teaching environmental education classes to thousands of students in the Marin County public schools, restoring and clearing creeks and waterways to prevent flooding, establishing recycling programs, and collecting over one million pounds of recyclables from approximately 250 bins that MCC members have built and placed throughout the county.

In the year 2000 the California Charter Academy presented its “Outstanding Program Award” to the Marin Conservation Corps, recognizing MCC’s exceptional education programs such as the Marin Conservation Corps enrich our people and our communities and provide a model for similar efforts across our land.

CELEBRATION OF LAO VETERANS OF AMERICA, MICHIGAN CHAPTER, DAY

Mr. LEVIN. Mr. President, this weekend the Lao Veterans of America, Michigan Chapter, will gather to commemorate Lao Veterans of America Recognition Day. This tribute is an excellent opportunity to show our appreciation of the Lao people’s courageous efforts during the Vietnam War, their love for the United States and their selfless heroism.

During the Vietnam War, thousands of Hmong and Laotian soldiers fought alongside the American forces as part of the United States Secret Army. In fact, the American public only recently learned about the Lao people’s courageous efforts throughout the conflict in Vietnam. The Lao veterans served bravely and selflessly from 1961 to 1975 as they risked their lives to avert the spread of communism throughout the region. They not only fought willingly and valiantly alongside United States forces to prevent the North Vietnamese Army from entering South Vietnam, but also proved to be invaluable in the effort to rescue captured American soldiers in the region. Their heroic actions saved countless American lives. The Lao Veterans and their families deserve our highest respect and gratitude.

It is estimated that at least 35,000 Laotian people lost their lives during the Vietnam War. Over 50,000 Lao were wounded and thousands more are still listed as missing in action. Throughout the past twenty-seven years, many of the survivors and their families have immigrated to the United States and many Laotian families currently reside in my home state of Michigan. The transition to the United States has not been easy for many of these immigrants and many other immigrant groups they have grown and prospered in their new home. It is important that we demonstrate our appreciation for the courageous actions of the Laotian people.

The Lao Veterans of America, Michigan Chapter, their families, friends, and supporters will gather on Saturday, September 7, 2002, to commemorate Lao Veterans of America Day. I know that my Senate colleagues will join me in saluting the Lao veterans’ brave and heroic efforts and in recognizing their actions on behalf of the cause of freedom.

CELEBRATED ARTIST AND NATIVE TENNESSEAN HUBERT SHUPTRINE

Mr. FRIST. Mr. President, it is a wellspring of pride for the people of Tennessee to see Hubert Shuptrine as a native son. Born in Chattanooga in 1936 and graduated from the University of Chattanooga in 1959 with a degree in fine arts painting, Shuptrine is one of the most celebrated American painters and watercolorists of the last several decades.

From the Low Country of the Carolinas to the Hill Country of Texas to the Great Smoky Mountains of Tennessee, Hubert Shuptrine’s paintings have captured the rustic beauty of the American South. His love for the people of these places—and the places themselves—shines so strongly that one cannot help but share his affection.

What lends such power to Shuptrine’s paintings is that they are not conjured from his mind, but grounded in truth. He traveled more than 15,000 miles to meet and talk with the people of the South when illustrating his first and highly successful book, Jericho: The South Beheld.

With a stroke of light, a sliver of shadow or a strategically placed prop, Shuptrine sketches the life stories of his subjects. They are pure, simple and unbrushed people—a former field hand resting on her front porch, a widower crouching beside his lard, a basket weaver practicing her craft.

Shuptrine’s wife, Phyllis, once said, “A good portrait is like a biography.” Clearly Hubert Shuptrine has adhered to this code throughout his career. He is an exceptional biographer who has portrayed not only of the people of the South, but the South itself.

Though the South has changed irresistibly since Jericho was published nearly 30 years ago, the truth and beauty of the people and places of that time will never lose the impact that has been captured and will be honored in perpetuity by a native son of Tennessee, Hubert Shuptrine.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)
MESSAGES FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Nilland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6100 Old Shakopee Road in Bloomington, Minnesota, as the “Thomas E. Burnett, Jr. Post Office Building”.

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Nilland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5277. An act to reauthorize the national dam safety program, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated.

H.R. 1070. An act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 6100 Old Shakopee Road in Bloomington, Minnesota, as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center”.

H.R. 5032. An act to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6100 Old Shakopee Road in Bloomington, Minnesota, as the “Thomas E. Burnett, Jr. Post Office Building”.

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howe Street in Fort Collins, Colorado, as the “Barney Apodaca Post Office”.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 183. Concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Nilland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4727. An act to reauthorize the national dam safety program, and for other purposes.

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–8526. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Fluid Milk Promotion Order; Final Rule” (Doc. No. DA–02–02) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8527. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Milk in the Mideast Marketing Area–Interim Order–Implements the Amendments to the Mideast Milk Order; Has Received Producer Approval” (Doc. No. DA–01–04; AO–361–A35) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8528. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Lives Produced from the Grapes Grown in California; Reassessment of Tariff Revenue Used to Compute Trade Demand” (Doc. No. FV02–989–6 IFR) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8529. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Papayas Grown in Hawaii; Suspension of Regulations” (Doc. No. FV02–928–3 FFR) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8530. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determination” (44 CFR Part 67) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8531. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (44 CFR Part 67) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8532. 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” (44 CFR Part 67) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8533. 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” (44 CFR Part 67) received on August 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8534. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Amendment to Regulation T (“Credit for Margin Loans and Deferral of Margin Stocks”) received on August 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8535. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Public Housing Agency Plans: Deconcentration—Amendment to “Establishment Income Balanced Income Test” received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8536. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Mideast Marketing Area–Interim Order–Implements the Amendments to the Mideast Milk Order; Has Received Producer Approval” (Doc. No. DA–01–04; AO–361–A35) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8537. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Temporary Assistance for Needy Families (TANF) Program; Conforming Changes to Assistance Income Requirements” received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8538. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Rejection of HUD Approval Before a Grantee May Undertake CDBG-Assisted Demolition of HUD-Owned Housing Unit” (RIN2501–AC55) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8539. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Implementation of the Electronic Freedom of Information Act” (RIN2506–AC09) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8540. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Requirement of HUD Approval Before a Grantee May Undertake CDBG-Assisted Demolition of HUD-Owned Housing Unit” (RIN2501–AC55) received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8541. A communication from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to Terrorist Who Threatened to Destroy the Middle East Peace Process that was declared in Executive Order 12947 of January 23, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–8542. A communication from the President of the United States, transmitting, pursuant to law, a notice that the continuation of the emergency with respect to regulations is to continue beyond August 17, 2002; to the Committee on Banking, Housing, and Urban Affairs.
a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-8544. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC-8545. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-8546. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC-8547. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Certification of Disclosure in Companies’ Quarterly and Annual Reports: Release 3235–AP49” received on September 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-8548. A communication from the Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Customer Margin Rules Regarding Exports: Release 3017–AA97” received on August 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-8549. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species Longline Fishery; Shark Gillnet Fishery; Sea Turtle and Whale Protection Measures. Final Rule” (RIN6646–AP46) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8550. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “‘Atlantic Highly Migratory Species Longline Fishery: Shark Gillnet Fishery; Sea Turtle and Whale Protection Measures. Final Rule’ (RIN6646–AP46) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8551. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8552. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8553. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8554. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8555. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes West Yakutat District of the Gulf of Alaska for Pelagic Shelf Rockfish” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8556. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; Inseason Adjustment 3-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8557. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Western Regulatory Area of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8558. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Northeast Pacific Shelf Rockfish Fishery; Inseason Adjustment 2-Adjustment of the Commercial Fishery from the S-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8559. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fishery; Inseason Adjustment 3-Closure of the Commercial Fishery from the S-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8560. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fishery; Inseason Adjustment 3-Closure of the Commercial Fishery from the S-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8561. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Western Regulatory Area of the Gulf of Alaska” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8562. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fishery; Inseason Adjustment 3-Closure of the Commercial Fishery from the S-Canada Border to Cape Falcon, OR” received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8563. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8564. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8565. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8566. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8567. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8568. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8569. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Including 2 Regulations” (RIN2115–AE47) received on August 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8570. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regatta Regulations: Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ” (RIN2115–AE65) received on August 15, 2002; to the Committee on Commerce, Science, and Transportation.
EC–8571. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Safety of Life on the Mississippi River, Zone Regulations; (Including 2 Regulations)’’ (RIN2115-AA97) (2002–01760) received on August 12, 2002, to the Committee on Commerce, Science, and Transportation.

EC–8572. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Pipeline Safety: High Consequence Areas for Gas Transmission Pipelines’’ (RIN2137–AD64) received on August 12, 2002, to the Committee on Commerce, Science, and Transportation.

EC–8573. A communication from the Chief, Communication Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum—Independent System’’ (RIN5060–AA14) received on August 15, 2002, to the Committee on Commerce, Science, and Transportation.

EC–8574. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Oceanic and Atmospheric Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Bluefish Fishery—Final Rule’’ (RIN9219–PS1) received on September 1, 2002, to the Committee on Commerce, Science, and Transportation.

EC–8575. A communication from the Deputy Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Fishing Areas Off West Coast States and in the Western Pacific; Precious Corals Fisheries; Harvest Quotas, Definitions, Size Limits, Gear Restrictions, and Bed Classification’’ (RIN5064–AK23) received on August 27, 2002, to the Committee on Commerce, Science, and Transportation.

EC–8576. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Sea Grant National Strategic Investments in Aquatic Nuisance Species Disease, and Gulf of Mexico Oyster Industry: Request for Proposals for FY 2003’’; to the Committee on Commerce, Science, and Transportation.

EC–8577. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Rate-of-Progress Emission Reduction Plans for the Boston-Lawrence-Worcester Serious Area’’ (FRL7268–7) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Air Quality Implementation Plans and Operating Permits Program; State of Missouri’’ (FRL7269–2) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Implementation Plans; State of Kansas’’ (FRL7266–3) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8581. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Implementation Plans Tennessee; Approval of Revisions to Tennessee Implementation Plan’’ (FRL7270–6) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8582. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Clean Air Act Approval and Promulgation of Air Quality Implementation Plans for the Forsyth County Local Implementation Plan’’ (FRL7261–1) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8583. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Implementation Plans North Carolina; Approval of Revisions to Open Burning Regulation With the Powhatan Country Local Implementation Plan’’ (FRL7206–9) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8584. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Implementation Plans; Indiana’’ (FRL7249–4) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8585. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Delaware: Final Authorization of State Hazardous Waste Management Program Revision’’ (FRL7250–6) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8586. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Interim Final Determination that the State of Arizona Has Corrected Deficiencies in the Maricopa County Environmental Services Department’’ (FRL7253–7) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8587. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department’’ (FRL7253–5) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8588. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Revisions to the California State Implementation Plan, Los Angeles Air Quality Management District, Ventura County Air Pollution Control District’’ (FRL7254–8) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8589. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engine Emissions-Heavy Duty Diesel Engines and Heavy-Duty Diesel Vehicles’’ (FRL7256–6) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8590. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Clean Air Act Redesignation and Reclassification, Searless Valley Nonattainment Area; Designation of Coso Junction, Imperial Valley, and Trona Nonattainment Areas; California; Determination of Attainment of the PM-10 Standards for the Coso Junction Area; Particulate Matter of 10 microns or less (PM-10)’’ (FRL7256–1) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8591. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Transportation Conformity Rule Amendment; Minor Revision of 18-Month Requirement for Initial SIP Submissions and SIP Amendments’’ (FRL7256–3) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8592. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Final Effective Date Modification for the Determination of Non attainment as of February 1, 2000, and Finalization of the Medical Lake Ozone Nonattainment Area’’ (FRL7256–3) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8593. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Florida: Final Authorization of State Hazardous Waste Management Program Revisions’’ (FRL7262–5) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8594. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Florida: Final Authorization of State Hazardous Waste Management Program Revisions’’ (FRL7262–5) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8595. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Florida: Final Authorization of State Hazardous Waste Management Program Revisions’’ (FRL7262–6) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8596. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Florida: Final Authorization of the State Underground Storage Tank Program’’ (FRL7261–9) received on September 3, 2002, to the Committee on Environment and Public Works.

EC–8597. A communication from the Principal Deputy Associate Administrator of the
Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Definitions and the Continuous Emission Monitoring Provisions of the Clean Air Act and the Nonroad Trade in Batteries Program: Correction” (FRL2759-9) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8599. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Kentucky: Regulatory Limit on Potential to Emit” (FRL2759-7) received on September 3, 2002; to the Committee on Environment and Public Works.

EC-8600. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of a Rule entitled ‘Administrative Rulings’” (RIN1515-AC56) received on August 19, 2002; to the Committee on Finance.

EC-8601. 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 “Treatment of Subsidy Income under the 85 Percent Member Income Test of Section 501(c)(12)(A) of the Internal Revenue Code as Amended” (Rev. Rul. 2002-57) received on September 3, 2002; to the Committee on Finance.

EC-8602. 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 “Distribution and Sale of Propane by Tax Exempt Electric Cooperatives” (Rev. Rul. 2002-54) received on September 3, 2002; to the Committee on Finance.

EC-8603. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Ruling 2002-59” received on September 3, 2002; to the Committee on Finance.

EC-8604. 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 “Cooperation of Parties Affected by Certain Tax Provisions” (Rev. Rul. 2002-52) received on September 3, 2002; to the Committee on Finance.

EC-8605. 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 “TD 9012, Clarification of Entity Identification No. 13848” received on September 3, 2002; to the Committee on Finance.

EC-8606. 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 “Consolidated Billings to Medicare Providers—Update for FY2003—Notice” (RIN0938-AL20) received on July 31, 2002; to the Committee on Finance.
S. 1972: A bill to amend the charter of the AMVETS organization.
S. 2127: A bill for the relief of the Potawatomi Nation in Canada for settlement of certain claims against the United States.
By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute.
S. 2969: A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

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. JOHNSON:
S. 2808. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care; to the Committee on Veterans Affairs.
By Mr. WELLSTONE:
By Mr. ALLARD:
S. 2905. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:
By Mrs. LINCOLN (for herself, Ms. COLLINS, Ms. LANDRIEU, Mr. HUTCHINSON, and Mr. FITZGERALD):
S. Res. 322. A resolution designating November 2002, as “National Epilepsy Awareness Month”; to the Committee on the Judiciary.
By Mr. DASCHLE (for himself and Mr. LOTT):
S. Res. 323. A resolution to authorize testimony and representation in Senate Mitch McConnell, et. al. v. Federal Election Commission, et al. and consolidation cases; considered and agreed to.

ADDITIONAL COSPONSORS
S. 496
At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 496, a bill to reduce the risk that innocent persons may be executed, and for other purposes.
S. 572
At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.
S. 654
At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Mr. BREAUSS) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.
S. 859
At the request of Mr. THOMAS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes.
S. 2239
At the request of Mr. SARBANES, the name of the Senator from Wyoming was added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 995
At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 995, a bill to amend title 5 of United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.
S. 1224
At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of Medicare cost contracts for 10 years.
S. 1839
At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1619, a bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program.
S. 1999
At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to serve as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.
S. 2233
At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1990, a bill to establish a public education awareness program relating to emergency contraception.
S. 2215
At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.
S. 2239
At the request of Mr. SARBANES, the name of the Senator from Wyoming was added as a cosponsor of S. 917. This bill would amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.
(Mr. Enzi) was added as a cosponsor of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

At the request of Mr. Dodd, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

At the request of Mr. Torricelli, the names of the Senator from Georgia (Mr. Cleland) and the Senator from Idaho (Mr. Craig) were added as cosponsors of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

At the request of Mr. Biden, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

At the request of Mr. Domenici, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

At the request of Mr. Kerry, the name of the Senator from Minnesota (Mr. Wellstone) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

At the request of Mr. Camp, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 2577, a bill to extend the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

At the request of Mr. Corzine, the name of the Senator from Minnesota (Mr. Wellstone) was added as a cosponsor of S. 2614, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident physicians themselves.

At the request of Mr. Murkowski, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 2615, a bill to amend title XVII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

At the request of Mrs. Hutchison, the names of the Senator from Michigan (Ms. Stabenow) and the Senator from Maine (Ms. Collins) were added as cosponsors of S. 2742, a bill to establish a new nonimmigrant classes for border commuter students.

At the request of Mr. Enzi, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 2760, a bill to direct the Securities and Exchange Commission to conduct a study and make recommendations regarding the accounting treatment of stock options for purposes of the Federal securities laws.

At the request of Mr. Dodd, the names of the Senator from Washington (Ms. Murray), the Senator from Maine (Ms. Collins), the Senator from New Jersey (Mr. Corzine) and the Senator from Washington (Ms. Cantwell) were added as cosponsors of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

At the request of Mr. Enzi, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 2803, a bill to amend the Federal Meat Inspection Act, the Poultry Producers Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 2841, a bill to amend the indexing of multifamily mortgage limits, and for other purposes.

At the request of Mrs. Collins, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of S. 2848, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

At the request of Mr. Rockefeller, the names of the Senator from Minnesota (Mr. Wellstone) and the Senator from New Jersey (Mr. Torricelli) were added as cosponsors of S. 2860, a bill to amend title XXI of the Social Security Act to modify the rules for redistribution and extended availability of fiscal year 2000 and subsequent fiscal year allotments under the State children's health insurance program, and for other purposes.

At the request of Mr. Kerry, the names of the Senator from Nevada (Mr. Ensign) and the Senator from Wyoming (Mr. Enzi) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

At the request of Mr. Leahy, his name was added as a cosponsor of S. 2869, supra.

At the request of Mrs. Hutchison, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 2896, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

At the request of Mr. Campbell, the name of the Senator from Illinois (Mr. Fitzgerald) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 15, 2002, through October 19, 2002, as “National Cystic Fibrosis Awareness Week”.

At the request of Mrs. Clinton, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

At the request of Mr. N Nickles, the name of the Senator from Illinois (Mr. Fitzgerald) was added as a cosponsor of S. Con. Res. 135, a concurrent resolution expressing the sense of Congress regarding housing affordability and urgent fair and expeditious review by international trade tribunals to ensure a competitive North American market for softwood lumber.

AMENDMENT NO. 4890

At the request of Mr. Allard, his name was added as a cosponsor of
amendment No. 4480 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4491
At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4486
At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4491
At the request of Mr. BACUS, his name was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4486
At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4491
At the request of Mr. BACUS, his name was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4491
At the request of Mr. MURRAY, his name was added as a cosponsor of amendment No. 4490 proposed to H.R. 5005, supra.

AMENDMENT NO. 4492
At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491
At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491
At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4492
At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4492 proposed to H.R. 5005, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. JOHNSON:
S. 2903. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care; to the Committee on Veteran Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Health Care Funding Guarantee Act.

I am introducing the legislation because I believe the VA health care system is on the brink of crisis. While the number of veterans in the United States has decreased over the years, the number of veterans utilizing the VA health care system has increased exponentially. This is due in large part to the availability of Community-Based Outpatient Clinics and the prescription drug benefits available through the VA. The VA estimates that it will see an additional 1.2 million patients over the next fiscal year. This would bring the number of veterans served through the VA up to 4.9 million, a 31 percent increase in one year.

While the VA has become the health care system of choice for many veterans, the system is simply not equipped to handle this kind of patient influx at the current funding level. According to the VA, 300,000 veterans are waiting for appointments, half of them will end up waiting six months or more. I know this to be the case in my own State. In Sioux Falls, veterans are currently being given appointment dates for November of 2003. Furthermore, recent articles in the Aberdeen American News and the Argus Leader reported that the VA has been instructing veterans into the health care system any more because of lack of resources.

This is despite the fact that for the past several years Congress has provided funding for veterans health care in excess of the VA’s request. Two years ago, I helped fight for a $1.4 billion increase in veterans health care funding over the Administration’s initial request. Last year, we succeeded in adding an additional $1.1 billion. During Senate consideration of the Fiscal Year 2002 Emergency Supplemental Appropriations bill, I was pleased to work with my fellow members of the Appropriations Committee to ensure that $417 million in additional funding for veterans health care was included in the bill. Given the current problems within the VA health care system, I was disappointed that President Bush refused to spend $275 million of the emergency funding that was earmarked for veterans health care according to the Independent Budget, which is prepared by the Disabled American Veterans, AMVETS, the Paralyzed Veterans of America, and the Veterans of Foreign Wars, the Administration’s Fiscal Year 2003 request for VA funding is $1.7 billion less than what is needed to fully fund our veterans’ health care needs.

We need a new approach to veterans health care. The Veterans Health Care Funding Guarantee Act that I am introducing today would change the way in which the VA health care system is funded by moving it from discretionary to mandatory spending. The bill would establish a base-line funding year and calculate the average cost of a veteran using the VA health care system. The bill would then provide funding for the total number of veterans who participate in the VA health care system. That would be indexed annually for inflation.

In my opinion, the men and women who put their lives on the line in defense of this Nation should not be told that they need to wait up to a year before someone can assess their medical needs. I believe that the Veterans Health Care Funding Guarantee Act is an important step forward to begin a discussion about maintaining our commitments to our Nation’s veterans. It is my hope that my colleagues will join me in examining new ways to provide our veterans with the high-quality health care they deserve.

By Mr. ALLARD:
S. 2905. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the elimination of the 60-month limit and an increase in the income limitation on the student loan interest deduction; to the Committee on Finance.

Mr. ALLARD. Mr. President, today I introduce legislation that will repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to student loan interest deduction. My bill will make permanent the provisions that are set to expire under current law on December 31, 2010. The affected provisions include the elimination of the 60-month limit on deductibility of interest paid on a qualified education loan and clarify that voluntary payments on student loans are deductible, as well as the adjustment to the phase out range for eligibility for loan interest deduction up to $50,000 through $65,000 for single taxpayers and $100,000 to $130,000 for joint returns.

Making these provisions permanent will be good for taxpayers because borrowers will benefit from added tax relief when they voluntarily pay back
higher amounts of their student loans each month. More people will also benefit from the adjustment of the phase out range to a higher income bracket for both single and joint tax returns.

In my home State of Colorado over 40 percent of the adult residents have at least some college education. That means that the cutting the sunset date of these provisions will have a positive long term effect on my constituents. The current law is already helping many people and we can continue to help Americans keep more of their hard earned money by repealing the sunset date of these provisions.

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:

**SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ELIMINATION OF 60-MONTH LIMIT AND INCREASE IN INCOME LIMITATION ON STUDENT LOAN INTEREST DEDUCTION.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

’’(c) EXCEPTION.—Subsection (a) shall not apply the amendments made by section 412 (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).’’

By Mr. BINGAMAN:

S. 2906. A bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Rural Four-Lane Highway Safety and Development Act of 2002. The purpose of this legislation is to ensure that States have the resources they need to upgrade major two-lane roads across the Nation to high-quality four-lane divided highways. The goals of this bill are to improve the safety of our most dangerous highways and to stimulate economic development in rural areas.

I think most Senators would agree that the Dwight D. Eisenhower National System of Interstate and Defense Highways is one of the transportation marvels of the 20th century. The system’s 46,000 miles of divided highways interconnect virtually every major urban area in the Nation. The system represents one of the most efficient and safest highway systems in the world.

Unfortunately, when the Interstate System was planned it left many rural communities and smaller urban areas without direct links to the high-quality transportation network that the interstate highways provide. Many of these smaller and rural communities continue to suffer economically because of the lack of high-quality four-lane highways.

To address this issue, in 1995 Congress developed the concept of a National Highway System as a way of extending the benefits of an efficient highway network to all areas of the country. Congress designated the National Highway System to help focus federal resources on the nation’s most important roads.

Today there are about 160,000 miles of the National Highway System including all of the interstate highways and all other routes that are important to the nation’s economy, defense, and general mobility. The NHS comprises only 4 percent of the nation’s roads, but carries more than 40 percent of all highway traffic, 75 percent of heavy truck traffic and 90 percent of tourist traffic.

The NHS reaches nearly every part of the nation. According to the Federal Highway Administration, about 90 percent of Americans lives within 5 miles of an NHS route. All urban areas with a population of more than 50,000 and 93 percent with a population of between 5,000 and 50,000 are within 5 miles of the NHS. Counties with NHS highways have 99 percent of all jobs, including 99 percent of all manufacturing jobs, 90 percent of mining jobs, and 93 percent of agricultural jobs.

The NHS is the critical transportation link of most of our Nation’s rural areas. According to the Federal Highway Administration, of the 160,000 miles now on the National Highway System, fully 75 percent, or 119,000 miles, are in rural areas. Of the 1.2 trillion vehicle miles traveled in 2000 on NHS roads, about 60 percent were in rural areas.

I hope all senators will agree that improving highway safety should be our top priority. When it comes to highway safety that travel on four-lane roads is safer than two-lane roads. This is especially true in rural areas. According to the Bureau of Transportation Statistics, in 1998 the rate of traffic fatalities on all rural roads was 2.38 per 100 million vehicle miles; however, the rate of rural interstate highways was half as high, only 1.23 per 100 million vehicle-miles.

The reason for the lower fatality rate on rural interstate highways should be obvious. When a road has only one lane in each direction, trucks and other slow-moving vehicles increase the hazard of passing. Vehicles turning on or off a two-lane road can also increase risk. A divided four-lane highway greatly reduces these perils.

Of the 119,000 miles of rural NHS roads, about 33,000 miles are interstate and another 28,000 miles have been upgraded to four or more lanes. The remaining 58,000 miles, more than half of this rural highway network— are two-lane roads with no central divider. These are the most dangerous roads on the National Highway System.

Unfortunately, there are only very limited funds available to upgrade the most dangerous two-lane rural NHS roads to four-lane highways. According to a recent GAO study, over two-thirds of all federal highways funding between 1992 and 200 has gone either to roads in central cities or to the NHS.

Consequently, there is a continuing shortfall in Federal highway funding needed to upgrade the most important rural two-lane highways. My bill will help address the shortfall so that more rural communities can be upgraded to four-lane divided highways.

In my State of New Mexico, we have made some progress toward upgrading our rural two-lane highways to four lanes. In recent years, US550 from Bernalillo to Farmington and US285 from Interstate 40 to Clovis have been widened to four lanes. In addition, upgrading of US70 from Las Cruces to Lovelace and a key segment of US64 from Pecos to Alamogordo are nearly completed. But much more remains to be done.

New Mexico has 2,935 miles of rural roads in the NHS. One thousand of these NHS miles are interstates. Of the balance of New Mexico NHS highways, 1,755 miles are in the rural parts of my state, especially Chaves, Colfax, Eddy, Lincoln, Guadalupe, Otero, Quay, San Juan, and Union Counties. And almost 70 percent—1,217 miles, of New Mexico’s rural NHS highways remain only two-lane roads. These two-lane roads are major transportation routes with heavy truck and commercial traffic. In 2000, a total of 10.3 billion vehicle miles were traveled on New Mexico’s NHL highways, and about one quarter, or 2.7 billion miles, were traveled on these rural NHS roads.

As in many States, New Mexico’s rural counties strongly believe their economic future depends on access to safe and efficient four-lane highways. Basic transportation infrastructure is one of the critical elements companies look for when choosing where to locate. Truck drivers and the traveling public prefer the safety and efficiency of a four-lane divided highway.

Thus one of the top priorities for rural cities and counties in my State is to complete the four-lane upgrade of such key routes as US54 from Tularosa to Nara Vista, US62/180 from Carlsbad to the Texas State line, US64/87 from Clayton to Raton, US 666 from north to Gallup to Shiprock, US285 from Clines Corners to Lamy, and US180 from Deming to Silver City. These two-lane rural routes in New Mexico not only bear some of the State’s heaviest truck and automobile traffic, but also are some of the state’s most dangerous. In fact, US 666 is considered one of the most dangerous two-lane highways in the Nation.

I ask unanimous consent that a table showing recent accident, fatality and injury rates for these major two-lane highways in New Mexico be printed in the RECORD.
Mr. BINGAMAN. Mr. President, New Mexico is not alone in needing to upgrade two-lane roads on the National Highway System. Just last month my good friend Senator Rm of Nevada, chaired a hearing of the Transportation, Infrastructure, and Nuclear Safety Subcommittee of the Environment and Public Works Committee on the topic of western transportation issues. One of the witnesses, Tom Stephens, Director of Nevada’s Department of Transportation, testified that rural two-lane highways are of special concern in Nevada. He indicated that the number of head-on accidents, which almost always include at least on vehicle with no fault, were especially troublesome in his state. I would note that Nevada has about 1,300 miles of rural two-lane NHS highways. Excluding interstates, 92 percent of the rural NHS miles in Nevada are still only two-lane roads.

Along with Nevada, many other States have long stretches of two-lane NHS roads. For example, Texas has over 3,400 miles of rural two-lane NHS roads. In Montana, 95 percent of all rural NHS roads are still only two lanes. Mr. President, I ask unanimous consent that a table showing the number of miles of rural two-lane highways in selected States be printed at this point in the RECORD.

Moreover, some of the existing two-lane roads probably don’t have sufficient traffic to justify upgrading at this time. In addition, some two-lane NHS routes pass through scenic areas where it may not be appropriate to upgrade to four lanes. However, I do believe the funding in this bill will take us a long way toward ensuring the most critical projects are completed in the next six years.

Mr. President, next year Congress must take up the reauthorization of the comprehensive six-year transportation bill, TEA-21. I am introducing this bill today to help ensure that the issue of the safety of rural two-lane NHS routes will receive the attention it deserves in the debate on reauthorization. I look forward to working with the chairman of the Environment and Public Works Committee, Senator JERFORDS, and Senator SMITH, the ranking member, as well as Senators REID and ISHOO of the Transportation, Infrastructure and Nuclear Safety Subcommittee, to find a way to ensure additional federal resources are in place to begin the work of upgrading existing two-lane NHS roads to safe, efficient four-lane divided highways.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
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 “Rural Four-Lane Highway Safety and Development Act of 2002”.

SEC. 2. RURAL 4-LANE HIGHWAY DEVELOPMENT PROGRAM.
(a) In General.—Title 23, United States Code, is amended by inserting after section 138 the following:

"*139. Rural 4-lane highway development program.

"(a) Definitions.—In this section:

"(1) 2-LANE HIGHWAY.—The term ‘2-lane highway’ means a highway that has not more than two lanes of traffic in each direction.

"(2) 4-LANE HIGHWAY.—The term ‘4-lane highway’ means a highway that has 2 lanes of traffic in each direction.

"(b) Establishment of Program.—The Secretary shall establish and carry out a program to make allocations to States for projects, consisting of planning, design, environmental review, and construction, to expand eligible 2-lane highways in rural areas to 4-lane highways.

"(c) Applications.—To be eligible to receive funds under this section, a State shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

"(d) Eligible Highways.—The Secretary may make allocations under this section only for projects to expand 2-lane highways that are on—

"(1) the National Highway System; or

"(2) a high priority corridor identified under section 116(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032).

"(e) Priority in Selection.—In making allocations under this section, the Secretary shall give priority to—

"(1) projects to improve highway safety on the most dangerous rural 2-lane highways on the National Highway System;

"(2) projects carried out on rural highways with respect to which the annual volume of commercial vehicle traffic—

"(A) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (107 Stat. 2057); or

"(B) is expected to increase after the date of enactment of this section;

"(3) projects carried out on rural highways with high levels of commercial truck traffic; and

"(4) projects on highway corridors that will help stimulate regional economic growth and development in rural areas.

"(f) Appropriations.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $100,000,000 for each of fiscal years 2004 through 2009.

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

"139. Rural 4-lane highway development program."

By Ms. MIKLUSKI (for herself, Mr. DASCHLE, Mr. LEAHY, Mr. SARBANES, Mrs. CLINTON, Mr. KENNEDY, Mr. AKAKA, Mr. TORRICELLI, Mr. JOHNSON, Mr. CONROY, and Mr. SCHUMER):

S. 2907. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center”; to the Committee on Governmental Affairs.

Ms. MIKLUSKI. Mr. President, I rise today to introduce a bill to rename the Brentwood Postal Facility after Joseph Curseen, Jr. and Thomas Morris, Jr., the two postal workers who died in last year’s anthrax attack.

I have expressed my deepest condolences to the families of these two men, both residents of my State of Maryland. They were true public servants. They were patriots. They died in service to their country. I want to you to know that I will be standing sentry to make sure that we do not forget Joe Curseen and Tom Morris.

America must remember the sacrifices they made, the pain felt by their families, and everyone affected by the anthrax attacks. All of our Nation’s postal workers deserve our attention and our great admiration, steadfastness and dedication to duty. The lives of Joseph Curseen, Jr. and Thomas Morris, Jr. truly exemplify the best qualities of our Nation’s postal workers.

Joseph Curseen was a native of Washington, DC and a long-time resident of Prince George’s County, MD. Mr. Curseen began and ended each day at his job with a handshake and a smile for his colleagues. He enjoyed his job at the postal service so much that he never called in sick during his 15 years there.

He was also a leader in his community and in his church. As President of his neighborhood association, he and his wife of 16 years, Celestine, helped build a playground and a park for local children. He was also active in his local church and led a bible study group for his fellow postal workers. He will be missed by many.

Mr. Morris, also known as “Moe” by his friends at the Brentwood facility, was also a Washington, DC native and long-time resident of Maryland’s Prince George’s County. He was a veteran, serving over four years in the Air Force. He continued his public service with 23 years at the U.S. Postal Service.

His wife Mary says he was a quiet and deeply religious man who led by example. In her eulogy, she said that he was true to others and true to himself. Mr. Morris was a beloved husband, grandfather, father, and stepfather as well as president of his local bowling league. He will also be deeply missed.

By renaming Brentwood in their honor, America will pay tribute to their commitment to public service, their families and their communities.

At their funeral, these two dedicated public servants were awarded the Postmaster General’s Medal of Freedom. Yesterday, Representatives Lynn, Norwood, and the rest of the Maryland delegation led the charge to pass a bill to rename the Brentwood facility for these two fallen heroes. Today, the Senate takes the next step to make sure that the Brentwood facility is renamed in honor of these fallen heroes.

On Friday, I will be going to New York to commemorate last year’s terrorists attacks, to honor our public service workers, our firemen, postal workers, port authority workers, EMTs, police, and all those who assisted in the rescues.

I want all postal workers to know that I am on their side. I will not forgive deeply they have suffered. I will continue to fight for them in Congress and make sure that their voice is heard.

It is our responsibility as United States Senators to ensure the right protections to protect all Americans from the risks of terrorism, and to ensure that all Americans who are victims of terrorist attacks are treated equally.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER.
(a) Redesignation.—The facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., and known as the Brentwood Processing and Distribution Center, shall be known and designated as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.”

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to refer to the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mr. KOHL, Mr. REID, Mr. SARBANES, Mr. TORRICELLI, and Mr. JEFFORDS):

S. 2908. A bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today, I am introducing the Weapons of Mass Destruction Civil Support Act of 2002. This bill would require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team, WMD-CSST, in each State by September 30, 2003. The cost of establishing, training, equipping, and operating these new teams would be paid for from existing fiscal year 2003 resources, thus requiring no additional spending.

I am pleased to be joined in this effort by Senators LEAHY, LIEBERMAN, KOHL, REID of Nevada, SARBANES, TORRICELLI, and JEFFORDS.

WMD-CSSTs are comprised of 22 full-time National Guard personnel who are specially trained and equipped to deploy and assess suspected nuclear, chemical, biological, or other threats.
in support of local first responders. There are currently 32 full-time and 23 part-time WMD–CSTs across the country.

The emerging chemical, biological, and other threats of the 21st century present new challenges to our military and to local first responders. The WMD–CSTs play a vital role in assisting local first responders in investigating and combating these new threats. The September 11 terrorist attacks necessitate the need to have full-time WMD–CSTs in each State. As the events of that day so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. As we rethink the security needs of our country, we should support the creation of an additional 23 full-time WMD–CSTs as soon as possible. Establishing these additional full-time teams will improve the overall capability of Wisconsin and the other 18 States with part-time teams to prepare for and respond to potential threats in the future.

According to the National Guard Bureau, WMD–CSTs performed 694 operational missions between September 11, 2001, and August 26, 2002. These missions fall into three categories: “response,” “standby,” and “assist.”

Response missions occur when a team is deployed to sample a suspected or known hazardous substance. Since September 11, 2001, WMD–CSTs have deployed on 151 response missions, most of which were to investigate reports of suspicious white powder in the wake of the anthrax attacks of last fall. Other response missions included reports of the presence of unknown liquids or of suspicious pieces of mail.

There have been 74 standby missions during this same time frame. On these missions, WMD–CSTs deploy to provide expertise to a specific community for the duration of an event such as the President or a Governor, or for a large-scale event. In the past year, WMD–CSTs have been on standby for events including the Major League Baseball All-Star Game in Milwaukee, the 2002 Winter Olympics and Paralympics in Salt Lake City, the World Series, the Super Bowl, and Mardi Gras.

Assist missions give WMD–CST members the opportunity to use their technical expertise to assist or provide advice to first responders or other organizations and to participate in conferences and other events that focus on how to respond to attacks. In the past year, CSTs have performed 469 assist missions in support of local, State, and Federal agencies including law enforcement, hospitals, health departments, state emergency management agencies, the American Red Cross, the Coast Guard, the Secret Service, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the United States Navy.

As I noted earlier, a WMD–CST was deployed to be on standby during this year’s baseball All-Star game, which took place in my home State. Because Wisconsin has only a part-time WMD–CST, the Minnesota team was deployed on a standby mission to Milwaukee for this event. The members of Wisconsin’s part-time WMD–CST also participated in this deployment. According to the Minnesota National Guard, if Wisconsin had a full-time team, deployment of the Minnesota team would not have been necessary.

In light of the tragic events of September 11, WMD–CST in each State is all the more imperative. These terrorist attacks, and the subsequent mobilization of tens of thousands of National Guardsmen and Reservists, also underscore the need to provide adequate resources for and to ensure full-time manning of the National Guard. As we move to establish at least one 22-member WMD–CST in each State, I call on the Pentagon to allocate the necessary resources to ensure adequate National Guard personnel end-strengths to provide for full-time manning and for the additional personnel necessary for these new teams.

I am pleased that this bill is supported by the Wisconsin National Guard and the Wisconsin Guard Association of the United States.

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: 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 “Weapons of Mass Destruction Civil Support Team Act of 2002.”

SEC. 2. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

(a) REQUIREMENT—The Secretary of Defense shall ensure that there is established, by not later than September 30, 2003, at least one Weapons of Mass Destruction Civil Support Team in each State.

(b) DEFINITIONS.—In this section:

(1) The term “Weapons of Mass Destruction Civil Support Team” means a team that—

(A) provides support for emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 160 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2292)); and

(B) is composed of members of National Guard who are performing duties as members of the team under the authority of subchapter B of title 10, United States Code, while serving on active duty as described in subsection (a) of such section or on full-time National Guard duty under section 5221 of title 32, United States Code.

(2) The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) FUNDING.—The costs of establishing Weapons of Mass Destruction Civil Support Teams to comply with the requirement in subsection (a) and the costs of training and equipping persons to comply with such requirement, may be paid (to the extent properly allocable on the bases of purpose and period of availability) out of funds authorized to be appropriated for fiscal year 2003 for purposes as follows:

(1) For the Army, for—

(A) military personnel;

(B) operations and maintenance;

(C) other procurement; or

(D) military construction.

(2) For the Air Force for military personnel.

(3) For the Department of Defense for the chemical and biological defense program.

By Mr. SMITH of Oregon: S. 2009. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified tuition and related expenses and to extend the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to such deduction and the extension of the exclusion for employer-provided education assistance; to the Committee on Finance.

Mr. SMITH of Oregon. Mr. President, I come to the floor today to introduce the College Tuition Relief Act of 2002, a bill that will go a long way toward easing the burden of college tuition fees for parents and students across the country.

When President Bush signed the Economic Growth and Tax Relief Reconciliation Act last year, millions of working Americans finally got to keep more of their own money so that they could spend it in ways that helped their families most. Too often forgotten, though, is the fact that none of the provisions in that important tax relief bill is permanent. In a few short years, and, unless we act soon, the American taxpayers will have to adjust their budgets to account for higher taxes once again.

Included in last year’s tax relief legislation were two provisions that are of the utmost importance to families and young students struggling to pay the ever-increasing costs of higher education. The first allows taxpayers to exclude as much as $5250 of their college tuition expenses from their taxes every year; the second allows individuals to exclude as much as $2500 in employer-provided education assistance from their taxes, a critically important benefit for a great many Americans attempting to balance school with work, family, and limited budgets.

Because of an unfortunate quirk in the law, both of these provisions will expire after only a few years, and future generations of young people will not receive the benefits of a more affordable education. The solution to this problem is simple: we should make these provisions permanent. My bill does just that. The College Tuition Relief Act of 2002 will simply ensure that future college students will be able to count on their government to support them as they work towards attaining a good education.

The two provisions that this bill will make a permanent part of our tax law have always received broad bipartisan support, and I am confident that none of us wants to take back the help we are currently giving to college students.
and the families who so often contribute to their tuition. Even my colleagues who did not vote for last year’s tax relief should find it easy to support this bill and, along with it, our Nation’s college students.

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:

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 “College Tuition Relief Act of 2002.”

SEC. 2. PERMANENT DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) PERMANENT DEDUCTION.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 (relating to qualified tuition and related expenses) is amended by striking subsection (e).

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 222(b)(2) of such Code (relating to applicable dollar limit) is amended by striking “2004 and 2005.—In the case of a taxable year beginning in 2004 or 2005,” and inserting “2004 and thereafter.—In the case of any taxable year beginning after 2003.”.

(b) REPEAL OF SUSPENSION.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 431 (relating to qualified tuition and related expenses).”.

SEC. 3. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Section 902 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 411 (relating to modifications to extension of exclusion for employer-provided educational assistance).”.

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. KYL, Mr. CRAIG, Mr. MURkowski, Mr. ALARD, and Mr. MCCAIN):

S. 2911. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased to rise today to make permanent a provision included in last year’s tax bill, the Coverdell education savings accounts. Congress took an important step last year in providing real options for parents to save for their children’s elementary, secondary, and postsecondary educations. It is important now that we ensure that these options do not disappear in the future.

Coverdell education savings accounts provide parents a way for parents to save for their child’s education. Accounts were increased to a maximum of $2,000, and parents can now use the tax-free savings for not only a college education, but also for elementary and secondary school expenses, including tuition, books, computers, and tutoring. Earnings on contributions to this plan are tax-free due to the tax bill that was passed last year. Now, it is time to continue this commitment to our children.

Parents who want to open an education savings account this year for their child who is five years old have no guarantee that those accounts will exist beyond 2010. But for this program, parents need to be assured that money they are saving now will be available for college tuitions in 2011 and beyond. With the cost of higher education rising faster than family income, we need to ensure that these saving tools will be available for years to come for families who are preparing for their future and being smart about their money. The average cost of tuition and fees between the 1989-1990 and 2001-2002 school years rose by 8 percent a year at 4-year private colleges and 10 percent a year at 4-year public colleges, while family income rose by only 5 percent annually during that same time period.

Parents should have the assurance that accounts that are started now, and that would not be tapped into for ten to fifteen years, would still be around at that time.

I have started education savings accounts for my grandchildren, who are all infants and toddlers, and I want to know that they will be able to use this money years down the road for elementary or secondary schools or for their college education.

We need to make this benefit permanent now to ensure savings incentives for years to come.

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:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 431 (relating to qualified tuition and related expenses).”.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. WELLSTONE, and Mr. REED):

S. 2912. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Student Bill of Rights. This bill is critical to ensuring that every child in America receives the educational opportunity that is the foundation of America’s promise of equal opportunity for all.

This bill would hold States accountable for providing the fundamentals of education—including highly qualified teachers, principals, and academic support personnel, challenging curricula, well-qualified principals, full-day kindergarten, quality libraries, up-to-date facilities and technology, and capable guidance counselors to students at all schools in the State. Current law requires that schools within the same district provide comparable educational services. This bill would extend that basic protection to the State level by requiring comparability across school districts.

And, this bill would help ensure that states comply with State or Federal court orders concerning the fairness of the public school systems. I want to thank Senators KENNEDY, WELLSTONE, and REED for joining me in introducing this bill and for their long-standing commitment to this issue. I also want to thank Representative FATTAH, of Pennsylvania. Representative FATTAH is a leader in the fight for educational opportunity for all. He and I have worked closely on this issue, and he is introducing a similar Student Bill of Rights in the other body to help fix the problem.

Nearly 50 years after Brown v. Board of Education, our educational system remains largely separate and unequal. Whether an American child is taught in the smallest class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education, still depends on where the child’s family can afford to live. In fact, the United States ranks last among developed countries in the difference in the quality of schools available to wealthy and low-income children.

This is simply unacceptable, and it is why the Student Bill of Rights is so important to our children’s ability to achieve academically, to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Last year, Democrats and Republicans worked closely with President Bush to pass the No Child Left Behind Act, to hold schools accountable for closing the achievement gap for low-income students, minority students, limited-English proficient students, and students with disabilities and to hold them accountable for all students performing at a high level.

I commend the President for his interest in education today. Holding schools to high standards of student achievement is critical. But, it’s not the same as reaching those standards. If we don’t
make sure that every school has the tools it needs, we will be like parents with two children telling them that they expect both children to work hard and do well in school, but that they will only help one of them with their homework, will only allow one of them to use a refrigerator and a computer, and will only allow one of them to study in their warm room, while the other must study in the unheated basement.

I know that the Federal Government has made some progress over the years in leveling the playing field, and that they are facing terrific budgetary pressures. And, I know that the Federal Government is facing budget deficits instead of surpluses, but providing enough resources for education shouldn’t be a choice. We don’t, and we shouldn’t, say that “We’d like to do more about national security, but times are tough.” We can’t accept that argument for education, either.

This bill does not represent a radical notion. This Congress and last, 42 Senators and 183 Representatives voted for similar legislation that Mr. FATTAH and I offered. A radical notion is the idea that a country founded on the principles of equal opportunity for all can continue to accept an educational system that provides real educational opportunity for just a select few.

That’s not to say that only states have the No Child Left Behind Act rightly requires school districts and schools to do more, and we need to do much, much more in Washington to fulfill our role in this process. More than 90 percent of America’s children rely upon public schools, yet less than 2 percent of our entire federal budget is spent on helping our grade schools and high schools. That’s only about 7 percent of all education spending.

When he signed the No Child Left Behind Act this January, President Bush promised that the Federal Government would make sure schools have the resources necessary to meet the new law’s requirements. But, in February, with the ink on the new law not yet dry, the President sent his education budget to Congress and the resources were not there. In fact, the President took an enormous step backward by proposing to cut Federal support for the No Child Left Behind Act.

For example, more than ten million low-income children attend schools in areas that are eligible for Federal assistance to hire and train teachers and buy textbooks, computers, and other school necessities. The President’s education budget would provide only 40 percent of the assistance that these schools need, leaving more than six million children behind. The President’s budget also fails to even come close to fully funding the Federal Government’s commitment to special education serving families and local communities struggling to make up the difference. We will never close the achievement gap as long as our Nation’s most disadvantaged students in the neediest schools are forced to make do with far less than other students.

At the same time, the President wants to take nearly $4 billion away from students and these schools to fund private school vouchers. Private schools already provide many children with a good education, but for America to continue to succeed as a Nation, our public schools must also succeed.

And, the way to help them succeed is not to drain resources from them into the vain hope that the answer lies elsewhere, but by making sure that every public school has the resources to provide our children with the education they need and deserve, through measures such as the Student Bill of Rights, fully funding Title I and special education, and others.

In the end, this is about the simple fact that the quality of a child’s education shouldn’t be determined by the digits of their zip code. This measure corrects that inequity by ensuring that each and every child’s school has the resources to provide them with a decent education, and in turn, an equal opportunity for a successful future.

And I urge my colleagues to join me in supporting the Student Bill of Rights.

I ask for 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: 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 “Student Bill of Rights”.

SEC. 2. TABLE OF CONTENTS. The table of contents for this Act is as follows: Sec. 1. Short title. Sec. 2. Table of contents. Sec. 3. Findings and purposes. TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS Subtitle A—Access to Educational Opportunity

SEC. 101. State public school systems.

SEC. 102. Fundamentals of educational opportunity.

Subtitle B—State Accountability

SEC. 111. State accountability plan.

SEC. 112. Consequences of failure to meet requirements.

Subtitle C—Report to Congress and the Public

SEC. 121. Annual report on State public school systems.

Subtitle D—Remedy

SEC. 131. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. Effects on economic growth and productivity.

SEC. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.

Sec. 302. Rulemaking.

Sec. 303. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) A high-quality, highly competitive educational opportunity for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following: (A) Continuing disparities within States in student access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement gap.

(ii) Schools identified that are not safe or educationally adequate.

(iii) Percent of student body in poverty.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child’s education depends largely upon where the child’s family can afford to live, and the determinants of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(4) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution, and previously, the Congress of the Confederation of States under the Articles of Confederation, has imposed upon every State a fundamental condition of the State’s admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in the State.

(5) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that “the purpose of an education…. where the State has undertaken to provide it, is a right which must be made available to all on equal terms”, courts in 44 States have ruled that the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(6) In 1979, the President’s Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation’s ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled “Matter, Financing America’s Schools”, which found that the concept of funding adequacy,
which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

In 2001, the Executive Order establishing the President’s Commission on Educational Equity declared that the quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. Gaps in access to educational resources exist, including disparities based on race and ethnicity. (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001))

According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001, racial and ethnic minorities continue to suffer from lack of access to educational resources, including “experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as...the funding necessary to secure these resources”; and “these inadequacies are particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resources is cumulative. In other words, students who need the most may often receive the least, and these students often find themselves of color.”

In the President’s remarks made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science not later than the 2001–2002 school year, and held schools accountable for the students’ progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(11) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to meet academic achievement standards.

(12) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

with local educational agencies, teachers, principals, pupil service personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) The additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating what percentage of students in the school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

(II) the number and percentage of students described in section 1111(b)(3)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(D)).

(i) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access, the State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors.

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimations, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 1101(b) that a State maintains a public school system that falls below the requirements of section 1111(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined in section 1111(b)(1)(A)) to each of the fundamentals of educational opportunity described in section 102; and

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the fiscal year in which a public elementary or secondary school in the State shall have high access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 1101(b)(1) that a State maintains a public school system that fails to meet the requirements of section 1111(a)(1), the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) or an amendment to such a plan if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(1) WAIVER.—

(A) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(B) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan for the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For each fiscal year and a State described in section 1111(b)(1), the Secretary shall withhold from the State not more than 33 1/3 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 1111(b)(2).

(b) CONSEQUENCES OF NONREMEDATION.—

If the Secretary determines that a State required to include a strategy under section 1111(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 1111(b)(2), the Secretary shall withhold from the State not more than 33 1/3 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) DISPOSITION OF WITHHELD FUNDS.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use original purpose for the fiscal year described in 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1) that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are more adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition that led to the withholding.

(3) AVAILABILITY.—Amounts made available or allocated under paragraph (A) or (B) of paragraph (2) shall be available during the fiscal years specified by the Secretary under that subparagraph.

Subtitle C—Report to Congress and the Public

SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year following the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains a complete analysis of the public school system of each State.

(b) REPORT TO THE PUBLIC.—The analysis conducted under subsection (a) shall include the following:

...
SEC. 111. STATE PLANS.

(a)(1). The requirements under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress National Center for Education Statistics, in consultation with the National Research Council of the National Academy of Sciences, shall conduct a comprehensive study concerning the effects on economic growth and national defense of ensuring that each State public school system that meets the requirements of section 101(a).

SEC. 111(a)(1). (A) The number of school districts, public elementary schools, public secondary schools, and students in the State.

(B) For each such school district and school—

(i) information stating the number and percentage of children counted under section 112(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(ii) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)); and

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102; and

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through academic assessments required under section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 101(b); and

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(ii) whether the school district or school is making adequate yearly progress—

(a) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(F) For each State, the number of public elementary schools and secondary schools that lack, high access (as described in section 1111(b)(3)(C)(ix)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) the costs to the Armed Forces of training; and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section, such data shall include the information used to make the State’s success in providing the fundamentals of educational opportunity described in subsection (a).

(f) S TATE PUBLIC SCHOOL SYSTEMS THAT LACK—

(A) The number of school districts, public elementary schools, public secondary schools that lack, high access (as described in section 1111(b)(3)(C)(ix)) to any of the fundamentals of educational opportunity described in section 102.

(B) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

T I T LE I I — F ACTORY OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 210. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner of Education Statistics, in consultation with the Secretary of Labor, shall conduct a comprehensive study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

S T A T E M E N T S O N S U M M I T E D R E S O L U T I O N S


Mrs. LINCOLN (for herself, Ms. COLINS, Ms. LANDRUE, Mr. HUTCHINSON, and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

WHEREAS epilepsy is a neurological condition affecting 2,300,000 people in the United States;
Whereas a seizure is a disturbance in the electrical activity of the brain, and 25,000,000 Americans (1 in every 10) will have at least 1 seizure during their lives;

Whereas 800,000 new cases of seizures and epilepsy are diagnosed each year, and 3 percent of Americans will have developed epilepsy by the time they are 75;

Whereas many people who currently have epilepsy experience persistent seizures despite the treatment they are receiving;

Whereas a survey sponsored by the Centers for Disease Control and Prevention shows that the burden of disease for people with epilepsy is comparable to that experienced by people with cancer, diabetes, and arthritis;

Whereas epilepsy in older children and adults remains a formidable barrier to a normal life, affecting education, employment, marriage, childbearing, and personal fulfillment;

Whereas stigma surrounding epilepsy continues to fuel discrimination and isolates people with seizure disorders from the mainstream life;

Whereas in spite of these obstacles, epileptics can live healthy and productive lives and can make significant contributions to society;

Whereas we must ensure that funding for epilepsy research programs at the National Institutes of Health (NIH) for epilepsy programs at the Centers for Disease Control and Prevention must continue to increase; and

Whereas we must ensure that people with epilepsy, the first and uninsured areas of the country have access to appropriate care, and to this end it is essential that the epilepsy program at the Health Resources and Services Administration receive initial funding to create demonstration projects to improve access to services in those communities; Now, therefore, be it

Resolved by the Senate—

(1) designates November 2002, as "National Epilepsy Awareness Month"; and

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

Mrs. LINCOLN. Mr. President, today I would like to submit a resolution about our federal health disorders program, which affects 2.3 million Americans and 40,000 people in Arkansas. I am referring to epilepsy.

Epilepsy is a chronic neurological disorder; people with this disorder may have seizures which may be as brief as a few seconds, or as traumatic as severe as when dealing with chronic conditions.

To that end, this resolution is intended to serve two goals: to raise awareness about this disease, which in turn affects perception/stereotypes, and to increase funding for the long-term research needed.

Presently, doctors tell their patients that there is no cure for epilepsy. Rather the solution is long-term medication or surgery. It is critical that we increase the funding committed to epilepsy. As far as we have advanced in other areas of medicine, even other neurological disorders, we must give equal time and resources to a cure for epilepsy.

I would like to move that we establish the month of November as National Epilepsy Awareness Month. This is one small step toward the larger goal of overcoming epilepsy. As with other chronic illnesses, overcoming epilepsy is achieved in part through perception and part through science and medicine. Cancer, which was previously stigmatized to be terminal, is now more candidly discussed among patients and families and leagues ahead in research. I hope that this will be true as well with epilepsy.

I urge my colleagues to support the resolution.

SENATE RESOLUTION 323—TO AUTHORIZE TESTIMONY AND REPRESENTATION I SENATOR MITCH MCCONNELL, ET AL. V. FEDERAL ELECTION COMMISSION, ET AL. AND CONSOLIDATION CASES

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

S. Res. 323

Whereas, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., No. 02-CV-582, and consolidated cases, pending in the United States District Court for the District of Columbia, notices for the taking of depositions have been served on Senator Mitch McConnell, who is a plaintiff in the case; James Jeffords, John McCain, and Russell Feingold, and any other Senator who agrees to participate in this litigation, are authorized to testify, except concerning matters for which a privilege should be asserted and when their attendance at the Senate is necessary for the performance of their legislative duties.

Sec. 2. That the Senate Legal Counsel is authorized to appear as amicus curiae in the name of the Senate in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, Senators Mitch McConnell, Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, and any other Senator who agrees to participate in this litigation, are authorized to testify, except concerning matters for which a privilege should be asserted and when their attendance at the Senate is necessary for the performance of their legislative duties.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4493. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4494. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4496. Mr. BURNS (for Ms. COLLINS (for himself and Ms. SNOWE)) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4497. Mr. BURNT (for Mr. GRAHAM (for himself and Mr. NELSON, of Florida)) proposed an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4498. Mr. BURNS (for Mrs. HUTCHISON) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4499. Mr. Kyl (for Mr. NELSON, of Florida) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4500. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra, which was ordered to be printed.
amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4502. Mr. Grassley submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4503. Mr. Grassley submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4505. Ms. Snowe submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4506. Ms. Snowe submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4507. Mrs. Clinton submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. BYRD to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4508. Mr. Feingold (for himself, Mr. Leahy, Mr. Kohl, and Mr. Torricelli) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4509. Mr. Feingold (for himself, Mr. Leahy, Mr. Kohl, and Mr. Torricelli) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4511. Mr. Reid (for Mr. Jeffords (for himself and Mr. Smith, of New Hampshire)) proposed an amendment to the bill S. 351, to amend the Corps of Engineers, using funds appropriated to the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 102, at the end of line 26, add the following:

"Provided, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Pintler Office Building may be issued which includes the full scope of the project. Provided further, that the solicitation of the contract and the contract shall contain the clause 'availability of annual appropriations.'"

SA 4498. Mr. Burns (for Mrs. Hutchison) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5005, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 14, lines 11 and 12, strike "$42,182,000, to remain available until expended:" and insert "$42,682,000, to remain available until expended, of which $500,000 shall be made available for the World Trade Center in Middletown, Texas." On page 14, line 26, strike "$89,055,000" and insert "$88,555,000."

On page 15, line 5, insert "of which $500,000 shall be made available for the Lower Rio Grande Valley National Wildlife Refuge" before the colon.

SA 4499. Mr. Burns (for Mr. Kyl) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5005, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1. COLORADO RIVER MANAGEMENT PLAN.

Not less than three times annually, the Director of the National Park Service shall report to Congress on the status of the Colorado River Management Plan.

SA 4500. Mrs. Clinton submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5005, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 14, after line 2, add the following:

TITLE IV—EMERGENCY FUNDING FOR FIREFIGHTERS AND OTHER EMERGENCY RESPONDERS

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES

EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services; for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters." Provided, That the entire amount authorized by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget Act...

"Provided further, That of the funds available for endangered species recovery, $1,500,000 is for Atlantic salmon recovery activities administered by the National Fish and Wildlife Foundation and $500,000 is for the United States Fish and Wildlife Service to undertake Atlantic salmon recovery efforts in Maine"
Budget and Emergency Deficit Control Act of 1985, as amended: Provided further. That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President to Congress. 

FEDERAL EMERGENCY MANAGEMENT AGENCY EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for “Emergency management planning and assistance” for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $50,000,000 is for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.) and $50,000,000 for interoperable communications equipment: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further. That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services’ Interoperable Communications Technology Program in consultation with the Office of Science and Technology of the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to remain available until expended: Provided, That an emergency requirement pursuant to an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further. That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President to Congress.

SA 4501. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

- Provided that the amendment SA 4471 was ordered to lie on the table; as follows:
- The Secretary shall conduct a study on the use of foreign national personnel in visa processing. The study shall review and make recommendations with respect to—
  - the effects or possible effects on national security of the use of foreign national personnel in individual countries to perform data entry, process visas or visa applications, or in any way handle visas or visa applications;
  - the extent to which the use of foreign national personnel affects the United States mission abroad to determine whether United States consular services performed at the United States mission require different regulations on the use of foreign national personnel.

SEC. 173. SENSE OF CONGRESS.

- It is the sense of Congress that the Secretary should develop and maintain intelligence analysts from among the employees of the Directorate of Intelligence.

SEC. 174. REQUIREMENT TO BE ENTERED INTO ELECTRONIC DATA SYSTEM.

- Whenever a consular officer of the United States, in the course of an interview with an applicant, determines that the applicant is ineligible for a visa to the United States, the consular officer shall enter the fact of the denial and the name of the applicant into the electronic data system implemented under section 202(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722(a)).

SEC. 175. USE OF FOREIGN NATIONAL PERSONNEL IN VISA PROCESSING.

- The Secretary shall conduct a study on the use of foreign national personnel in visa processing to determine whether such uses are consistent with secure visa processing. The study shall review and make recommendations with respect to—
  - the effects or possible effects on national security of the use of foreign national personnel in individual countries to perform data entry, process visas or visa applications, or in any way handle visas or visa applications;
  - the extent to which the use of foreign national personnel affects the United States mission abroad to determine whether United States consular services performed at the United States mission require different regulations on the use of foreign national personnel.

SEC. 176. REQUIREMENT TO BE ENTERED INTO ELECTRONIC DATA SYSTEM.

- Provided further that the amendment SA 4507 was ordered to lie on the table; as follows:
- On page 137, between lines 13 and 14, insert the following:

SEC. 177. FEDERAL EMERGENCY MANAGEMENT AGENCY.

- The Secretary shall as sign to the Department of Homeland Security the diplomatic and consular post at which visas are issued, unless the Secretary determines, based upon homeland security considerations, that such an assignment is not required at a particular post. Employees so assigned shall perform the following functions:
  - Provide expert advice to consular officers regarding security threats relating to the adjudication of individual visa applications or classes of applications.

SEC. 178. SENSE OF CONGRESS.

- In general.—Whenever a consular officer of the United States, in the course of an interview with an applicant, determines that the applicant is ineligible for a visa to the United States, the consular officer shall enter the fact of the denial and the name of the applicant into the electronic data system implemented under section 202(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722(a)).
TITLE IV—EMERGENCY FUNDING FOR FIREFIGHTERS AND OTHER EMERGENCY RESPONDERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES ADMINISTRATION
EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for “Public Health and Social Services Emergency Fund” for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $80,000,000, to be available immediately upon enactment of this Act and to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY
EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for “Emergency management planning and assistance” for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000 to be available immediately upon enactment of this Act and to remain available until September 30, 2003, of which $150,000,000 is for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.) and $50,000,000 for interoperable communications equipment: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF JUSTICE
COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services’ Interoperable Communications Technology Program in consultation with the Office of Science and Technology at the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to be available immediately upon enactment of this Act and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4508. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. KOHL, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill S. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

TITLe VI—STRENGTHENED TEMPORARY FLIGHT RESTRICTIONS FOR THE PROTECTION OF CHEMICAL WEAPONS STORAGE DEPOTS

SA 4509. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. KOHL, and Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 602. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

The Secretary of Defense shall ensure that there is established, by not later than September 30, 2003, at least one Weapons of Mass Destruction Civil Support Team in each State.

SEC. 603. DEFINITIONS.

In this title:
(1) WEApONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM.—The term “Weapons of Mass Destruction Civil Support Team” means a team that—
(A) provides support for emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 2302); and
(B) is composed of members of National Guard who are performing duties as members of the team under the authority of subsection (c) of section 12310 of title 10, United States Code, while serving on active duty as described in subsection (a) of such section or on full-time National Guard duty under section 502(f) of title 32, United States Code.
(2) STATE.—The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

SEC. 604. FUNDING.

The costs of establishing Weapons of Mass Destruction Civil Support Teams to comply with the requirement in section 602, and the costs of training and equipping the teams established to comply with such requirement, may be paid (to the extent properly allocable on the bases of purpose and period of availability) out of funds authorized to be appropriated for fiscal year 2003 for purposes as follows:
(1) For the Army, for—
(A) military personnel;
(B) operation and maintenance;
(C) other procurement; or
(D) military construction.
(2) For the Air Force for military personnel.
(3) For the Department of Defense for the chemical and biological defense program.

SEC. 605. IMPROVED ENFORCEMENT.

The Secretary of Defense shall take such actions as may be necessary to improve the enforcement of temporary flight restrictions applicable to Department of Defense depots for the storage of lethal chemical agents and munitions:
(a) REQUIREMENT FOR REPORT.—The Secretary shall include among the actions taken under subsection (a) an assessment of the effectiveness, in terms of deterrence and capabilities for timely response, of any, if any, that the Administrator has taken or is taking in response to or as a result of the incursion.
The Importance of Financial Literacy Among College Students

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thurs-

day, September 5, 2002, at 2:30 p.m. on the nominations of Roger Nober to be a member of the Surface Transportation Board and David Laney to be a member of the Amtrak Reform Board.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thurs-

day, September 5, 2002, at 2:30 p.m. on the nominations of Roger Nober to be a member of the Surface Transportation Board and David Laney to be a member of the Amtrak Reform Board.

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

COMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization be authorized to meet during the session of the Senate on Thursday, September 5, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization be authorized to meet during the session of the Senate on Thursday, September 5, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

HONORING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM

The following resolution was submitted as follows:

S. Res. 320

Whereas, the Valley Sports team had an impressive and overall undefeated record of 24 wins and 0 losses, including 4 victories in the playoffs, and winning the championship game;

Whereas, the Valley Sports team players, Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wes Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zach Osborne, Jake Remines, Josh Robinson, and Wes Walden, showed tremendous dedication...
and sportsmanship throughout the season toward the goal of winning the Little League baseball world championship.

Whereas, the Valley Sports team was managed by Troy Osborne, and coached by Keith Elkins and Dan Roach, who all demonstrated professionalism and respect for their players and the game of baseball;

Whereas, the Valley Sports team fans from Kentucky showed enthusiasm, support and courtesy for the game of baseball, and all the players and coaches;

Whereas, in the 56th Little League Baseball World Series championship game the Valley Sports American baseball team faced the Sendai Higashi Japanese baseball team and came away victorious by a score of 1–0—Now, therefore, be it

Resolved, that the Senate honors the Valley Sports American Little League baseball team from Louisville, Kentucky, for winning the 2002 Little League World Series Championship.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edward Barron:</td>
<td>Italy</td>
<td>Euro</td>
<td>1,163.00</td>
<td>5,669.51</td>
<td>6,832.51</td>
</tr>
<tr>
<td>France</td>
<td>Euro</td>
<td>747.00</td>
<td></td>
<td></td>
<td>747.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,579.51</td>
</tr>
</tbody>
</table>

TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition and Forestry, July 25, 2002.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Bill Nelson:</td>
<td>Egypt</td>
<td>Pound</td>
<td>169.00</td>
<td></td>
<td>169.00</td>
</tr>
<tr>
<td>U.S. dollar equivalent</td>
<td>200.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td>Pound</td>
<td>666.00</td>
<td></td>
<td></td>
<td>666.00</td>
</tr>
<tr>
<td>India</td>
<td>Pound</td>
<td>1,650.00</td>
<td></td>
<td></td>
<td>1,650.00</td>
</tr>
<tr>
<td>Japan</td>
<td>Dollar</td>
<td>512.00</td>
<td></td>
<td></td>
<td>512.00</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Pound</td>
<td>512.00</td>
<td></td>
<td></td>
<td>512.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,386.00</td>
</tr>
</tbody>
</table>

TOM LEVIN,
Chairman, Committee on Armed Services, July 1, 2002.


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator James M. Inhofe:</td>
<td>Iraq</td>
<td>Pound</td>
<td>6341.50</td>
<td></td>
<td>6341.50</td>
</tr>
<tr>
<td>U.S. dollar equivalent</td>
<td>6341.50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>279.56</td>
<td></td>
<td></td>
<td>279.56</td>
</tr>
<tr>
<td>Poland</td>
<td>Dollar</td>
<td>309.95</td>
<td></td>
<td></td>
<td>309.95</td>
</tr>
<tr>
<td>Italy</td>
<td>Dollar</td>
<td>22.40</td>
<td></td>
<td></td>
<td>22.40</td>
</tr>
<tr>
<td>Jordan</td>
<td>Dollar</td>
<td>159.00</td>
<td></td>
<td></td>
<td>159.00</td>
</tr>
<tr>
<td>Israel</td>
<td>Dollar</td>
<td>279.56</td>
<td></td>
<td></td>
<td>279.56</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9,889.53</td>
</tr>
</tbody>
</table>

CARL LEVIN,
Chairman, Committee on Armed Services, July 1, 2002.
## Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Banking, Housing, and Urban Affairs for Travel from Apr. 1 to June 20, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>Dollar</td>
<td></td>
<td></td>
<td></td>
<td>250.00</td>
</tr>
<tr>
<td>Bosnia</td>
<td>Dollar</td>
<td>189.00</td>
<td></td>
<td></td>
<td>189.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>5,878.12</td>
<td></td>
<td></td>
<td>5,878.12</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,312.00</td>
<td>10,683.12</td>
<td></td>
<td>11,995.12</td>
</tr>
</tbody>
</table>

**CARL LEVIN,**
Chairman, Committee on Armed Services, July 30, 2002.

## Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Budget for Travel from May 24 to May 29, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
</table>

## Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Commerce, Science, and Transportation for Travel from Apr. 1 to June 30, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
</table>

## Amendment to 1st Quarter 2002 Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Energy and Natural Resources for Travel from Jan. 1 to March 31, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman, Committee on Energy and Natural Resources for Travel from Jan. 1 to March 31, 2002.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2002—Continued

#### Continued

**JEFF BINGAMAN,**
Chairman, Committee on Energy and Natural Resources, July 30, 2002.

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Presser:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>Renminbi</td>
<td>883.40</td>
<td>5,575.50</td>
<td></td>
<td>6,458.90</td>
</tr>
<tr>
<td>Everett Esseranzt:</td>
<td></td>
<td>1,241.00</td>
<td>5,505.00</td>
<td></td>
<td>6,746.00</td>
</tr>
<tr>
<td>Charles Freeman:</td>
<td></td>
<td>1,241.00</td>
<td>5,505.00</td>
<td></td>
<td>6,746.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>3,365.40</td>
<td>16,585.50</td>
<td></td>
<td>19,950.90</td>
</tr>
</tbody>
</table>

**MAX BAUCUS,**
Chairman, Committee on Finance, June 25, 2002.

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lincoln Chafee:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>2.00</td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>Russia</td>
<td></td>
<td>1,376.00</td>
<td></td>
<td></td>
<td>1,376.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>4,633.50</td>
<td></td>
<td></td>
<td>4,633.50</td>
</tr>
<tr>
<td>Jordan Blank:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td></td>
<td>1,218.00</td>
<td></td>
<td></td>
<td>1,218.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>8,496.98</td>
<td></td>
<td></td>
<td>8,496.98</td>
</tr>
<tr>
<td>Jose Cardenas:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>Dollar</td>
<td>884.00</td>
<td></td>
<td></td>
<td>884.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>1,890.50</td>
<td></td>
<td></td>
<td>1,890.50</td>
</tr>
<tr>
<td>Heather Flom:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guinea</td>
<td>Dollar</td>
<td>800.00</td>
<td></td>
<td></td>
<td>800.00</td>
</tr>
<tr>
<td>Liberia</td>
<td>Dollar</td>
<td>745.00</td>
<td></td>
<td></td>
<td>745.00</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Dollar</td>
<td>324.00</td>
<td></td>
<td></td>
<td>324.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>7,554.54</td>
<td></td>
<td></td>
<td>7,554.54</td>
</tr>
<tr>
<td>Marco M. Grassi:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mauritania</td>
<td>Dollar</td>
<td>780.00</td>
<td></td>
<td></td>
<td>780.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>8,908.00</td>
<td></td>
<td></td>
<td>8,908.00</td>
</tr>
<tr>
<td>Brian G. Haggerty:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>Dollar</td>
<td>884.00</td>
<td></td>
<td></td>
<td>884.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>2,395.00</td>
<td></td>
<td></td>
<td>2,395.00</td>
</tr>
<tr>
<td>Jeff Bingaman:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethiopia</td>
<td>Dollar</td>
<td>600.00</td>
<td></td>
<td></td>
<td>600.00</td>
</tr>
<tr>
<td>Kenya</td>
<td>Dollar</td>
<td>400.00</td>
<td></td>
<td></td>
<td>400.00</td>
</tr>
<tr>
<td>Somalia</td>
<td>Dollar</td>
<td>300.00</td>
<td></td>
<td></td>
<td>300.00</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Dollar</td>
<td>300.00</td>
<td></td>
<td></td>
<td>300.00</td>
</tr>
<tr>
<td>Eritrea</td>
<td>Dollar</td>
<td>650.00</td>
<td></td>
<td></td>
<td>650.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>6,978.45</td>
<td></td>
<td></td>
<td>6,978.45</td>
</tr>
<tr>
<td>Philip M. Gutierrez:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>Yuan</td>
<td>1,241.00</td>
<td></td>
<td></td>
<td>1,241.00</td>
</tr>
<tr>
<td>Kenya</td>
<td>Dollar</td>
<td>500.00</td>
<td></td>
<td></td>
<td>500.00</td>
</tr>
<tr>
<td>Somalia</td>
<td>Dollar</td>
<td>300.00</td>
<td></td>
<td></td>
<td>300.00</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Dollar</td>
<td>300.00</td>
<td></td>
<td></td>
<td>300.00</td>
</tr>
<tr>
<td>Eritrea</td>
<td>Dollar</td>
<td>650.00</td>
<td></td>
<td></td>
<td>650.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>6,978.45</td>
<td></td>
<td></td>
<td>6,978.45</td>
</tr>
<tr>
<td>Name and country</td>
<td>Name of currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Transportation</td>
<td>U.S. dollar equivalent or U.S. currency</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-------------------------------</td>
<td>-----------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Michael H. Nutter</td>
<td>Germany</td>
<td>Dollar</td>
<td>1,053.00</td>
<td>4,927.25</td>
<td>4,927.25</td>
</tr>
<tr>
<td>Robert S. Horsman</td>
<td>United States</td>
<td>Dollar</td>
<td>660.00</td>
<td>660.00</td>
<td>660.00</td>
</tr>
<tr>
<td>Frank H. Gamble</td>
<td>Philippines</td>
<td>Dollar</td>
<td>2,779.00</td>
<td>2,779.00</td>
<td>2,779.00</td>
</tr>
<tr>
<td>Robert J. Nickle</td>
<td>United States</td>
<td>Dollar</td>
<td>173.00</td>
<td>173.00</td>
<td>173.00</td>
</tr>
<tr>
<td>Andrew Parasiliti</td>
<td>Greece</td>
<td>Dollar</td>
<td>486.00</td>
<td>486.00</td>
<td>486.00</td>
</tr>
<tr>
<td>Kenneth A. Myers III</td>
<td>United States</td>
<td>Dollar</td>
<td>677.00</td>
<td>677.00</td>
<td>677.00</td>
</tr>
<tr>
<td>John Seigerman</td>
<td>Venezuela</td>
<td>Dollar</td>
<td>260.00</td>
<td>260.00</td>
<td>260.00</td>
</tr>
<tr>
<td>Jamie Metz</td>
<td>Belgium</td>
<td>Dollar</td>
<td>318.00</td>
<td>318.00</td>
<td>318.00</td>
</tr>
<tr>
<td>Katherine McGuire</td>
<td>Russia</td>
<td>Dollar</td>
<td>1,376.00</td>
<td>1,376.00</td>
<td>1,376.00</td>
</tr>
<tr>
<td>Patrice Monberry</td>
<td>United States</td>
<td>Dollar</td>
<td>1,190.00</td>
<td>1,190.00</td>
<td>1,190.00</td>
</tr>
<tr>
<td>Bob Nickel</td>
<td>United States</td>
<td>Dollar</td>
<td>510.00</td>
<td>510.00</td>
<td>510.00</td>
</tr>
<tr>
<td>Richard T. Torres</td>
<td>Japan</td>
<td>Dollar</td>
<td>832.00</td>
<td>832.00</td>
<td>832.00</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>1,519.14</td>
<td>1,519.14</td>
<td>1,519.14</td>
</tr>
<tr>
<td>Total</td>
<td>United States</td>
<td>Dollar</td>
<td>94,648.59</td>
<td>94,648.59</td>
<td>94,648.59</td>
</tr>
</tbody>
</table>

**AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b); COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JUN. 1 TO MAR. 31, 2002**

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Lincoln D. Chafee</td>
<td>Cuba</td>
<td>Dollar</td>
<td>346.00</td>
<td>346.00</td>
<td>346.00</td>
<td>346.00</td>
<td>346.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank R. Capuano</td>
<td>Peru</td>
<td>Dollar</td>
<td>370.00</td>
<td>370.00</td>
<td>370.00</td>
<td>370.00</td>
<td>370.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bob Harkin</td>
<td>Chile</td>
<td>Dollar</td>
<td>490.00</td>
<td>490.00</td>
<td>490.00</td>
<td>490.00</td>
<td>490.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>David B. Vitter</td>
<td>Argentina</td>
<td>Dollar</td>
<td>782.00</td>
<td>782.00</td>
<td>782.00</td>
<td>782.00</td>
<td>782.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deborah Bixby</td>
<td>Brazil</td>
<td>Dollar</td>
<td>206.00</td>
<td>206.00</td>
<td>206.00</td>
<td>206.00</td>
<td>206.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>David Andrew Olsen</td>
<td>Netherlands</td>
<td>Dollar</td>
<td>215.00</td>
<td>215.00</td>
<td>215.00</td>
<td>215.00</td>
<td>215.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nancy H. Stetson</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>120.00</td>
<td>120.00</td>
<td>120.00</td>
<td>120.00</td>
<td>120.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edward M. Kennedy</td>
<td>United States</td>
<td>Dollar</td>
<td>580.00</td>
<td>580.00</td>
<td>580.00</td>
<td>580.00</td>
<td>580.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator John F. Kerry</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>344.00</td>
<td>344.00</td>
<td>344.00</td>
<td>344.00</td>
<td>344.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>United States</td>
<td>Dollar</td>
<td>175.00</td>
<td>175.00</td>
<td>175.00</td>
<td>175.00</td>
<td>175.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>United States</td>
<td>Dollar</td>
<td>310.00</td>
<td>310.00</td>
<td>310.00</td>
<td>310.00</td>
<td>310.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Israel</td>
<td>Israel</td>
<td>Dollar</td>
<td>750.00</td>
<td>750.00</td>
<td>750.00</td>
<td>750.00</td>
<td>750.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b); COMMITTEE ON FOREIGN RELATIONS FROM JAN. 1 TO MAR. 31, 2002—Continued

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>Dollar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mark T. Esper</td>
<td>Belgie</td>
<td>Dollar</td>
<td>25.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25.00</td>
</tr>
<tr>
<td></td>
<td>Australie</td>
<td>Dollar</td>
<td>350.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>350.00</td>
</tr>
<tr>
<td></td>
<td>Slovaquia</td>
<td>Dollar</td>
<td>295.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>295.00</td>
</tr>
<tr>
<td></td>
<td>Slovénia</td>
<td>Dollar</td>
<td>155.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>155.00</td>
</tr>
<tr>
<td></td>
<td>Lisboa</td>
<td>Dollar</td>
<td>235.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>235.00</td>
</tr>
<tr>
<td></td>
<td>Estónia</td>
<td>Dollar</td>
<td>184.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>184.00</td>
</tr>
<tr>
<td></td>
<td>Latvia</td>
<td>Dollar</td>
<td>304.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>304.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>254.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>254.00</td>
</tr>
<tr>
<td>Kyle J. Sullivan</td>
<td>Sohar Araba</td>
<td>Dollar</td>
<td>180.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>180.00</td>
</tr>
<tr>
<td></td>
<td>Jordán</td>
<td>Dollar</td>
<td>210.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>210.00</td>
</tr>
<tr>
<td></td>
<td>Egipto</td>
<td>Dollar</td>
<td>263.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>263.00</td>
</tr>
<tr>
<td></td>
<td>Israel</td>
<td>Dollar</td>
<td>304.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>304.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>6,396.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,396.00</td>
</tr>
<tr>
<td>David A. Martin</td>
<td>Brasil</td>
<td>Dollar</td>
<td>273.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>Mauritania</td>
<td>Dollar</td>
<td>180.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>180.00</td>
</tr>
<tr>
<td></td>
<td>Egipto</td>
<td>Dollar</td>
<td>50.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>Israel</td>
<td>Dollar</td>
<td>860.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>860.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>6,769.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,769.00</td>
</tr>
<tr>
<td>Patricia Mckeeney</td>
<td>Bulgaria</td>
<td>Dollar</td>
<td>257.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>257.00</td>
</tr>
<tr>
<td></td>
<td>Polónia</td>
<td>Dollar</td>
<td>295.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>295.00</td>
</tr>
<tr>
<td></td>
<td>Islândia</td>
<td>Dollar</td>
<td>350.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>350.00</td>
</tr>
<tr>
<td></td>
<td>Egipto</td>
<td>Dollar</td>
<td>184.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>184.00</td>
</tr>
<tr>
<td></td>
<td>Estónia</td>
<td>Dollar</td>
<td>184.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>184.00</td>
</tr>
<tr>
<td></td>
<td>Latvia</td>
<td>Dollar</td>
<td>304.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>304.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>6,634.17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,634.17</td>
</tr>
<tr>
<td>Lester Munson</td>
<td>Egipto</td>
<td>Dollar</td>
<td>480.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>480.00</td>
</tr>
<tr>
<td></td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>180.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>180.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>5,934.61</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,934.61</td>
</tr>
<tr>
<td>Danielle Pitka</td>
<td>Egipto</td>
<td>Dollar</td>
<td>480.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>480.00</td>
</tr>
<tr>
<td></td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>180.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>180.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>5,834.61</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,834.61</td>
</tr>
<tr>
<td>Robert S. Helms</td>
<td>Egipto</td>
<td>Dollar</td>
<td>1,650.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,650.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>6,298.57</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,298.57</td>
</tr>
<tr>
<td>Senator Christopher J. Dodd</td>
<td>Ireland</td>
<td>Dollar</td>
<td>936.00</td>
<td>5,134.90</td>
<td>936.00</td>
<td>5,143.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>5,250.68</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,250.68</td>
</tr>
<tr>
<td>Heather Flynn</td>
<td>Switzerland</td>
<td>Dollar</td>
<td>484.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>484.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>5,526.48</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,526.48</td>
</tr>
<tr>
<td>Senator Russell Feingold</td>
<td>Kenya</td>
<td>Dollar</td>
<td>375.00</td>
<td>375.00</td>
<td>375.00</td>
<td>375.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tansania</td>
<td>Dollar</td>
<td>129.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>129.00</td>
</tr>
<tr>
<td></td>
<td>Mozambico</td>
<td>Dollar</td>
<td>149.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>149.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>8,515.42</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,515.42</td>
</tr>
<tr>
<td>Michelle Gavin</td>
<td>Kenya</td>
<td>Dollar</td>
<td>969.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>969.00</td>
</tr>
<tr>
<td></td>
<td>Tansania</td>
<td>Dollar</td>
<td>127.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>127.00</td>
</tr>
<tr>
<td></td>
<td>Mozambico</td>
<td>Dollar</td>
<td>144.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>144.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>8,348.42</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,348.42</td>
</tr>
<tr>
<td>Robert Haynes</td>
<td>Switzerland</td>
<td>Dollar</td>
<td>1,226.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,226.45</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>5,014.91</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,014.91</td>
</tr>
<tr>
<td>Michael Holmoe</td>
<td>România</td>
<td>Dollar</td>
<td>265.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>265.00</td>
</tr>
<tr>
<td></td>
<td>Ciprus</td>
<td>Dollar</td>
<td>567.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>567.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>7,117.39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,117.39</td>
</tr>
<tr>
<td>Senator Joseph R. Biden</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>262.00</td>
<td>262.00</td>
<td>262.00</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>262.00</td>
</tr>
<tr>
<td></td>
<td>Afghanistan</td>
<td>Dollar</td>
<td>712.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>712.00</td>
</tr>
<tr>
<td></td>
<td>Bahrein</td>
<td>Dollar</td>
<td>196.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>196.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>4,909.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,909.70</td>
</tr>
<tr>
<td>Jonah Blank</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>262.00</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>262.00</td>
</tr>
<tr>
<td></td>
<td>Afghanistan</td>
<td>Dollar</td>
<td>712.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>712.00</td>
</tr>
<tr>
<td></td>
<td>Bahrein</td>
<td>Dollar</td>
<td>196.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>196.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>3,710.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,710.70</td>
</tr>
<tr>
<td>Preeti Tamar</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>262.00</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>262.00</td>
</tr>
<tr>
<td></td>
<td>Afghanistan</td>
<td>Dollar</td>
<td>712.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>712.00</td>
</tr>
<tr>
<td></td>
<td>Bahrein</td>
<td>Dollar</td>
<td>196.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>196.00</td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>Dollar</td>
<td>3,710.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,710.70</td>
</tr>
<tr>
<td>Norman Kao</td>
<td>United Kingdom</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>262.00</td>
</tr>
</tbody>
</table>
**AMENDMENT TO 1ST QUARTER 2002 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2002—Continued**

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pakistan</td>
<td>Dollar</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,710.70</td>
<td></td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Dollar</td>
<td>712.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,072.00</td>
<td></td>
</tr>
<tr>
<td>Bahrain</td>
<td>Dollar</td>
<td>196.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>930.70</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>3,710.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,710.70</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>35,977.45</td>
<td></td>
<td></td>
<td>148,373.44</td>
<td></td>
<td></td>
<td>184,350.89</td>
<td></td>
</tr>
</tbody>
</table>

**JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, May 2, 2002.**

**AMENDMENT TO 4TH QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001**

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirsten Madison</td>
<td>Nicaragua</td>
<td>262.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>888.00</td>
<td></td>
</tr>
<tr>
<td>Frank Ianni</td>
<td>Korea</td>
<td>1,072.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,360.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>1,072.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,360.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>3,710.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,710.70</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,960.00</td>
<td></td>
<td></td>
<td>3,275.70</td>
<td></td>
<td></td>
<td>5,235.70</td>
<td></td>
</tr>
</tbody>
</table>

**JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations, May 2, 2002.**

**AMENDMENT TO 3RD QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001**

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Miscellaneous</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Christopher Dodd</td>
<td>Haiti</td>
<td>125.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>125.00</td>
<td></td>
</tr>
<tr>
<td>Senator Chuck Hagel</td>
<td>Ukraine</td>
<td>626.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>626.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Georgia</td>
<td>536.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>536.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greece</td>
<td>70.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>70.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>5,143.14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,143.14</td>
<td></td>
</tr>
<tr>
<td>Ian Brzezinski</td>
<td>Yugoslavia</td>
<td>580.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>580.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bulgaria</td>
<td>703.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>703.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>5,339.77</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,339.77</td>
<td></td>
</tr>
<tr>
<td>Michael Cloud</td>
<td>Ukraine</td>
<td>626.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>626.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Georgia</td>
<td>536.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>536.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greece</td>
<td>70.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>70.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>5,143.14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,143.14</td>
<td></td>
</tr>
<tr>
<td>James Duran</td>
<td>South Korea</td>
<td>518.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>518.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Japan</td>
<td>950.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>950.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>7,007.78</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,007.78</td>
<td></td>
</tr>
<tr>
<td>David Duke</td>
<td>Ukraine</td>
<td>626.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>626.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Georgia</td>
<td>536.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>536.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greece</td>
<td>70.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>70.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>5,143.14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,143.14</td>
<td></td>
</tr>
<tr>
<td>Robert Espelin</td>
<td>Greece</td>
<td>788.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>788.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cyprus</td>
<td>314.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>314.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>536.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>536.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>4,317.26</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,317.26</td>
<td></td>
</tr>
<tr>
<td>Debbie Fidelle</td>
<td>Germany</td>
<td>650.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>650.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>5,061.90</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,061.90</td>
<td></td>
</tr>
<tr>
<td>Garrett Grogan</td>
<td>Zimbabwe</td>
<td>1,300.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,300.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Africa</td>
<td>1,300.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,300.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>7,852.98</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,852.98</td>
<td></td>
</tr>
<tr>
<td>Michael Haltzel</td>
<td>United Kingdom</td>
<td>2,429.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,429.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>6,637.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,637.00</td>
<td></td>
</tr>
<tr>
<td>Mark Kay</td>
<td>Italy</td>
<td>1,074.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,074.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Switzerland</td>
<td>800.71</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>800.71</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>6,114.68</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,114.68</td>
<td></td>
</tr>
<tr>
<td>Janice O’Connell</td>
<td>Haiti</td>
<td>76.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76.00</td>
<td></td>
</tr>
<tr>
<td>Kelly Siskman</td>
<td>Yugoslavia</td>
<td>540.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>540.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>5,339.77</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,339.77</td>
<td></td>
</tr>
<tr>
<td>Peter Tunke</td>
<td>Lebanon</td>
<td>692.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>692.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Egypt</td>
<td>669.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>669.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jordan</td>
<td>235.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>235.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Israel</td>
<td>1,637.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,637.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United Kingdom</td>
<td>1,020.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,020.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>6,799.82</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,799.82</td>
<td></td>
</tr>
<tr>
<td>Michael Westphal</td>
<td>South Korea</td>
<td>518.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>518.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Japan</td>
<td>950.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>950.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States</td>
<td>7,007.78</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,007.78</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Zimbabwe</td>
<td>1,300.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,300.00</td>
<td></td>
</tr>
</tbody>
</table>
### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001—Continued

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
</tr>
<tr>
<td>South Africa</td>
<td>Dollar</td>
<td>1,000.00</td>
<td></td>
<td></td>
<td>1,000.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>7,822.98</td>
<td></td>
<td></td>
<td>7,822.98</td>
</tr>
<tr>
<td>Susan Williams:</td>
<td>Dollar</td>
<td>1,000.00</td>
<td></td>
<td></td>
<td>1,000.00</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>Dollar</td>
<td>1,000.00</td>
<td></td>
<td></td>
<td>1,000.00</td>
</tr>
<tr>
<td>South Africa</td>
<td>Dollar</td>
<td>7,822.98</td>
<td></td>
<td></td>
<td>7,822.98</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>1,000.00</td>
<td></td>
<td></td>
<td>1,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>Dollar</td>
<td>27,277.71</td>
<td>92,596.62</td>
<td></td>
<td>119,874.33</td>
</tr>
</tbody>
</table>

**Chairman, Committee on Foreign Relations, Oct. 9, 2001.**

### AMENDMENT TO 2ND QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
</tr>
<tr>
<td>Senator Christopher Dodd</td>
<td>Dollar</td>
<td>933.00</td>
<td></td>
<td></td>
<td>933.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>2,415.73</td>
<td></td>
<td></td>
<td>2,415.73</td>
</tr>
<tr>
<td>Ian Blowen</td>
<td>Dollar</td>
<td>546.75</td>
<td></td>
<td></td>
<td>546.75</td>
</tr>
<tr>
<td>Slovak Republic</td>
<td>Dollar</td>
<td>542.60</td>
<td></td>
<td></td>
<td>542.60</td>
</tr>
<tr>
<td>Robert C. Levin</td>
<td>Dollar</td>
<td>1,128.67</td>
<td>2,415.73</td>
<td></td>
<td>3,544.37</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>546.75</td>
<td></td>
<td></td>
<td>546.75</td>
</tr>
<tr>
<td>Edward Levin</td>
<td>Dollar</td>
<td>1,128.67</td>
<td>2,415.73</td>
<td></td>
<td>3,544.37</td>
</tr>
<tr>
<td>Russia</td>
<td>Dollar</td>
<td>4,435.60</td>
<td></td>
<td></td>
<td>4,435.60</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>1,128.67</td>
<td>2,415.73</td>
<td></td>
<td>3,544.37</td>
</tr>
<tr>
<td>Peru</td>
<td>Dollar</td>
<td>933.00</td>
<td></td>
<td></td>
<td>933.00</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>Dollar</td>
<td>446.00</td>
<td></td>
<td></td>
<td>446.00</td>
</tr>
<tr>
<td>Syria</td>
<td>Dollar</td>
<td>261.00</td>
<td></td>
<td></td>
<td>261.00</td>
</tr>
<tr>
<td>Turkey</td>
<td>Dollar</td>
<td>451.00</td>
<td></td>
<td></td>
<td>451.00</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Dollar</td>
<td>702.00</td>
<td></td>
<td></td>
<td>702.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>7,392.66</td>
<td></td>
<td></td>
<td>7,392.66</td>
</tr>
<tr>
<td>Total</td>
<td>Dollar</td>
<td>5,595.50</td>
<td>24,614.92</td>
<td></td>
<td>30,270.42</td>
</tr>
</tbody>
</table>

**Chairman, Committee on Foreign Relations, Oct. 9, 2001.**

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
</tr>
<tr>
<td>Senator Voinovich</td>
<td>Dollar</td>
<td>108.00</td>
<td></td>
<td></td>
<td>108.00</td>
</tr>
<tr>
<td>Macedonia</td>
<td>Dollar</td>
<td>150.37</td>
<td></td>
<td></td>
<td>150.37</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Dollar</td>
<td>156.00</td>
<td></td>
<td></td>
<td>156.00</td>
</tr>
<tr>
<td>Belgium</td>
<td>Dollar</td>
<td>156.00</td>
<td></td>
<td></td>
<td>156.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>181.00</td>
<td></td>
<td></td>
<td>181.00</td>
</tr>
<tr>
<td>Macedonia</td>
<td>Dollar</td>
<td>190.00</td>
<td></td>
<td></td>
<td>190.00</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Dollar</td>
<td>225.00</td>
<td></td>
<td></td>
<td>225.00</td>
</tr>
<tr>
<td>Belgium</td>
<td>Dollar</td>
<td>225.00</td>
<td></td>
<td></td>
<td>225.00</td>
</tr>
<tr>
<td>Sen. Thompson</td>
<td>Dollar</td>
<td>424.03</td>
<td></td>
<td></td>
<td>424.03</td>
</tr>
<tr>
<td>Howard Loeblinger</td>
<td>Dollar</td>
<td>425.77</td>
<td></td>
<td></td>
<td>425.77</td>
</tr>
<tr>
<td>Total</td>
<td>Dollar</td>
<td>1,860.17</td>
<td>7,012.82</td>
<td></td>
<td>8,872.99</td>
</tr>
</tbody>
</table>

**Chairman, Committee on Governmental Affairs, July 1, 2002.**

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM MAY 25 TO JUNE 2, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
</tr>
<tr>
<td>Sharon Waxman</td>
<td>Dollar</td>
<td>1,967.00</td>
<td></td>
<td></td>
<td>1,967.00</td>
</tr>
<tr>
<td>Total</td>
<td>Dollar</td>
<td>1,967.00</td>
<td>1,304.21</td>
<td></td>
<td>3,271.21</td>
</tr>
</tbody>
</table>

**Chairman, Committee on Judiciary, July 29, 2002.**
### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sen. Richard Lugar</td>
<td>Dollar</td>
<td>2,440.00</td>
<td>3,102.00</td>
<td>4,542.00</td>
<td>10,084.00</td>
</tr>
<tr>
<td>Kenneth Myers, Jr.</td>
<td>Dollar</td>
<td>2,640.00</td>
<td>3,240.00</td>
<td>4,880.00</td>
<td>10,760.00</td>
</tr>
<tr>
<td>Martin Norris</td>
<td>Dollar</td>
<td>2,470.00</td>
<td>3,140.00</td>
<td>4,610.00</td>
<td>10,220.00</td>
</tr>
<tr>
<td>Sen. Bob Graham</td>
<td>Dollar</td>
<td>2,440.00</td>
<td>3,102.00</td>
<td>4,542.00</td>
<td>10,084.00</td>
</tr>
<tr>
<td>Robert Filippone</td>
<td>Dollar</td>
<td>1,970.00</td>
<td>2,360.00</td>
<td>3,330.00</td>
<td>7,660.00</td>
</tr>
<tr>
<td>Sen. Barbara Mikulski</td>
<td>Dollar</td>
<td>2,660.00</td>
<td>3,222.00</td>
<td>4,882.00</td>
<td>10,764.00</td>
</tr>
<tr>
<td>Sen. Richard Shelby</td>
<td>Dollar</td>
<td>2,470.00</td>
<td>3,140.00</td>
<td>4,610.00</td>
<td>10,220.00</td>
</tr>
<tr>
<td>William Daleke</td>
<td>Dollar</td>
<td>1,351.00</td>
<td>1,680.00</td>
<td>2,031.00</td>
<td>5,062.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>14,474.00</td>
<td>17,810.00</td>
<td>26,284.00</td>
<td>58,568.00</td>
</tr>
</tbody>
</table>

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM MAY 3 TO MAY 6, 2002

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Thompson</td>
<td>United States</td>
<td>1,086.00</td>
<td>1,086.00</td>
<td>1,086.00</td>
<td>1,086.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,086.00</td>
<td>1,086.00</td>
<td>1,086.00</td>
<td>1,086.00</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative Alcee L. Hastings:</td>
<td>United States</td>
<td>964.00</td>
<td>964.00</td>
<td>964.00</td>
<td>964.00</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Dollar</td>
<td>294.00</td>
<td>294.00</td>
<td>294.00</td>
<td>294.00</td>
</tr>
<tr>
<td>Denmark</td>
<td>Dollar</td>
<td>964.00</td>
<td>964.00</td>
<td>964.00</td>
<td>964.00</td>
</tr>
<tr>
<td>Janice L. Hahn:</td>
<td>United States</td>
<td>17,775.00</td>
<td>17,775.00</td>
<td>17,775.00</td>
<td>17,775.00</td>
</tr>
<tr>
<td>Austria</td>
<td>Dollar</td>
<td>17,775.00</td>
<td>17,775.00</td>
<td>17,775.00</td>
<td>17,775.00</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>Dollar</td>
<td>939.50</td>
<td>939.50</td>
<td>939.50</td>
<td>939.50</td>
</tr>
<tr>
<td>Ronald J. McNamara:</td>
<td>United States</td>
<td>4,449.00</td>
<td>4,449.00</td>
<td>4,449.00</td>
<td>4,449.00</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Dollar</td>
<td>749.50</td>
<td>749.50</td>
<td>749.50</td>
<td>749.50</td>
</tr>
<tr>
<td>Enka Schlicker:</td>
<td>United States</td>
<td>1,111.00</td>
<td>1,111.00</td>
<td>1,111.00</td>
<td>1,111.00</td>
</tr>
<tr>
<td>Poland</td>
<td>Dollar</td>
<td>1,111.00</td>
<td>1,111.00</td>
<td>1,111.00</td>
<td>1,111.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>22,907.00</td>
<td>22,907.00</td>
<td>22,907.00</td>
<td>22,907.00</td>
</tr>
</tbody>
</table>

### AMENDMENT TO 3RD QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Joseph R. Biden:</td>
<td>Taiwan</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
</tr>
<tr>
<td>Senator Paul Sarbanes:</td>
<td>Taiwan</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
</tr>
<tr>
<td>Margaret Alkek:</td>
<td>Taiwan</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
</tr>
<tr>
<td>Molly Butler:</td>
<td>Taiwan</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
</tr>
<tr>
<td>Mark T. Warner:</td>
<td>Taiwan</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
</tr>
<tr>
<td>Edward M. Noland:</td>
<td>Taiwan</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
<td>417.00</td>
</tr>
<tr>
<td></td>
<td>Korea</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
<td>109.00</td>
</tr>
</tbody>
</table>
PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Susan Barnidge, a fellow with Senator Carnahan’s office, be granted privileges of the floor for today and for the duration of the debate on H.R. 5005, the homeland security bill.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that John Wanat and Thomas Holloman, congressional fellows in the Congressional Affairs Committee, and Michelle McMurry and Yul Kwon, fellows in my personal office, be granted floor privileges during the debate on H.R. 5005.

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

Mr. REID. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Mr. President, I ask unanimous consent that on Monday, September 9, following the vote on the judicial nomination and the Senate resuming legislative session, the Senate then resume consideration of H.R. 5005, the homeland defense legislation; that there be general debate until 2 p.m., at which time Senator Thompson will be recognized to offer an amendment to strike titles II and III of the Lieberman substitute amendment; that the next first-degree amendment, upon disposition of the Thompson amendment, be an amendment to be offered by Senator BYRD regarding the orderly transition of agencies.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 5093

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 10, when the Senate resumes consideration of H.R. 5093, the Interior Appropriations bill, there be 60 minutes remaining for debate with respect to the Daschle amendment No. 4481, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate vote in relation to the amendment; that if a Budget Act point of order is raised and a motion to waive is successful, or if a tabling motion is made and is unsuccessful, without further intervening action or debate, the Senate then vote immediately on the amendment; that upon disposition of the amendment, the motion to reconsider be laid upon the table; that upon entering of this agreement, the cloture motion with respect to the Daschle amendment be vitiated.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107–16

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 5, 2002, by the President of the United States:

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President’s message be printed in the Record.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters, signed at Vaduz on July 8, 2002. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism, drug trafficking, and fraud and other white-collar offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: locating or identifying persons or items; serving documents; taking the testimony or statements of persons; transferring persons in custody for testimony or other purposes; providing documents, records and items; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets and restitution; initiating criminal proceedings in the Requested State; and any other form of assistance consistent with the purposes of the Treaty and not prohibited by the laws of the State from whom the assistance is requested.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

GEORGE W. BUSH.


EXECUTIVE SESSION

NOMINATION OF PAMELA F. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY

Mr. REID. Mr. President, I ask that the Senate proceed to executive session to consider the following nomination:

Calendar No. 1000, Pamela Olson, of Virginia, to be an Assistant Secretary of the Treasury; that the nomination be confirmed, the motion to reconsider be laid upon the table; that the President be notified of the Senate’s action, and any statements thereon be printed at the appropriate place in the Record as if given, without intervening action or debate.

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

PROTOCOL AMENDING THE 1949 CONVENTION ON INTER-AMERICAN TROPICAL TUNA COMMISSION—TREATY DOCUMENT NO. 107–2

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Executive Calendar No. 6, Protocol Amending the 1949 Convention on Inter-American Tropical Tuna Commission; that the protocol be advanced through its parliamentary stages, up to and including the presentation of the resolution of ratification; and that the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution of ratification. Senators in favor of the resolution of ratification will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

PROTOCOL AMENDING THE 1949 CONVENTION ON INTER-AMERICAN TROPICAL TUNA COMMISSION—TREATY DOCUMENT NO. 107–2

Resolved (two-thirds of the Senators present concurring therein),

The advice and consent of the Senate is hereby requested to ratify the Protocol Amending the 1949 Convention on Inter-American Tropical Tuna Commission, done at Guayaquil, June 11, 1999, and signed by the United States, subject to the declaration that the Senate of the United States reserves the right to make a declaration that the Protocol shall not be in force for the United States until the Protocol is in force for all States parties to the Convention.

Mr. REID. Mr. President, I ask unanimous consent that any statements relating to the agreement be printed in the RECORD.

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

1990 PROTOCOL TO THE 1983 MARITIME ENVIRONMENT OF THE WIDER CARIBBEAN REGION CONVENTION—TREATY DOCUMENT NO. 103–5

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Executive Calendar No. 8, the 1990 Protocol to the 1983 Maritime Environment of the Wider Caribbean Region Convention; that the convention be advanced through its parliamentary stages, up to and including the presentation of the resolution of ratification; that any reservations, understandings, and declarations be agreed to; and that the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution of ratification.

Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

1990 PROTOCOL TO THE 1983 MARITIME ENVIRONMENT OF THE WIDER CARIBBEAN REGION CONVENTION—TREATY DOCUMENT NO. 103–5

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Agreement Establishing the South Pacific Regional Environment Programme, subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993 (Treaty Doc. 105–32), subject to the declaration in Section 2.

Section 2. Declaration.

The advice and consent of the Senate is subject to the declaration that the “no reservations” provision in Article 19 of the Agreement has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate’s approval of the Agreement should not be construed as a precedent for acquiescence to future treaties containing such provisions.

Mr. REID. Mr. President, I ask unanimous consent that any statements relating to the agreement be printed in the RECORD.

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

SOUTH PACIFIC ENVIRONMENT PROGRAMME AGREEMENT—TREATY DOCUMENT NO. 105–32

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Executive Calendar No. 7, the South Pacific Environment Programme Agreement; that the agreement be advanced through its parliamentary stages, up to and including the presentation of the resolution of ratification; and that the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution of ratification. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

SOUTH PACIFIC ENVIRONMENT PROGRAMME AGREEMENT—TREATY DOCUMENT NO. 105–32

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of
the Marine Environment of the Wider Caribbean Region, subject to Reservations, an Understanding, and a Declaration.

The Senate advises and consents to the ratification of the Protocol Concerning Special Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, including Annexes I and II, done at Kingston on January 18, 1990 (Treaty Doc. 103-5), subject to the reservations in section 2, the understanding in Section 3, and the declaration in Section 4.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) The United States of America does not consider itself bound by Article 11(1) of the Protocol to the extent that United States law permits the limited taking of flora and fauna listed in Annexes I and II—

(A) which is incidental, or

(B) for the purpose of public display, scientific research, photography for educational or commercial purposes, or rescue and rehabilitation.

(2) The United States has long supported environmental impact assessment procedures, and has actively sought to promote the adoption of such procedures throughout the world. U.S. law and policy require environmental impact assessments for major Federal actions significantly affecting the quality of the human environment. Accordingly, although the United States expects that it will, for the most part, be in compliance with Article 13, the United States does not accept an obligation under Article 13 of the Protocol to the extent that the obligations contained therein differ from the obligations of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

(3) The United States does not consider the Protocol to apply to six species of fauna and flora that do not require the protection provided by the Protocol in U.S. territory. These species are the Alabama, Florida and Georgia populations of least tern (Sternula antillarum), the Audubon's shearwater (Puffinus lherminieri), the Mississippi sandhill crane (Grus canadensis), the Louisiana black bear (Ursus americanus luteolus), the Florida panther (Felis concolor coryi), and the brown pelican (Pelecanus occidentalis).

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States understands that the Protocol does not apply to non-native species, defined as species found outside of their natural geographic distribution, as a result of deliberate or incidental human intervention. Therefore, in the United States, certain exotic species, such as the muscovy duck (Cairina moschata) and the common iguana (Iguana iguana), are not covered by the obligations of the Protocol.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

Existing federal legislation provides sufficient legal authority to implement United States obligations under the Protocol. Accordingly, the United States does not consider it necessary for the United States to implement the Protocol.
ORDER FOR FOREIGN RELATIONS COMMITTEE TO REPORT

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be authorized to report an executive order on Friday, September 6, 2002, from 10 a.m. to 11 a.m., notwithstanding the adjournment of the Senate.

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

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.R. 5012, just received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 5012) to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senator from Minnesota, Mr. WELLSTONE, who had commandeered that plane.

The Hart Senate Office Building was closed for more than three months. It took nearly six months to remediate and renovate my own office in that building. In the end, nearly a dozen people nationwide died from inhalation anthrax, and five people, including Thomas Morris and Joseph Curseen, died as a result of this senseless act of bioterrorism.

With the postal workers and others affected by these attacks. While the uncertainty and horror of October 15—the day the letter addressed to me was opened in my office—and the ensuing months were very real for us, the suffering of those struck by the disease was even greater. We can only imagine the pain experienced by Thomas Morris, Joseph Curseen, and their families, pain shared by the families of Robert Wallace, David Hose, Ernesto Blanco survived their battles with inhalation anthrax, but we know how terrifying their experience must have been and that they continue to suffer the physical and emotional after-effects. Still others—including three postal workers—dealt with the fear and pain associated with the cutaneous form of the disease.

Postal workers are some of America’s quiet heroes. They are on the front lines of the war on terrorism here at S8328 CONGRESSIONAL RECORD—SENATE September 5, 2002
home—keeping Americans safe and keeping all of us connected through the U.S. mail. Ask many of them, and they will probably say they are just “doing their job.” But we know it is more than that, and today we recognize their hard work and diligence by honoring their efforts.

Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center will forever stand as a memorial to their sacrifice in the line of duty.

CONGRATULATING LANCE ARMSTRONG

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 315, and the Senate then proceed to its consideration.

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

The legislative clerk read as follows:

The resolution (S. Res. 315) congratulating Lance Armstrong for winning the 2002 Tour de France.

The Senate proceeded to consider the resolution, which the clerk read as follows:

ORDERs FOR MONDAY, SEPTEMBER 9, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Monday, September 9, that following the prayer and 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 there be a period of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half under the control of the minority leader or his designee, and the second half under the control of the Republican leader or his designee; that at 1 p.m. we proceed to executive session and vote on Executive Calendar No. 889; that any statements regarding this matter be printed in the RECORD.

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

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 315

Whereas Lance Armstrong completed the 2,036-mile, 20-day course in 82 hours, 5 minutes, and 12 seconds to win the 2002 Tour de France; 7 minutes and 17 seconds ahead of his nearest competitor;

Whereas Lance Armstrong’s win on July 28, 2002, in Paris, marks his fourth successive victory in the Tour de France, a feat surpassing all cycling records previously attained by an American cyclist;

Whereas Lance Armstrong displayed incredible perseverance, determination, and leadership to prevail over the mountainous terrain of the Alps and Pyrenees, vast stretches of countryside, and numerous city streets during the course of the premier cycling event in the world;

Whereas Lance Armstrong is the first cancer survivor to win the Tour de France;

Whereas in 1997, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and after treatment has remained cancer-free for the past 5 years;

Whereas Lance Armstrong’s bravery and resolution to overcome cancer has made him a role model to cancer patients and their loved ones, and his efforts through the Lance Armstrong Foundation have helped to advance cancer research, diagnosis, and treatment, and after-treatment services;

Whereas Lance Armstrong has been vital to the promotion of cycling as a sport, a healthy fitness activity, and a pollution-free transportation option;

Whereas Lance Armstrong’s accomplishments as an athlete, teammate, father, husband, cancer survivor, and advocate have made him an American hero; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Lance Armstrong and his team on his historic victory of the 2002 Tour de France;

(2) commends the unwavering commitment to cancer awareness and survivorship demonstrated by Lance Armstrong; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Lance Armstrong.

PROGRAM

Mr. REID. The next rollcall vote will be on the nomination of Kenneth Marra of Florida to be a U.S. district judge for the Southern District of Florida, at approximately 1 p.m. on Monday.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be re-scinded.

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

MERCURY REDUCTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 553, S. 351.

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

The legislative clerk read as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Mercury Reduction and Disposal Act of 2001.”

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of “the virtual elimination of the discharge of anthropogenic mercury to the environment”;

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

SEC. 3024. MERCURY.

(f) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS FOR PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—
(i) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and
(ii) with each mercury fever thermometer sold by prescription, the manufacturer of the thermometer shall provide clear instructions on
(A) careful handling of the thermometer to avoid breakage; and
(B) proper cleanup of the thermometer and its contents in the event of breakage.
(iii) establishment of an exchange program—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of an authorized program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.
(iv) disposal of collected mercury waste—
(I) Interagency Task Force—
(A) establishment—There is established an advisory committee to be known as the ‘Interagency Task Force on Mercury’ (referred to in this section as the ‘Task Force’).
(B) membership—The Task Force shall be composed of 7 members, of whom—
(1) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;
(2) 1 member shall be appointed by each of—
(I) the Secretary of State;
(II) the Secretary of Defense;
(III) the Secretary of Energy; and
(IV) the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services;
(3) 1 member shall be appointed by the President to represent the American Public Health Association; and
(4) 1 member shall be appointed by the President from the Environmental Council of the States.
(C) date of appointments—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.
(D) term; vacancies—
(I) term—A member shall be appointed for the life of the Task Force.
(II) vacancies—A vacancy on the Task Force—
(1) shall not affect the powers of the Task Force; and
(2) shall be filled in the same manner as the original appointment was made.
(E) meetings—
(I) initial meeting—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.
(II) calling of meetings—The Task Force shall meet at the call of the Chairperson.
(III) quorum—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.
(F) duties—Not later than 1 year after the date of enactment of the meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations concerning
(1) long-term management and retirement of mercury collected from—
(A) mercury fever thermometers;
(B) other medical and commercial sources, including mercury stored by the Department of Defense and the Department of Energy;
(C) mercury from industrial or other sources in the United States in cases in which the mercury is no longer needed, such as from retired chlor-alkali plants;
(2) programs to test the long-term durability of promising technologies for the requiesment of mercury that has been retired from use;
(3) storage of mercury collected or sequestered under clause (1), (ii), or (iii) in a manner that ensures that there is no release of the mercury; and
(4) reduction of the total threat posed by mercury to humans and the environment; and
(V) disposal of the total quantity of mercury produced, used, and released on a global basis, including whether and how
(I) the quantity of virgin mercury mined for use in the United States in circulation each year can be reduced through bilateral or international agreements or other means; and
(II) the quantity of mercury used in products and manufacturing can be reduced through substitute mercury-free alternatives that are safer, available, and affordable; and
(VI) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section and increased recycling rather than through use of virgin mercury.
(G) hearings—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.
(H) information from federal agencies—
(I) in general—The Task Force may secure directly from a federal agency such information as the Task Force considers necessary to carry out this section.
(II) provision of information—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.
(I) postal services—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.
(J) gifts—The Task Force may accept, use, and dispose of gifts or donations of services or property.
(K) compensation of members; travel expenses—
(I) non-federal employees—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the prevailing rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.
(II) federal employees—A member of the Task Force who is an officer or employee of the Federal Government shall have compensation of the staff of the Task Force without reimbursement.
(L) staff and funding—
(I) determination—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.
(ii) source—The staff and funding shall be provided by and drawn equally from the resources of—
(1) the Department of Energy;
(2) the Department of Defense; and
(3) the Environmental Protection Agency.
(III) appointment of staff—The Chairperson of the Task Force, without notice and without service, may appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.
(IV) compensation—
(I) in general—Except as provided in subclause (II), the Chairperson may fix the compensation of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.
(V) maximum rate of pay—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.
(VI) detail of federal government employees—
(I) in general—An employee of the Federal Government may be detailed to the Task Force without reimbursement.
(II) civil service status—The detail of the employee shall be without interruption or loss of civil service status or privilege.
(VII) procurement of temporary and intermittent services—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.
(M) termination of task force—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F).
(2) responsibility of the administrator for safe disposal and storage of mercury—In consultation with the Task Force, the Administrator shall—
(A) take title to the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury; and
(B) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment or reintroduced into commerce; and
(II) identify potential mercury stabilization technologies and measures that ensure minimal release of mercury into the environment; and
(III) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.
(d) relation to other law—Nothing in this section—
(I) precludes any State from imposing any additional requirement; or
(II) diminishes any obligation, liability, or other responsibility under other Federal law.
(e) authorization of appropriations—There is authorized to be appropriated to carry out this section $20,000,000, of which—
(I) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and
(II) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).
The Task Force shall hold the initial meeting of the Task Force. The Task Force shall submit to Congress a report containing recommendations and suggested actions concerning—

(1) the long-term management of surplus mercury collected from—

(a) mercury fever thermometers;

(b) other medical and commercial sources;

(c) government sources, including mercury stored by the Department of Defense and the Department of Energy, and

(d) industrial or other sources in the United States;

(2) programs to test the long-term durability of promising technologies for sequestration of mercury;

(3) storage of mercury collected or seques-
tered under subclause (I) or (II), in a manner that ensures the safe release of the mercury into the environment; and

(4) reduction of the total threat posed by mercury to humans and the environment; and

(II) the Department of Energy;

(III) the Environmental Protection Agency;

(IV) the Department of Health and Human Services of the Department of Health and Human Services; and

(V) the Department of Transportation.

[F] DUTIES. The Chairperson shall—

(1) establish and maintain a program that shall be administered by the Task Force and that shall—

(A) provide funds to the States

(B) provide grants to the States

(C) provide direct payments to the States

(D) provide loans to the States

(E) provide technical assistance to the States

(F) conduct research

(G) provide training

(H) provide education

(I) provide information

(J) disseminate information

(K) develop a national strategy

(L) develop a national action plan

(M) develop a national report

(N) develop a national assessment

(O) develop a national monitoring system

(P) develop a national surveillance system

(Q) develop a national data collection system

(R) develop a national evaluation system

(S) develop a national impact assessment system

(T) develop a national risk assessment system

(U) develop a national exposure assessment system

(V) develop a national health assessment system

(W) develop a national environmental assessment system

(X) develop a national economic assessment system

(Y) develop a national social assessment system

(Z) develop a national cultural assessment system

(aa) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

(bb) the quantity of mercury used in products, mining, and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable;

(cc) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section rather than through use of virgin mercury;

(dd) the Task Force temporary and intermittent services

(II) CIVIL SERVICE STATUS. The Chairperson of the Task Force may be detailed to the Task Force under section 5316 of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual pay rate for a position of level V of the Executive Schedule under section 5316 of title 5, United States Code.

(III) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES. The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

(M) TERMINATION OF TASK FORCE. The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F)(i).

N) NO EFFECT ON OTHER LAW. Nothing in this paragraph affects the regulation of mercury under—

(i) any other provision of this subtitle; or

(ii) any other law.

(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR DISPOSAL ACT. The Administrator shall—

(i) the Administrator shall make grants to States,
"(A)(i) purchase or otherwise take title to the mercury collected under the thermometer exchange program established under subsection (b), or collected from any other source.

"(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not re-released into the environment;

"(iii) provide to the Task Force, for inclusion in the report of the Task Force under paragraph (1)(F), a description and a detailed analysis relating to, the mercury collection and management activities carried out under this section; and

"(B)(i) identify potential mercury stabilization technologies and long-term storage measures that ensure minimal release of mercury into the environment; and

"(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

(d) RELATION TO OTHER LAW.—Nothing in this section—

"(1) precludes any State from imposing any additional requirement for—

"(A) manage (or designate a contractor to manage) the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury, is not reintroduced into commerce; and

"(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(A); $20,000,000, of which

"(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

"(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

"(2) SAFE MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated to carry out this section (other than subsection (c))(2)(A) $20,000,000, of which

"(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

"(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(1) In general.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)(A)) $1,000,000 for each fiscal year.

"(2) SAFE MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated to carry out subsection (c)(2)(A) $1,000,000 for each fiscal year.

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

"Sec. 3024. Mercury.

Amend the title so as to read: "A bill to amend the Solid Waste Disposal Act to reduce the threat of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes."

Ms. COLLINS. Mr. President, the Senate is considering, and will shortly pass, the Mercury Reduction Act of 2002. This legislation addresses the very serious problem of mercury in the environment and mercury disposal. It takes aim at one of the most common and widely distributed sources of mercury; and that is, mercury fever thermometers. At the same time, the legislation will also create a nationwide policy for dealing with surplus mercury.

I introduced this bill quite some time ago. It has bipartisan support. I am delighted that the Senate will be approving it this evening.

Mercury is a potent neurotoxin that is widespread in the environment and is particularly harmful to developing children. In fact, a National Academy of Sciences report released last year attributed mercury exposure to birth defects and brain damage in up to 60,000 newborn children each year.

Mercury takes on a highly toxic organic form known as methylmercury when it enters the environment. Methylmercury is almost completely absorbed by the body and distributed to all the tissues in the body, including the brain. Of course, with young children this is particularly problematic because their brains are still developing.

This organically mercury can accumulate in the food chain and become concentrated in some species of fish, posing a health threat to people who consume the fish. For this reason, 40 States have issued freshwater fish advisories that warn certain individuals, such as pregnant women, to restrict or avoid consuming fish from infested bodies of water.

One prevalent source of mercury in the environment is, as I said, mercury fever thermometers. Many of us know from personal experience how easy it is to drop a mercury thermometer and see it break. In fact, in 1998 the American Poison Control Center received 18,000 phone calls from consumers who had broken mercury thermometers.

One mercury thermometer contains about 1 gram of mercury. That does not sound like much, but let me tell you what the consequences are of just 1 gram of mercury. Despite its small size, the mercury in one thermometer, if released annually into the environment, is enough to contaminate all the fish in a 20-acre lake. That is how powerful a neurotoxin mercury is.

The bill we are about to pass calls for a nationwide ban on the sale of mercury fever thermometers. It would also provide grants for swap programs to help consumers exchange mercury thermometers for digital or other alternatives. Digital thermometers are easier to read. They are much quicker to use. They do not break easily. And, most of all, they do not contain mercury.

My bill will allow millions of consumers across the Nation to receive free digital thermometers in exchange for their mercury thermometers. By bringing mercury thermometers in for proper disposal, consumers will also help to ensure that the mercury from their thermometers does not end up polluting our lakes and threatening our health. It will also reduce the risk of breakage and contamination inside the home.

An important component of my bill is the safe disposal of mercury that is collected from these thermometer exchange programs. Many States have started programs of this kind—exchange programs—communities have as well—but then they are left with the mercury from them, and they don’t really have a good means for disposing of them.

My legislation directs the EPA to ensure that the mercury is properly collected and stored in order to keep it out of the environment and out of commerce. After all, if we collect all this mercury from fever thermometers but then it is sold back to India and then shipped back to the United States in other products, we are really not solving the problem. We want to make sure this mercury does not reenter the environment so that it will not be sent to infants or one of the largest manufacturers of mercury thermometers.

The mercury collected from thermometer exchange programs is only part of the problem. There is a bigger problem, and that is the global circulation of mercury. Let me give an example.

When the HoltraChem manufacturing plant in Orrington, ME, shut down 2 years ago, the plant was left with over 100 tons of unwanted mercury and no known way to permanently dispose of it. In total, about 3,000 tons of mercury is held at similar plants across the United States.

In addition, large amounts of mercury are still being mined around the world. For example, for many years Algeria has mined 400 tons of virgin mercury. In total, approximately 2,000 tons of new mercury is mined every year. Moreover, the Department of Defense currently has a stockpile of over 4,000 tons of mercury that I don’t want but doesn’t know what to do with. Why are Algeria and other countries still mining large amounts of an element that is a neurotoxin, when the United States and other countries are doing their best to remove this extremely toxic element from the environment? And how will the United States dispose of the huge amounts of mercury at chlor-alkali plants and other no longer needed sources?

My bill creates an interagency task force to address these very questions. The task force will be chaired by the Administrator of the EPA and comprised of members from other Federal agencies involved with mercury.

Specifically, my legislation directs this task force to find ways to reduce the mercury threat to humans and the environment, to identify a long-term means of disposing of mercury, and to address the excess mercury problem from mines as well as from other industrial sources.

In sum, this task force is directed to identify comprehensive solutions to the global mercury problem. In one year, the mercury task force will make recommendations to Congress for phasing out mercury from fever thermometers, for retiring mercury from plants and other sources, and for reducing the amount of new mercury that is mined every year. At that time, it will be up to Congress to act upon the recommendations of this task force.

In the meantime, this bill will make significant progress toward reducing one of the most widespread sources of mercury contamination in the environment by banning the sale nationwide of mercury fever thermometers. I am very pleased the Senate will pass my legislation shortly. I thank the members of the Environment and
Public Works Committee for their strong bipartisan support of this legislation.

This bill is a modest bill, in many ways, but it addresses a very serious problem. It will help make our environment a safer place and help our children avoid exposure to one of the most toxic elements in our environment.

Mr. REID. It is my understanding Senators Jeffords and Smith of New Hampshire have an amendment. It is at the desk. I ask unanimous consent it be considered now, that the amendment be agreed to, and the motion to reconsider be laid on the table.

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

The amendment (No. 4511) was agreed to, as follows:

On page 16, strike lines 4 through 6.

On page 16, line 7, strike "(7)" and insert "(6)".

On page 16, line 12, strike "(8)" and insert "(7)".

On page 16, line 16, strike "(9)" and insert "(8)".

On page 16, line 20, strike "(10)" and insert "(9)".

On page 17, line 23, insert "liquid" before "mercury".

On page 21, line 15, insert "intentionally" before "used".

Mr. REID. I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read three times and passed, the motion to reconsider be laid on the table, and that the title amendment be agreed to, without further intervening action or debate.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The title amendment was agreed to.

The bill (S. 351) was read the third time and passed, as follows:

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 “Mercury Reduction Act of 2002”.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat to many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consumption of fish contaminated with mercury, which come from contaminated bodies of water; (4) according to a report by the National Academy of Sciences, over 68,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) according to the Mercury Study Report, prepared under subcontract from the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(7) the Governors of the New England States have endorsed a regional goal of “the virtual elimination of discharge of a toxic mercury into the environment”; (8) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(9) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) In general.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

“SEC. 3024. MERCURY.

“(a) Prohibition on sale of mercury fever thermometers except by prescription;—

“(A) IN GENERAL.—No person shall sell or supply mercury fever thermometers to consumers, except by prescription;

“(B) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for digital thermometers that do not contain mercury.

“(c) Management of collected mercury;

“(1) TASK FORCE.—

“(A) ESTABLISHMENT.—There is established an advisory committee to be known as the ‘Task Force on mercury’ (referred to in this section as the ‘Task Force’).

“(B) MEMBERSHIP.—The Task Force shall be composed of 5 members, of whom—

(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

(ii) 1 member shall be the Secretary of State;

(iii) 1 member shall be the Secretary of Defense;

(iv) 1 member shall be the Secretary of Energy; and

(v) 1 member shall be the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Resources.

“(D) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment.

“(D) TERM; VACANCIES.—

“(I) TERM.—A member shall be appointed for the life of the Task Force.

“(II) VACANCIES.—A vacancy on the Task Force—

(I) shall not affect the powers of the Task Force; and

(II) shall be filled in the same manner as the original appointment was made.

“(E) MEETINGS.—

“(I) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

“(II) SUBMEETINGS.—The Task Force shall meet at the call of the Chairperson.

“(III) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

“(F) DUTIES.—

“(I) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations and suggested actions concerning—

(I) the long-term management of surplus mercury collected from—

(aa) mercury fever thermometers; and

(bb) other medical and commercial sources;

(ii) programs to test the long-term durability of promising technologies for sequestration of mercury;

(iii) storage of mercury collected or sequestered under subclause (I) or (II), in a manner that ensures that there is no release of the mercury into the environment;

(iv) reduction of the mercury exposure posed by mercury to humans and the environment; and

(v) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

(aa) the quantity of virgin mercury mined from the ground and placed in circulation over a period of years can be reduced through bilateral or international agreements or other means; and

(bb) the quantity of mercury intentionally used in products, mining, and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

(cc) the essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section rather than through use of virgin mercury.

“(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

“(H) INFORMATION FROM FEDERAL AGENCIES.—In carrying out this subparagraph, the Task Force shall consult with States, industries, and health, environmental, and consumer organizations.

“(I) JUDICIAL REMEDIES.—In any action brought under this Act, the Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

“(J) MANAGEMENT OF FUNDS.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

“(K) Gifts.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

“(L) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

“(I) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall be entitled to compensation at the rates authorized for an employee of an agency under subchapter I of chapter 5, United States Code, while away from the home or regular place of business of the
member in the performance of the duties of the Task Force.

‘‘(L) STAFF AND FUNDING.—

‘‘(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

‘‘(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

‘‘(I) the Department of Energy;

‘‘(II) the Department of Defense; and

‘‘(III) the Environmental Protection Agency.

‘‘(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

‘‘(iv) COMPENSATION.—

‘‘(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

‘‘(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

‘‘(V) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

‘‘(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

‘‘(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

‘‘(VI) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

‘‘(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F)(i).

‘‘(N) NO EFFECT ON OTHER LAW.—Nothing in this paragraph affects the regulation of mercury under—

‘‘(i) any other provision of this title, or

‘‘(ii) any other law.

‘‘(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE MANAGEMENT AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

‘‘(A) terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

‘‘(B) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment; and

‘‘(C) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

‘‘(ii) RELATION TO OTHER LAW.—Nothing in this section—

‘‘(1) precludes any State from imposing any additional requirement; or

‘‘(2) diminishes any obligation, liability, or other responsibility under other Federal law.

‘‘(ii) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(I) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)(A)) $20,000,000, of which—

‘‘(A) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

‘‘(B) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).

‘‘(II) SAFETY MANAGEMENT AND STORAGE.—In addition to the amount authorized to be appropriated under paragraph (1), there is authorized to be appropriated under paragraph (1) for each fiscal year.

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

“Sec. 3024. Mercury.”.

ADJOURNMENT UNTIL MONDAY,
SEPTEMBER 9, 2002

Mr. REID. If there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Monday, September 9, 2002, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 5, 2002:

DEPARTMENT OF STATE

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

ROBIN BERN SANDERS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

APPALACHIAN REGIONAL COMMISSION

ANN B. POPE, OF TENNESSEE, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE JESSE L. WHITE, RESIGNED.

RICHARD J. PELTZ, OF PENNSYLVANIA, TO BE ALTERNATIVE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE ELLA WONG-RUSINKO, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate September 5, 2002:

DEPARTMENT OF THE TREASURY

PAMELA F. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.
PAYING TRIBUTE TO DR. ROBERT L. CAMPBELL

HON. SCOTT MCMINN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. MCMINN. Mr. Speaker, I rise today to pay tribute to the life and memory of the late Dr. Robert L. Campbell. His achievements and accomplishments in Colorado City, Colorado have assisted in bettering the community and its surrounding areas. Dr. Campbell was known as the “typical” country doctor, and served as the only physician in the Colorado City area. Mr. Speaker, it is with great pleasure we honor today Dr. Robert Campbell, and remember the joy and compassionate inspiration he provided.

Dr. Campbell, known as Robert, was born on November 29, 1933 in Des Moines, Iowa. He spent his entire childhood in Iowa, and attained his Bachelors degree at the University of Iowa. In 1961, Robert moved to Englewood, Colorado, and while practicing medicine, assisted in reorganizing the current Community Health Center for Retarded and Handicapped Children and Adults. As an active member in the Englewood Chamber of Commerce, Public Relations Committee, and Selective Service Board, Robert succeeded as being a phenomenal role model and beacon to his friends, family, and the City of Englewood.

Robert’s ascent to success was accompanied by his loving wife, Evelyn, and his children, Debbie, Parn, Julie, Robert, and Joan. He also leaves behind two grandchildren Robin and Aaron. Many knew Robert as a caring father and wonderful husband. He worked hard, and took great pride in the accomplishments of his children and wife. Robert himself was a modest individual, very humble, and never one to seek the rewards of his labor. For numerous years, Robert was the only doctor in his area, and provided countless house calls to the many residents of Colorado City, Colorado. He was the only physician assigned to the Pueblo City Jail, where he administered treatment and medicine to many incarcerated individuals. Truly, such a person of great integrity and respect deserves a word or praise, for without his efforts; many residents would have been without healthcare.

Mr. Speaker, it is with a sincere heart I honor the life of Dr. Robert Campbell. He was an extraordinary person who dedicated 100% of his knowledge and talents to anyone in need. Although we mourn the loss of Robert, we celebrate the many years of joy and care he provided to everyone he touched. I extend my deepest sympathy to Robert’s family and friends during their time of grieving.

TRIBUTE TO U.S. MARINE RICK ABERNATHY

HON. BOB SCHAEFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAEFFER. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize and congratulate U.S. Marine Rick Abernathy. Rick is the proud owner of Ric’s Kountry Kitchen in the county of Bahrain.

Last week, I enjoyed dinner at Ric’s Kountry Kitchen. As a participant in the Congressional Delegation to Afghanistan, chaired by Mr. HOEKSTRA of Michigan, I had a chance to learn about Mr. Abernathy during the delegation’s stop in Bahrain.

Rick is by all accounts a great American and seems to have a loyalty to the Great State of Texas. Rick established Ric’s Kountry Kitchen as an oasis of sorts in the Middle East. The establishment is a little piece of America—a family-oriented, welcoming place where Americans traveling, living and working in the region. The restaurant has become the unofficial gathering spot for Americans abroad in or near Bahrain.

Mr. Speaker, Rick, through his enterprise, has become a fine ambassador for our country. Frequenting by locals, too, Rick’s is somewhat the face of America in Bahrain. Adorned with symbols of Liberty, freedom and faith, the restaurant conveys a powerful message of wholesome Americanism in a region where it is clearly needed. The American Flag is displayed proudly at Ric’s. The food is great, too. Mr. Speaker, I ask our colleagues to join me in extending the heartiest congratulations and best wishes of the House to Mr. Rick Abernathy and to the customers, employees and supporters of Ric’s in Bahrain.

TRIBUTE TO DONALD D. WACKS

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special citizen in my district. Donald D. Wacks has provided northern California with nearly three decades of distinguished service to its students, parents, staff, and community as a progressive and exemplary elementary school principal. Don Wacks worked tirelessly for the improvement of student achievement, expanded professional staff development, and encouraged the involvement of parents in the education of their children. In this endeavor, I say that Don Wacks is one of America’s quiet heroes.

Don Wacks was born in Passaic, New Jersey on August 20, 1927 of second generation American parents, Samuel & Lena Wacks. Don Wacks has a sister Janice and a brother Gerald (deceased). Don Wacks moved from the East Coast to San Francisco where he attended Lowell High School and graduated with honors. He achieved honor roll status every semester of high school, received the California Scholarship Federation Award, and was a distinguished member of the debate society where he acquired skills and experience that have helped him throughout his life.

Don Wacks proudly served our country in the United States Military for much of his adult life. As an Army officer, he was stationed in Japan at the conclusion of World War II and continued to serve in the Army Reserve in the Civil Affairs unit of the 351st division of the Sixth Army, where he graduated from Command in General Staff School. He retired from the Army as a Lieutenant Colonel.

Don Wacks attended the University of California at Berkeley, earning both Bachelors and Masters degrees in Economics, and Credentials in Teaching and Administrative Education. He was a member of the Sigma Alpha Mu Fraternity, qualified for Phi Beta Kappa, and the Phi Delta Kappa in the National Education Honor Society.

After working as a student teacher in Orinda, California, Don Wacks then moved to the Newark Unified School District where he began his career as a Vice Principal from 1957 to 1959. He was a Teaching Principal at Schillingy Elementary from 1959 to 1962, Principal at Snow Elementary from 1962 to 1979, and Principal at Milani Elementary in 1979, until his retirement in 1985.

Don Wacks is a person of strong values and convictions, which he believes, are best shared with others and practiced every day. As a child, he made a promise to himself to visit all of the world’s continents and experience as much as he could during his life. Don Wacks kept the promise made that day, experienced 86 countries, and with a visit to Antarctica in early 2001, walked on all the world’s continents. Much of his motivation for travel is to learn about the ethnic and cultural backgrounds of the peoples of the world and to spread peace and understanding through individual contact.

Don Wacks has always delighted in sharing his gifts and resources with people who are in less fortunate circumstances. He supports many causes and charities and is a member of numerous community organizations, programs, and fundraisers where he uses his life experience, travels, and compassion to improve the community wherever possible. Of great personal significance is his work as a volunteer grief counselor at the Widows and Widower’s Network Center in Walnut Creek. He facilitates regular grief counseling groups and works regularly on their crisis line. He is a dedicated champion of environmental causes and considered himself an environmentalist long before it was popular.

Don Wacks feels especially proud of his daughter Marilyn, his son Ron, and his granddaughter Alyseea who embody many of his convictions...most especially being life-long learners and contributors to their communities.
I ask you to consider the quiet heroes like Don Wacks and the many thousands like him deserving of our respect and gratitude for making this country great. After all, where would we be without America’s many quiet heroes?

HONORING THE DISTINGUISHED CAREER OF DR. GORDON PETTY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding career of Dr. Gordon Petty, who has served his community of Smith County, Tennessee, with dedicated passion. Dr. Petty opened the first licensed hospital in Smith County in 1951 and practiced as a physician in his hometown for 50 years before retiring.

Dr. Petty’s life is a perfect example of what it means to give back to your community. He graduated from Smith County High School in 1938 and received a degree from Cumberland College in 1941. He then served in the United States Navy as a communications officer on board a destroyer during World War II. He continued to serve in the Naval Reserve for a number of years after World War II and also received a medical degree from Vanderbilt University in 1950.

During Dr. Petty’s professional career, he served on a number of medical boards and associations, including the American Medical Association, theTennessee Medical Association and the Board of Trustees of Smith County Memorial Hospital. He also participated in a variety of civic organizations, which included the Carthage Lion’s Club, the Carthage Town Council and the Board of Directors of Citizen’s Bank.

Dr. Petty’s grit and determination to serve his country, his patients and his community are admirable and a testament to his exemplary life. I cordially congratulate Dr. Petty for serving each with dignity, honor and compassion. I also wish him the very best in his well-deserved retirement.

ANDREW S. GROVE URGES RESPONSIBLE CORPORATE REFORMS BUT AVOID STIGMATIZING BUSINESS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. LANTOS. Mr. Speaker, during the past few months our nation has watched in shock and dismay as a growing number of corporations have fallen into disrepute and many have been thrown into bankruptcy because of corporate financial fraud or unethical practices. The scandal has rightfully provoked public outrage, and Congress has taken up new legislation to stem the further erosion of public trust in our capital markets. As Members of Congress prepare to enter into negotiations over a conference report on corporate governance and accounting reform legislation, I call to the attention of my colleagues a particularly insightful article by Andrew Grove, Chairman of Intel Corporation.

Mr. Grove—a former Time Magazine “Man of the Year”—grew up in communist Hungary, where he experienced stigmatization and prejudice as the son of a businessman. After completing his Ph.D. at the University of California, Berkeley, Mr. Grove joined the Research and Development Laboratory of Fairchild Semiconductor. In 1968 he became one of the founders of Intel Corporation. Since then he has continued to play a key role in the growth and success of the company, serving as President and CEO and today as Chairman of the Board.

In an article published in the Washington Post (July 17, 2002) entitled “Stigmatizing Businessmen Without Cause,” Mr. Grove points out that the current rush to judge and condemn all corporate executives without discrimination in our country has made him feel like he was back in communist Hungary, where businessmen were distrusted and stigmatized.

Mr. Speaker, I urge my colleagues—and all Americans—to give heed to Mr. Grove’s thoughtful insight. We must understand that while there has been corruption among far too many companies, this does not justify the vilification of a single category of every business executive. As Mr. Grove indicates in his article, the best way to tackle this issue is through corporate reform and ensuring a separation of powers between the chairman, the board of directors, the CEO, the CFO, and accountants, and all street analysts. Once these positions are free to operate without constraint—and are not occupied by the same person—corporations will be able to monitor themselves much more effectively and can hopefully prevent future scenarios similar to the one our country faced.

Mr. Speaker, it is important that in our rush to repair the serious flaws in our system of corporate governance, that we not create other problems that could be equally damaging to our national economy.

I urge all of my colleagues to give attention to Mr. Grove’s article be placed in the RECORD and I urge all of my colleagues to give attention to his thoughtful views.

STIGMATIZING BUSINESS

(By Andrew Grove)

I grew up in Communist Hungary. Even though I graduated high school with excellent grades, I had no chance of being admitted to college because I was labeled a “class alien.” What earned me this classification was the mere fact that my father had been a businessman. It’s hard to describe the feelings of an 18-year-old as he grasps the nature of a social stigma directed at him. But never did I think that, nearly 40 years later and in a different country, I would feel some of the same emotions and face a similar stigma.

Over the past few weeks, in reaction to a series of corporate scandals, the pendulum of public feeling has swung from celebrating business executives as the architects of economic growth to condemning them as a group of untrustworthy, venal individuals. I have been with Intel since its inception 34 years ago, and Intel has grown from the world’s largest chip manufacturer and have grown to employ 50,000 workers in the United States, whose average pay is around $67,000 a year. Thousands of our employees have bought houses and put their children through college using money from stock options. A thousand dollars invested in the company when it went public a number of years after World War II and also received a medical degree from Vanderbilt University in 1950.

During Dr. Petty’s professional career, he served on a number of medical boards and associations, including the American Medical Association, theTennessee Medical Association and the Board of Trustees of Smith County Memorial Hospital. He also participated in a variety of civic organizations, which included the Carthage Lion’s Club, the Carthage Town Council and the Board of Directors of Citizen’s Bank.

Dr. Petty’s grit and determination to serve his country, his patients and his community are admirable and a testament to his exemplary life. I cordially congratulate Dr. Petty for serving each with dignity, honor and compassion. I also wish him the very best in his well-deserved retirement.

I am proud of what our company has achieved. I should also feel energized to deal with the challenges of today, since we are in one of the deepest technology recessions I have ever experienced. I’m having to keep my mind on our business. I feel hunted, suspect—a “class alien” again.

I am not amused by this. Other honest, hard-working and capable business leaders feel similarly demoralized by a political climate that has declared open season on corporate executives and has let this facilloner, however egregious, of a few taint the public perception of all. This just at a time when their combined energy and concentration are what we need to revitalize our economy. Moreover, I wonder if the reflexive reaction of focusing all energies on punishing executives will address the problems that have emerged over the past year.

Today’s situation reminds me of an equally serious attack on American business, one that required an equally serious response. In the 1980s American manufacturers in industries ranging from automobiles to semiconductors to photocopiers were threatened by a flood of high-quality Japanese goods that were priced at lower prices. I had been associated with these products exposed the inherent weakness in the quality of our own products. It was a serious threat. At first, American manufacturers responded by inspecting their products more rigorously, putting ever-increasing pressure on their quality assurance organizations. I know this firsthand because that’s what we did at Intel.

Eventually, however, we and other manufacturers realized that if the products were of inherently poor quality, no amount of inspection would turn them into high-quality goods. After much struggle—hand-wringing, finger-pointing, rationalizing and attempts at damage control—we finally concluded that the entire system of American manufacturing goods, as well as monitoring the production process, had to be changed. Quality could only be fixed by addressing the entire cycle, from design to shipment to the customer. This rethinking from top to bottom led to the resurgence of U.S. manufacturing.

Corporate misdeeds, like poor quality, are a result of a systemic problem, and a systemic problem requires a systemic solution. I think the solution to the problems that are now facing the nation and our economy is a systemic one, as well. I believe the solutions that are needed all fit under the banner of “separation of powers.”

Let’s start with the position of chairman of the board of directors. I think it is universally agreed that the function of the board is to supervise and, if need be, replace the CEO. Yet, in most American corporations, the board chairman is the CEO. This poses a built-in conflict. Reform should start with separating these two functions. (At various times in Intel’s history we have combined the functions, but no longer.) Furthermore, stock exchanges should require that boards of directors be predominantly made up of independent members having no financial relationship with the company. Separation of the chairman and CEO, and a board with something like a two-thirds majority of independent directors, should be a condition for listing on stock exchanges.

In addition, auditors should provide only one service: auditing. Many auditing firms rely on auxiliary services to make money, but if the major stock exchanges made auditing “pure” firms a condition for listing, auditing would go from being a loss leader for most of these companies to being a profitable undertaking. Would this drive the cost of auditing up? Beyond a doubt. That’s a cost of reform.

Taking the principle a step further, financial analysts should be independent of the investment banks that do business with corporations, a condition that could and should...
be required and monitored by the Securities and Exchange Commission.

The point is this: The chairman, board of directors, CEO, CFO, accountants and analysts face a dilemma from developing. A systemic approach to ensuring the separation of powers would put them in a position where they would be free and motivated to take it seriously. We must not kid ourselves. Effective reform will take years to put into practice.

Restructuring and strengthening the entire system of checks and balances of the institutions that make up and monitor the U.S. capital markets would serve us far better. We must rework design, engineering and manufacturing processes to meet the quality challenge. From the Japanese in the 1980s took five to 10 years. It was motivated by tremendous losses in market share and employment. Similarly, the tremendous loss of market share and employment due to restructuring manufacturing processes to meet the quality challenge is an example of what can be achieved. Many of our citizens have no access to health care; some of our essential infrastructure is deteriorating; the war on terror and our domestic priorities; the tremendous loss in market share and employment. Effective reform will take years to put into practice.

We must rework design, engineering and manufacturing processes to meet the quality challenge. From the Japanese in the 1980s took five to 10 years. It was motivated by tremendous losses in market share and employment. Similarly, the tremendous loss of market share and employment. We must rework design, engineering and manufacturing processes to meet the quality challenge. From the Japanese in the 1980s took five to 10 years. It was motivated by tremendous losses in market share and employment. Similarly, the tremendous loss of market share and employment due to restructuring manufacturing processes to meet the quality challenge is an example of what can be achieved. Many of our citizens have no access to health care; some of our essential infrastructure is deteriorating; the war on terror and our domestic priorities; the tremendous loss in market share and employment. Effective reform will take years to put into practice.

HONORING THE 25TH ANNIVERSARY OF FALLON COMMUNITY HEALTH PLAN

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to honor our community Health Plan and to congratulate the men and women of that organization on the occasion of its twenty-fifth anniversary.

Fallon Community Health Plan was created in 1977 in Worcester, Massachusetts, largely through the work of the physicians of Fallon Clinic. The Clinic itself, the first group practice in central Massachusetts, was founded in 1929, the vision of John Fallon, M.D. The doctors of that group have provided high quality and compassionate medical care to several generations of area residents, and have a uniquely cooperative relationship with the Health Plan.

While mergers and consolidations have generally ruled the health care world in the last few years, Fallon Community Health Plan has continued as a locally-controlled, not-for-profit plan, providing care up to the word “community” in its name. In 1988, the Fallon Clinic and Health Plan partnered to establish the Fallon Foundation. With the help of community members, local businesses, and public officials, Fallon Foundation promotes a healthy community through grants and other resources dedicated to improve the health of the community. Fallon Community Health Plan is a valued civic partner in Worcester and other cities and towns of central Massachusetts.

Fallon Community Health Plan has four times been rated the number one health maintenance organization in the entire country. It has long been looked to as a model of innovative and affordable health coverage. It consistently scores highly in measures of quality of medical outcomes. Fallon Community Health Plan was also one of the five original health plans to enroll Medicare beneficiaries, demonstrating how more comprehensive care than Medicare alone provides could be delivered to Medicare eligibles at an affordable cost. The Health Plan continues to participate in the Medicare+Choice program and its Fallon Senior Plan has an accreditation status of “excellent” from the National Committee for Quality Assurance. It is also a partner with the Federal Government in PACE, a program of all-inclusive care for the elderly, and is in fact the only health maintenance organization in the country with such a program.

Fallon Community Health Plan is a relatively small health care organization whose national influence far exceeds its size. We in Worcester are proud of its success and the contributions it makes to the community. Mr. Speaker, I am proud to congratulate the people of Fallon Community Health Plan for twenty-five years of service.

PAYING TRIBUTE TO CLAIRE TRAYLOR

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I speak here to recognize the life and passing of Mrs. Claire Traylor of Wheat Ridge, Colorado. Mrs. Traylor was a state legislator who worked diligently on behalf of Colorado to promote fair and effective legislation throughout the state.

Mrs. Claire Traylor served in the Colorado General Assembly from 1982 to 1994, first in the House and then in the Senate. One of her most renowned accomplishments as a legislator was her strong commitment to education. Mrs. Traylor was a member of the Joint Budget Committee and Chairwoman of the Senate Appropriations Committee, she used her position to approve funding for the repair and reconstruction of buildings on college campuses. It was for these efforts that the Colorado School of Mines just recently announced plans to recognize Mrs. Traylor by naming a building in her honor. Mrs. Traylor also fought hard for healthcare legislation that would benefit all citizens of Colorado, including the poor and uninsured.

Mrs. Traylor was a proud Republican who understood the necessities of sound fiscal responsibility. However, on any given issue she didn’t hesitate to follow her own principles and convictions. But no matter how difficult the opposition or how controversial the issue, it was her integrity and reputation for fair dealing that won her the bipartisan esteem of her colleagues. For all the legislative achievements that can be accredited to Mrs. Claire Traylor, it will be her amiable personality, her gracious demeanor, and her irrepressible character that we will remember the most.

Mr. Speaker, it is with genuine gratitude that I recognize the life of Mrs. Claire Traylor. Before this House of Representatives and before this Nation today; she lived life to the fullest, a public servant who worked diligently for her constituents and the State of Colorado. Claire Traylor will be missed, but her presence will continue to be felt in the thousands of lives which she touched.

HONORING ARMANDO DE LEON, RECIPIENT OF THE 13TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

HON. ED PASTOR
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize an outstanding citizen who has been honored for his life-long dedication to Latino issues through which he has impacted the lives of many in our community. On September 6th, the Honorable Armando de Leon was honored by his peers at the annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its thirteenth year of honoring worthy individuals.

Judge de Leon began a 32-year career in the U.S. Air Force Reserve as a judge advocate. After being admitted to practice in Arizona, he worked briefly as a law clerk/bailiff. In 1965, Armando entered private practice in Phoenix, specializing in international law and served as general counsel pro bono attorney for twenty non-profit organizations.

Armando served four years on the Phoenix City Council. He served on the Arizona-Mexico Commission for two terms and on Federal Advisory Committees to the U.S. Attorney General and INS Commissioner as well. He was appointed to the Arizona Superior Court bench in 1983 with rotations on civil litigation, criminal, domestic relations, and special assignment calendars. He chaired the Court Interpreter Policy & Bilin- gual Program Committee, the Joint External Program Liaison Committee of the Superior Court and the Arizona State University College of Law. Upon retirement from the bench, he returned to his hometown of Tucson, where he served as an adjunct professor at the University of Arizona College of Law.

Armando’s extensive community involvement includes serving as general counsel and board member to the National Council of La Raza, referral attorney for the Mexican American Legal Defense and Education Fund, member of the Southwest Voter Registration Education Project, memberships in the Hispanic National Bar Association, Los Abogados Hispanic Bar Association, the Phoenix Hispanic-Jewish Coalition, and the League of United Latin American Citizens.

He served as a General Officer and was awarded the Legion of Merit upon retirement in 1991, as well as the Distinguished Service Medal.

Mr. Speaker, please join me in recognizing this outstanding citizen for his fine work and dedication. Throughout his life Judge de Leon has been a long time advocate for the Latino community and he has been a great role model for many.
AIR SHOW TRAGEDY IN LVIV, UKRAINE

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the memory of the victims of the world’s worst air show disaster. On July 27th, a Ukrainian SU-27 fighter jet crashed into a crowd of spectators at an air show outside Lviv in Western Ukraine, killing 85, including 23 children, and wounding 116 more. The plane’s two pilots lost control of the fighter during complicated maneuvers and managed to eject just before impact. The severity of injuries varied and many still remain hospitalized, while the cause of the crash is being investigated.

Considering there were thousands of spectators attending the air show, the damage could have been much worse. However, given the recent series of tragic accidents in Ukraine, most significantly, several deadly mine explosions, I commend the spirit of the Ukrainian people and their resilience in the face of overwhelming tragedy. I also offer my prayers and profound condolences to those families having suffered losses of loved ones.

Mr. Speaker, the whole world witnessed during the September 11th attacks on this Nation. Oftentimes when people are faced with tragedy and adversity, there are also extraordinary actions of heroism and generosity. Within the first hours following the air show tragedy, the Ukrainian Federation of America mobilized international relief efforts. They coordinated with medical institutions and individual physicians and technicians who agreed to provide medical treatment, relief supplies and transport free of charge. This remarkable humanitarian effort has greatly improved the prognosis for many of the victims. In addition, many Ukrainian-American organizations have established bank accounts to collect donations for a victim-relief fund.

Mr. Speaker, I urge my colleagues to help in this critical endeavor and to pray for the victims and their families to speed their healing.

HONORING GEARÓID Ó MAOLÉIN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. TOWNS. Mr. Speaker, I want to bring to the attention of my colleagues an important environmental initiative that impacts the U.S. Navy. In 1987, Congress mandated that the U.S. naval submarines eliminate the dumping of plastic waste by 2008. This requirement presents a unique opportunity for the commercial development of biomass products to replace the use of plastics on our submarines. Further research was done on this subject as a summer project in the 2002 Office of Naval Research (ONR) Science and Engineering Apprenticeship Program (SEAP). This summer, as one of the SEAP participants, Christina Liebner, an incoming Stanford University freshman, authored a report on the viability of biomass products as an alternative to plastics on submarines. Her report suggests that biomass products may offer significant opportunities to aid the Navy in reaching its 2008 mandate but it may also provide new economic markets for corn and soybean farmers. A summary of Christina’s report is listed below. I commend it to my colleagues’ attention for future consideration about how our nation’s farmers can help to solve this environmental mandate for the U.S. Navy.

POSSIBLE APPLICATIONS FOR BIODEGRADABLE PLASTIC IN THE U.S. NAVY
AS A METHOD TO MITIGATE MARPOL 73/78, MPPRCA, AND APPS REGULATIONS
(By Christina Liebner)

First implemented in 1985, the international marine pollution prevention agreement known as MARPOL 73/78 dictates that all signing nations must comply with Annexes I and II, which prohibit vessels from dumping oil and other noxious liquids,respectively. The United States has further agreed to comply with Annex V, which bans vessels from dumping plastic waste. To enforce this agreement at home and to extend jurisdiction to all vessels in U.S. command (including military vessels) and in U.S. territorial waters and exclusive economic zones, Congress passed Title III in the Longshoremen’s and Lightmen’s Act to permanently extend jurisdiction to all vessels in U.S. command (including military vessels) and in U.S. territorial waters and exclusive economic zones.

Since the Longshoremen’s Act was first passed, three other laws have been passed in the United States. The first is the MPPRCA, formally titled Marine Plastic Pollution Research and Control Act (MPPRCA)—on 29 December 1967. Written later, the Act to Prevent Pollution from Ships (APPS) was passed in 1990. APPS with amendments current to 1 November 1998, requires all Naval surface ships to comply with Annex V by 31 December 1998 and all submarines by 31 December 2003.

The U.S. Navy is currently developing and refining pollution prevention procedures to process and store plastics onboard. Most surface ships are currently outfitted with at least one Plastic Waste Processor (PWP), and crews have reported success with this method; ships without PWPs find other ways to retain plastic waste. Researchers at the Naval Surface Warfare Center—Carderock Division have been conducting, compaction and storage methods for sub- marine plastic management in four demonstration projects. While surface ship and submarine crews have had success with their respective waste processes, replacing petroleum-based plastic with biodegradable products may be a more effective and environmentally responsible solution. While the Navy’s current methods to make surface ships and submarines compliant with MARPOL 73/78 and MPPRCA are proven and successful, they are only short-term solutions. Bioplastic is environmentally responsible, and with enough funding, research, and development, it could soon run at full-scale production levels and become a commercially viable replacement for petroleum based plastic in most applications. Biodegradable plastic may be the Navy’s long term solution to environmental regulation compliance. Additional funding is necessary, however, to launch demonstration feasibility projects and to further research in bioplastic applications within the Navy. Although bioplastic products offer the most convenience to submarine crews, the biodegradable plastic is just as applicable and as beneficial to surface ships.

Not only would further research and development to promote biodegradable plastic help the Navy, but the nation would also profit from such technology. The following lists the key advantages of bio-based plastics:

- Corn farmers often overproduce, and as agricultural biotechnology advances to further increase crop yield, products will be in more demand in the near future. Bio-based technology provides another market for corn crops.
- Bio-based plastics from domestically grown crops allows American citizens to profit and releases pressure to import petroleum from the Middle East.
- Biodegradable plastic encourages the growth of municipal composting plants and slows accumulation of trash in landfills.
- Production and use of biodegradable plastic create much less air pollution and greenhouse gases than petroleum-based plastic.

Plants create their carbohydrates from atmospheric carbon dioxide. Bio- factories extract this carbon to create the polymer. When biodegradable plastics decompose, the released carbon dioxide is returned to the atmosphere, thus conserving the cycle. Petroleum products use carbon compounds from the ground and release them into the air; no new carbon dioxide is introduced to the air with biodegradable polymers.

After the necessary parts of crops are used to make the biodegradable polymer, residual biomass can be burned cleanly to generate energy.

PAYING TRIBUTE TO FALLEN OREGON FIREFIGHTERS

HON. SCOTT McNINIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. McNINIS. Mr. Speaker, I rise to pay tribute today to the life and memory of five courageous firefighters. These heroes, the firefighters, have swept through Colorado, Oregon and other western states, have engulfed thousands of acres, requiring the assistance of brave
firefighters from across the nation. Today we honor Jacob Brent Martindale, Daniel Rama, Retha Mae Shirley, Zachary Zigich, and Bartholomew Bailey, all dedicated, heroic, brave individuals who selflessly sacrificed personal safety, and ultimately their lives for the state of Colorado and fellow citizens of our nation. I honor the legacy of each fallen firefighter, and praise the accomplishments their selfless dedication has brought to our country.

It is with great sadness that I recount the lives of each, and express my condolences to their families and friends. Zachary Zigich, 28 years of age, was a resident of Twin Falls, Idaho; he was an athletically talented individual who excelled in tennis, football, and music. He was the middle child of two siblings, and the son of Mike and Angie Zigich. He was an empathetic individual who provided his firefighting skills and services nobly to his community.

Jacob Brent Martindale, 20 years of age, was a resident of Boise, Idaho. His devotion to nature and environmental protection explains his courageous dedication to firefighting. When needed, he could be found in the wilderness fishing, hiking, kayaking, and mountain biking. He was a wonderful friend to many, and he graduated with honors from Centennial High School.

Bartholomew Bailey, 22 years of age, was a resident of Coos Bay, Oregon and excelled as a skilled, knowledgeable firefighter. Although young in age, he surpassed all expectations and impressed his colleagues with numerous accomplishments. Bartholomew was noted as an exceptional vocalist participating in numerous chamber chorale performances. Additionally, he was an exquisite performer on stage, awing crowds and packed theaters.

Retha Mae Shirley, 19 years of age, was a resident of La Grande, Oregon who had a flair for exploration. Whether rain or shine, Retha was a dependable asset and a key member of her firefighting team. Truly, her death is an enormous loss to her peers, and a saddening time for her friends and family. Retha was studying at the Oregon Institute of Technology's nursing program, working with steadfast determination toward her goal to become a doctor. Her brother Jesse and parents Larry and Linda survive her.

Daniel Rama, 28 years of age, was a resident of Baker City, Oregon, and lived his existence to fight fires. Dan returned the previous evening from two extensive weeks of “Fire Prevention Training.” Dan was an exceptional student in school, and well respected by his peers. Although his family grieves his loss, they embrace the memories of joy and comfort he provided. Dan was a valiant firefighter, who devoted the service of his community. It is an honor to acknowledge someone of such great integrity and character.

Mr. Speaker, it is with a sincere heart, I commend these five individuals as honorable leaders, patriots, and loyal, dignified service-men and woman of our firefighting community. It is with a heavy heart, we pay tribute to each person who gave their life so selflessly for the great people of Colorado. I mention each of their names and achievements briefly, but in truth, they each deserve more recognition than I can offer today. Each courageous firefighter nobly surrendered their lives in defense of our nation’s forests, and I am honored to pay tribute and remembrance in this body of Congress, and before this nation’s forests and people who live nearby and I am honored to pay tribute in this body of Congress, and before this nation to their sacrifice.

Though each of these young firefighters is no longer with us, their impact will continue to be felt in the lives of the many they touched and remembered by the thousands they worked to protect.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, several weeks ago Los Angeles County’s foster care system was sued by advocates for children alleging that negligence, mismanagement, and abuse and neglect of children are routinely committed by that agency. More specifically, the suit charged that many foster care children in the overburdened system are failing in their behavioral, emotional, and psychiatric impairments desperately need, but are not being provided, medically necessary mental health, behavioral support, and case management services, as required by federal law.

When that lawsuit was filed on July 18th, I pointed out to Members of Congress that the allegations described in the lawsuit were not unique to California. States across the country are failing children in foster care. Since that time, officials in the District of Columbia have confirmed that several foster care boys were sexually abused in group home facilities, including one for mentally retarded foster children. Florida’s Department of Children and Families acknowledged that in addition to its inability to account for some 532 foster care children, children have been placed in motels due to shortage of foster homes.

In the following article in the August 22nd Washington Post, an audit of Maryland’s child welfare system reveals that the state has lost track of some foster care children for months and failed to ensure proper health care. In one case, a girl was found in the care of a foster parent whose criminal record included two sex offenses and an assault charge. Just as in Los Angeles, the Maryland audit also revealed that foster care children were routinely denied basic health care, including doctor’s visits, dental checkups, and psychiatric treatment.

We cannot continue to spend billions of dollars on a system that does not provide what children need to thrive, or in some cases, even to survive. The government must require greater accountability to ensure the health and safety of every child in its custody.

The article follows:

[From the Washington Post, August 22, 2002]

AUDIT FINDS LAPSES IN MARYLAND CHILD CARE—CONTACT LOST WITH CHILDREN; ONE PLACED WITH OFFENDER

(By Matthew Mosk)

The Maryland state agency responsible for 12,000 orphaned, abused, and neglected children has lost track of some children for months, failed to ensure proper health care and, in at least one case, entrusted a foster child to a sexual offender, a comprehensive review by the state’s Office of Legislative Audits has concluded.

The review reported “significant concerns” about Maryland’s Social Services Administration and found numerous instances of neglect on the part of the state’s social workers. In nearly half of 183 cases randomly chosen for inspection, caseworker’s files showed that they had lost contact with the children and their caregivers for anywhere from two to 15 months.

Child advocates said that particular finding was an unsettling reminder of the case of a 5-year-old Miami girl who was missing for 15 months before caseworkers discovered that she was gone.

“The degree to which we are at risk of repeating [the Florida tragedy] is unconscionable,” said James P. McCann, executive director of the Maryland Association of Resource for Families and Youth, which made up agencies that serve children.

Maryland’s troubles are also a reminder of similar woes in the District, where the child protection system has long been considered one of the most dysfunctional in the nation.

The Maryland audit included other, equally disturbing findings pertaining to the agency’s ability to keep tabs on the people entrusted with children’s well-being. At one point, in the midst of conducting the review, the audit team discovered that a child had spent 10 months in the care of a foster parent whose record includes two sex offenses and an assault charge. After being notified by auditors, social workers moved the child.

The case was later revealed to be part of a broader problem: Files contained no evidence of mandated criminal background checks for caregivers in 45 percent of the cases the audit team reviewed.

Lapses on the part of social workers also extended to the medical care that was supposed to be provided. Basic health care, including doctors’ visits and psychiatric treatment, appeared to have been neglected in one-third of the cases the auditors reviewed, and there was no evidence of dental checkups in the files of 68 percent of the children.

Moreover, there was no sign that 35 percent of the children in state custody were attending school.

In a written response to the audit, Maryland Secretary of Human Resources Emenda P. Johnson pledged that local social services departments have been informed of the findings. Asked yesterday about the findings in a telephone interview, state social services director said there were paper-work problems for many of the shortcomings.

“The issue here is documentation, not whether something actually happened but whether it was in the folder,” said Linda E. Mouzon, executive director of the Social Services Administration.

The audit, however, concludes that the problem not only involves documentation but also “raises significant questions about the actual monitoring and delivery of critical services.”

Several of the attorneys charged with representing the children’s interests in court agreed that the shortcomings are not merely bureaucratic snags.

“There’s no excuse for children in the state’s care to be living in the same conditions that prompted them to be removed from their homes in the first place, but that’s what we’re seeing,” said Joan Little, who heads the child advocacy unit of the Legal Aid Bureau in Baltimore, which handles more than 5,000 of the children’s legal cases each year.

Little said she has personally witnessed cases involving children whom the state agency mistakenly placed in the homes of criminal sex offenders and who then became
victims of sexual abuse. Though she refused to discuss the specifics of those cases, she said they were heartbreakingly real. “This is a significant and very real problem, and it’s out there,” she said.

Child welfare attorney Jessica Rae had several examples of her own. She recalled checking up on a 4-year-old in state custody recently and asking a chilling question by his foster mother: “The woman said to me, ‘How would anyone know that I don’t have him locked in the basement?’”

“It was a very disturbing thing to hear,” Rae said, because she knew the answer: No one would. The state social worker assigned to check monthly on the boy had not been in touch for nearly six months.

Advocates said that even routine responsibilities, such as ensuring that children see dentists, have clearly been neglected. “Kids come in here and their teeth are totally brown,” Little said. “You don’t need an expert to tell you they’re not getting care.”

Mitchell Mirviss, a Baltimore lawyer who argued a landmark case on child welfare in Maryland 13 years ago, said deficiencies such as the ones described in the audit have not been as profoundly documented in more than a decade.

“You’re seeing results that are very alarming,” he said. “There’s a strong confirmation of what the attorneys who represent these kids in juvenile court have been saying. The problems are serious and endemic.”

Mouzon and advocates are exaggerating the problem. “Everybody knows of one or two cases where something went wrong. I’m not going to say that’s not true,” she said. “But I would believe that the majority of our children are safe and are getting the best service possible.”

Though there are plans in place to improve the system—such as a pilot initiative to give social workers hand-held computers that allow them to better document their visits with children—Mouzon said no action has come as a direct result of the auditors’ findings.

That response surprised many of the advocates, who began circulating copies of the audit in July; it was released in May. Sharon Rabenstein, communications director at Advocates for Children and Youth, said that when she began reading it, her jaw dropped. “It made me wonder, how can we rest assured,” she said, “that the kids in our system are safe?” “I don’t think that the audit should leave us sleeping well at night.”

 REGARDING PUBLIC HEALTH PESTICIDE BILL

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. GOODLATTE. Mr. Speaker, I would like to introduce an important piece of legislation that will help deal with the spread of insect, rodent and microbiological borne illnesses in the United States.

In 1996, Congress passed the Food Quality Protection Act which defined within the existing Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) the term “public health pesticide” to ensure that effective products were readily available for the public’s protection. However, an error was made as the legislation was prepared because the term “pesticides” was defined unintentionally limited to “minor use pesticides” used by public health agencies and does not incorporate products which have traditionally been considered public health pesticides, such as consumer pesticide products.

FIFRA requires the EPA to consider threats to public health in the registration and reregistration of public health pesticides. The statutory criteria under “minor use” eliminates many products from being considered “public health pesticides”. My legislation would correct this oversight. The effect of this technical correction would be to treat all public health pesticides equally. Specifically, the legislation would make the provisions of the FIFRA applicable to a broader category of beneficial products. These products ensure that the American public has the proper tools to protect themselves against disease.

We have been hearing recently about the serious public health dangers of West Nile virus, but there are many insect and rodent borne illnesses and infectious diseases. Lyme disease, Hantavirus, encephalitis, Rocky Mountain Spotted Fever, Colorado Tick Fever, Tick Borne Relapsing Fever and many others threaten the health of all Americans. In addition, microorganisms such as E. Coli, Staphylococcus aureus, Listeria monocytogenes, and numerous species of Salmonella, pathogenic mold, mildew and fungi pose serious threats to public health.

With insect borne disease on the increase in the United States, it is vital that EPA look at the benefits in all stages of the process for the products that protect the public from pests that pose a threat to public health. Likewise, antimicrobial pesticides used against human pathogens are vital to public health and benefits of these products also should be considered by EPA.

I look forward to working with my colleagues on this issue which is very important to public health in the United States and across the globe.

SEPTEMBER 11TH VICTIM COMPENSATION FUND FAMILY BENEFITS FAIRNESS ACT

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. ISRAEL. Mr. Speaker, many of us will travel to New York this Friday to pay homage to the victims of last September’s terrorist attacks. Even more meaningful to the surviving families than traveling to New York will be this House’s commitment to ensuring that victims’ families will have the same opportunities they had before their loved one was killed.

After losing their sole source of financial support, many families are worried that they won’t be able to afford college or stay in the neighborhood they have lived in for years. Because of an interpretation of the current laws governing the Victim Compensation Fund, the amount that each victim’s family will receive will be lowered by the amount they will get in Social Security survivors’ benefits. My legislation, the September 11th Victim Compensation Fund Family Benefits Fairness Act, permits the victims and their families of the terrorist attacks to receive the compensation we meant to provide when we passed the Victim Compensation Fund.

Public support for the victims and their families has been consistent and heartfelt. Ameri-
herself personally since we both moved into the same building in Co-Op City in November 1971. She truly is a selfless woman who touches the lives of all whom she encounters.

As a resident of Co-Op City for over 30 years, she continues to be active within the Co-Op City Baptist Church. Not only does she continue to attend services regularly, but she has also served as a Deaconess, usher and a willing volunteer through her membership for over 25 years.

She has also assisted others as an Inhalation Technician at the Bronx Hospital in New York City for over 20 years. If this wasn’t enough, Ms. Brown served in the Medical Section of the United States Army starting in 1943 and was honorably discharged in September 1945. Clearly, the compassion that Gladys has for others has no boundaries.

In her spare time, Gladys is a member of The American Legion, Co-Op City Post 1871 and also enjoys traveling. In her many years, she has traveled extensively. I am sure that those whom she has met in her travels and her comrades from the American Legion agree with me that the warmth and compassion she has is hard to come by.

Her determination and strong work ethic are clearly inherent in Gladys’ character as at the age of 14 she migrated from the Montego Bay in the British West Indies to the United States to live with an uncle residing in Harlem, New York. Today, she is the youngest and only living of four siblings. Despite this, her family still extends far as she has a host of nieces and nephews, legionnaires and comrades, friends, neighbors, acquaintances and everyday admirers.

I am lucky to know Gladys and honored to come before you today on behalf of her 100th birthday. I firmly believe that I am a better person for knowing Gladys and believe that everyone who comes in contact with her feels the same way as well.

RECOGNIZING VFW CONTEST WINNER BENJAMIN S. HAMPTON

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FLETCHER. Mr. Speaker, in this new found era of patriotism, it is fitting that I recognize in the CONGRESSIONAL RECORD the winning essay of the 2001–2002 VFW Voice of Democracy Scholarship Contest, written by Benjamin S. Hampton of Frankfort, Kentucky, entitled “Reaching Out to America’s Future,” and included below.

Since the horrific attacks of September 11, the American people have undoubtedly experienced a dramatic shift in patriotic sentiment. The sense and spirit that al-Qaeda and other terrorist network have caused Americans to unite in defense of the ideals and principles on which our nation was built. The very right to the safety and freedom that we here enjoy will not be infringed upon. In doing so, they have displayed a steadfast patriotism and loyalty to our country unparalleled in nearly all of America’s history.

Yet, as the weeks pass and the memories of September 11 are only worsened by the newer threats to our national security, the overall patriotic emotion in our great nation seems to be fading. Following a tremendous, nationwide surge in patriotism in the few weeks following the terrorist attacks, patriotic fervor has begun to dwindle. Therefore, it is evident that we must make every effort possible to maintain and even further bolster a spirit of patriotism. We must secure full and unconditional support by the American people for the government that represents them, and must assure all Americans that the United States will survive as a freedom-loving democracy for centuries to come.

In order to achieve this end, it is clearly evident that we must utilize our greatest resource, the youth of America. By targeting this precious resource we can reach out to the future of our nation. As we do this, the youth of today with the ideals of patriotism and love of country that they will most certainly need tomorrow. In being exposed to patriotic attitudes, today’s youth can lead the America of tomorrow headstrong into the future as the brightest beacon for hope and freedom that the world has ever seen.

With the loss of patriotism, it is fitting that I recognize in the CONGRESSIONAL RECORD the winning essay of the 2001–2002 VFW Voice of Democracy Scholarship Contest, written by Benjamin S. Hampton of Frankfort, Kentucky, entitled “Reaching Out to America’s Future,” and included below. Therefore, it is every citizen’s duty to not only live up to such standards, but to instill the same dedication and patriotism into the youth of today.

Mr. Speaker, I urge all Americans that the United States will survive as a freedom-loving democracy for centuries to come.

A TRIBUTE TO CHANCELLOR JAMES R. LEUTZE, UNIVERSITY OF NORTH CAROLINA AT WILMINGTON

HON. MIKE McNTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McNTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Dr. James R. Leutze, Chancellor of the University of North Carolina at Wilmington. In June of 2003, Chancellor Leutze will retire after serving the University for twelve years.

James Leutze brought growth and prosperity to the Wilmington campus. He made a good university great. During Chancellor Leutze’s tenure, the University of North Carolina at Wilmington has seen increases in admissions standards, the overall student body, and the average grade point average. His focus on educational growth has led to the University achieving several high national rankings. These include the U.S. News and World Report’s top ten regional undergraduate public universities in the South for two years in a row and recognition by The Gourman Report as one of the top five marine biology programs in the nation. Furthermore, from his distinguished position, Chancellor Leutze has successfully raised awareness about environmental and growth concerns in the Southeast.

Chancellor Leutze championed the UNCW Marine Biology program, which now ranks among the nation’s best programs. Moreover, Chancellor Leutze was instrumental in ensuring the construction of Aquarius, an underwater laboratory in Key Largo, Florida where students and faculty conduct extensive research regarding our oceans. In addition to his hard work on the university level, Chancellor Leutze is responsible for obtaining the approval to offer a doctorate program in marine biology, which remains the University’s only Ph.D. program.

Chancellor Leutze was also dedicated to ensuring that all communities had access to the latest technological advancements, especially the Internet. Chancellor Leutze helped pave the way for the Information Superhighway through southeastern North Carolina via his work in the development of two regional technology initiatives, as well as UNCW’s Global Virtual University. His dedication to technology was acknowledged, as Chancellor Leutze was appointed Chairman of the Rural Internet Access Authority by the Governor of North Carolina. In addition to this esteemed honor, Chancellor Leutze also served on the North Carolina Progress Board, the Commission on South Carolina, the Audit Committee, and the Commission for a Competitive North Carolina.

Chancellor Leutze has earned the respect of the administration, the faculty, and the students for his dedication to ensuring that the University of North Carolina at Wilmington will continue to grow and thrive for years to come.

We owe Chancellor James R. Leutze our sincere appreciation for his lifelong commitment to education as evidenced by his work
CONGRESSIONAL RECORD — Extensions of Remarks
September 5, 2002

as a professor at the University of North Carolina at Chapel Hill, president at Hampton Syd- ney College, and chancellor at the University of North Carolina at Wilmington. And I thank Dr. Leutz for his inspiration to me when he was my American History professor at the Uni- versity of North Carolina at Chapel Hill when I was the undergraduate there.

May God bless him and his family, and may God bless the University of North Carolina at Wilmington.

In recognition of John Shoemaker III

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to commend and congratulate John Shoemaker III for his many years of service to the city of Macon as well as the state of Georgia. John’s community leadership and involvement have been invaluable in the areas of business, youth leadership, the arts, and many others.

John has been a tireless advocate for the promotion of the arts in the Macon community by serving on the Macon Chamber of Commerce Board of Directors and as Chairman of the Macon/Bibb County Convention and Visitors Bureau. His hard work and dedication have made him the recipient of the Macon’s first “Soul Provider” Award.

John’s achievements and contributions beyond his city run deep. He has also been an integral part in the advancement of the arts. In 2000, he received the Macon Arts Alliance Cultural Award. John has provided 10 scholarships for disadvantaged students at Perry Players Summer Camp. He sponsored the Warner Robins Women’s Theatre Season Project. John sent 40 students to the Alabama Shakespeare Festival Production and 10 students to the Georgia Children’s Museum Summer Program. John made the initial donation to the Riverside Ford Center for Youth Performing Arts. His support of Theatre Macon, the Warner Robins Little Theatre, the Bleckley County Arts Alliance, the Macon State College Drama Department, the Macon Little Theatre, the Macon Arts Alliance as well as several other theatres throughout our state have been essential to the expansion of the arts.

Community involvement has been a major part of John’s life. He serves on the Macon Cherry Blossom Festival Board of Directors. His long-time membership in the Macon Kiwanis Club and the Macon Mayor’s President Club show his continued support to the city. He has served as Chairman of the Macon Park and Recreation and Honorary Chairman of the Sports Challenge for Cystic Fibrosis.

John’s accomplishments and contributions over the years have been an extraordinary service to his community and the state. Our nation needs more men and women like John. I consider him to be a friend, and I am extremely pleased to represent John in the 8th District of Georgia. Mr. Speaker, strong communities are built on the strong nation. Therefore, I commend John Shoemaker for making our community and our nation a better place.

CONGRATULATIONS TO MALLORY WATERS
HON. BARON P. HILL
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. HILL. Mr. Speaker, it is my privilege to bring to the attention of the House my constituent, Miss Mallory Waters of Clarksville, Indiana. Mallory is the national winner of the 2002 Voice of Democracy high school essay contest for the Veterans of Foreign Wars, and recipient of the $1000 Department of Maine Scholarship to “Remember the U.S.S. Maine” Award.

Mallory, who is a senior being homeschooled, is a past winner of numerous essay contests, as well as an accomplished artist and gardener. She is the daughter of Mr. and Mrs. J. Scott Waters. Her winning essay, “Reaching Out to America’s Future,” was sponsored by VFW Post 1832 and its Ladies Auxiliary in Jeffersonville, Indiana.

It is my pleasure to commend Mallory’s essay in the CONGRESSIONAL RECORD.

REACHING OUT TO AMERICA’S FUTURE
(By Mallory Waters)

Before the recent terrorist attacks, I had concluded that patriotism was on a sharp decline in America. People stayed home on Election Day, ignored the flag, and seemed to generally wave defiantly across the country as signboards declare, “God Bless America.” But I wonder if this newfound pride in country will continue when times begin to settle down. Only then will we learn whether or not this tragedy truly affected the hearts of the rising generation. For the participation of the citizens of the future—the young adults, teens, and even unborn children—in the affairs of this country will determine the future of America and the freedom it represents. I believe increasing interest in government and a sense of duty toward country are the foundations of our participation.

When President Kennedy said, “Ask not what your country can do for you—ask what you can do for your country,” he demonstrated that patriotism is not an empty emotion. It is a call to action. This call to action compels young people to participate in our government as tomorrow’s politicians, civil servants, and informed citizens. Are we prepared or even willing to properly fulfill these enormous responsibilities?

Sometimes I think that America is following the ancient city of Rome. The republic rose to power and prosperity in part because of the diligence, hard work, and moral character of its people. But as the Roman citizens focused increasingly on luxury and their own happiness, the virtues that had made the republic strong rotted away. Eventually, they gave up much freedom for security under the Caesars.

As one of America’s young people, I believe that many of us care far more about happiness and prosperity than we do about our liberties and freedoms. Relationships, cars, and music are physical items. Since freedom is much more abstract, it often seems boring. We have never tasted a life without this freedom for security under the Caesars and government we take for granted. But teens’ boring liberties actually allow us to enjoy the physical things we do value.

Short of sending us overseas, one of the best ways to help teens appreciate being free is to make government an interesting subject. Young people may be well-informed about the facts of government, but enjoying engaging in real-life politics is so much more important. Participating in student council and helping with a local political campaign are much more tangible than facts from a dull textbook. I think hands-on experience in mock-government organizations such as Boys’ and Girls’ State is one of the most beneficial of these activities for teens. What if more than only a handful of a high school’s students could have the opportunity to see first-hand how the government works? I think such a school-wide program would spark an interest in government and political matters in many.

If tangible political learning does not encourage young people to participate in government, an overarching patriotism and sense of duty instilled by family music. Keeping informed will not always be interesting, but we must recognize it as our responsibility. Families have always taken the lead in teaching our children about citizenship. We must show them how to think for themselves and formulate our own opinions. They must teach us to be diligent and informed voters who vote not for the political party but for the best candidate. Their lives must attest to the importance of staying informed in political matters and speaking out against issues they consider harmful to themselves or their country.

Young Americans must remember that freedom is so important that it was and still is something worth dying for. Being a conscientious U.S. citizen may require large amounts of work and inconvenience, but it is worth it. A loss of the values that make us the greatest as a result of political apathy will bring so much more trouble down the road. America’s youth must defend the enormous bond of patriotism which has made us the nation we are today. The recent surge of patriotism after the terrorist attacks should be our wake up call. May we realize the truth of President Kennedy’s words: “Ask what you can do for your country—ask what you can do for your country.”

RECOGNIZING SHERIFF LARRY D. SMITH
HON. DARRELL E. ISA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Sheriff Larry D. Smith of Riverside County, California. Larry Smith was sworn in as Riverside County’s eleventh sheriff on December 14, 1994. He has faithfully served the people of Riverside as sheriff for the past 8 years and to recognize this service the Riverside County Board of Supervisors dedicated August 1, 2002 as “Larry D. Smith Day” in Riverside County.

Sheriff Larry Smith began his thirty-six years in law enforcement as deputy sheriff in the Blythe Jail and Patrol Station. He has held each successive rank in assignments across Riverside County. His distinguished career includes a variety of command assignments, including narcotics enforcement, information services, the jail, and the patrol station. Sheriff Smith also served as the County’s Search and Rescue coordinator and commanded the department’s Emergency Service Team.

In addition to being the Chief Law Enforcement Officer for Riverside County he is also a
past board chairman and current board member of the Federal Los Angeles High Intensity Drug Trafficking Area, a past president and current member of the Riverside County Law Enforcement Administrators Association and past chairman of the local and regional CAL-ID boards. In addition, Larry Smith served as President of the California State Sheriff’s Association until June 2002.

Sheriff Smith has been recognized statewide with numerous awards and commendations including: the Special Recognition Award in 1996 from the California Narcotics Officer’s Association, the Outstanding Law Enforcement Officer Award in 1996 from Veterans of Foreign Wars Board of California, the 1997 Director’s Award for Partnership from the California Department of Forestry and Fire Protection and the 1998 Professional of The Year Award from the California Peace Officers Association.

Mr. Speaker, on the occasion of the celebration of Sheriff Smith’s career, I would like to personally wish him thirty-six years of service to the people of Riverside County and wish him good fortune in the future.

GERMANY REFUSES EVIDENCE OF 9/11 TERRORIST

HON. DARRELL E. ISSA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ISSA. Mr. Speaker, I rise today to express indignation at Germany’s refusal to provide evidence in the trial of would-be 9/11 terrorist, Zacharias Moussaoui. This past weekend, the German Justice Minister Herta Daeubler-Gmelin said that Germany would not release any evidence against Moussaoui unless they were assured that it would not be used to obtain a death sentence. He said that German documents “cannot be used for the death penalty or for an execution.” The United States would either have to accept their terms or walk away empty-handed.

In the face of this continuing terrorist threat to our country, the Germans are trying to meddle in our justice system—giving us instructions for how we should try a suspected terrorist conspirator and mass murderer. What an outrage!

The last time I checked, Germany was supposedly an ally—a NATO ally, to be more specific. In fact, right after denying us this critical evidence, Daeubler-Gmelin labeled U.S.-German relations “good and trustful.” Yet the Germans apparently have no qualms about using life and death information to make a disparaging comment on our justice system. My message to the Germans is simple: let us decide what we do with our mass-murderers and terrorists. If you are a true friend and ally, give us the tools to provide security for our own people.

What really bothers me about this is that the very existence of modern Germany is due to our unwavering support for them during the Cold War. In the face of a mounting Soviet threat against Germany, we provided them with military protection, food supplies, and development assistance. Under the Marshall Plan, we gave them the billions of dollars necessary to get their economy back on its feet following the Second World War. If not for our leadership in the NATO alliance, Germany would have suffered the same fate as the other Warsaw Pact countries—a harsh and cruel life under a Marxist dictatorship. We have always supported Germany, throughout all the difficulties of the Cold War and other challenges they have faced.

Germany’s refusal to help us is really quite unique. The vast majority of our true friends have been overwhelmingly supportive in the war on terror. Over the past year, we have worked hand-in-hand with the intelligence services of our moderate Arab allies to get the information we need to shut down terrorist threats around the world. Much of the intelligence we used in our successful Afghan campaign came from our Arab friends and allies. There has not been one incident where our real friends have even suggested the idea of not sharing intelligence with us.

The fact that Germany is now only willing to provide information with strings attached is cause for alarm. Would we put up with this behavior from any of our other allies? It is time to bring some real pressure to bear on the Germans. Germany needs to stop playing games and choose sides.

THE GREAT LAKES LEGACY ACT

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 1070, the Great Lakes Legacy Act introduced by Representative VERNON EHLERS. Years of contamination due to industrialization on the shores of the Great Lakes severely damaged these environmental treasures. The Great Lakes Legacy Act of 2001 is important to the region because it commits federal resources to remediate contamination of lake bed sediments that plague the Great Lakes.

The Great Lakes are under assault: under assault from industrial pollution, under assault from alien species being introduced into the lake, such as the Fish Hook Flea, the round goby, and the Zebra Mussel. The Great Lakes shores are also burdened by nuclear waste stored at scores of sites around the region: in my district nuclear waste sits less than a hundred yards from the shore of Lake Michigan. Currently, there are 43 AOCs, or Areas of Concern, in the U.S. and Canada surrounding the Great Lakes that require sediment remediation according to the U.S./Canadian International Joint Commission. It is important to note that, to date, NO AOC in the U.S. has been cleaned up sufficiently to be de-listed.

The Great Lakes Legacy Act of 2001 authorizes the Environmental Protection Agency (EPA) through the Great Lakes National Program Office to carry out projects to remEDIATE contaminated sediment or prevent further contamination in the Great Lakes region. This bill authorizes $50 million a year in fiscal 2003–2007 for remediation plans and $2 million annually for research and development of innovative technologies for sediment clean up.

I am here, more specifically, to speak on behalf of the city of Waukegan in my district, which was home to what many have called the worst PCB (polychlorinated biphenyls) contaminated site in the U.S. The city of Waukegan lies fifty miles directly north of Chicago on the west shore of Lake Michigan. In the 1980’s Waukegan Harbor was designated an Area of Concern by the International Joint Commission on the Great Lakes.

Most of the contamination of Waukegan Harbor took place over a 13-year period from 1959 to 1973 at the Outboard Marine Corporation (OMC) shoreline headquarters. OMC was a recreational marine products manufacturer that used a fluid in their dye-casting machines that contained PCBs. The PCBs were discharged from two locations in the plant: one directly into Lake Michigan and another into Waukegan Harbor. By the time the pumps were shut down in 1976, the United States EPA approximated that 300,000 pounds of PCBs were discharged directly into the water of Lake Michigan and an additional 700,000 were discharged on the OMC property. An average of 9 to 10 pounds of PCBs were discharged into Lake Michigan daily.

Many different entities have taken part in the clean up of Waukegan Harbor, including: the US EPA, the Illinois EPA, the Waukegan Harbor Citizens Advisory Group and OMC, who set up a trust to help facilitate their portion of the harbor clean up. The clean up has been successful to this point. The US EPA recently stated in a new remediation study “that the remediation at Waukegan Harbor successfully lowered concentrations of PCBs at the site.” However, more corrective action is needed in Waukegan to remove the remaining harbor contamination.

The efforts thus far in Waukegan Harbor illustrate one of the first Areas of Concern to actually demonstrate environmental and economic benefits resulting from a cleanup. We must stop the momentum now and leave the job unfinished.

Potentially, the Great Lakes Legacy Act will enable the federal government to help remove the remaining impaired sediments from Waukegan Harbor, and delist the harbor within 18–24 months.

This bill would enable sites like Waukegan Harbor, in the process of cleaning up, the chance to continue their efforts to complete the job and for others to begin cleaning up contaminated sites. This act would empower communities, such as Waukegan, to redevelop areas that before had little hope of an economic rebirth. A revitalized Waukegan Harbor offers the city a chance to reach its economic potential that was never before possible.

I would like to thank the many groups, private and governmental, which have helped in this effort to clean the contaminated sediments in Waukegan Harbor. Also, I would like to thank Rep. EHLERS for his leadership on this important issue. I urge my colleagues to support The Great Lakes Legacy Act, because it offers a healthy environmental and economic future to communities such as Waukegan.
HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to commend a fellow North Carolinian, W. Cloyce Anders of Raleigh, who will be installed as President of the nation’s largest independent insurance organization—the Independent Insurance Agents & Brokers of America (IIABA)—later this month in New Orleans. He is president of VFIS of North Carolina and Anders, Ireland & Marshall, Inc., both of Raleigh as well as a managing partner of Independent Agency Services, LLC, of Durham.

His career as an independent insurance agent overlapped with outstanding service and dedication to his clients, community, IIABA, the Independent Insurance Agents of North Carolina (IIANC), and his colleagues across the country.

Cloyce was elected to IIABA’s Executive Committee in September 1997 and was honored by his peers when they named him President-Elect last fall in Honolulu.

His service to his peers began with his involvement at the state level with IIANC. He served as IIANC president for a year beginning in 1989 and represented the state on IIABA’s National Board of State Directors from 1992–1997. In recognition of his outstanding service, he was honored by IIANC as the Agent of the Year, Young Agent of the Year, Educator of the Year and Committee Chairman of the Year.

Cloyce also is a concerned and highly active member of his community. He has served as president of several community organizations, including the Craven County Chamber of Commerce, New Bern Jaycees, Craven County Committee of 100; and as chairman of the Salvation Army Craven County Board, Craven County March of Dimes, Craven County Heart Fund, Craven County Cancer Drive, Craven County Committee of 100, and Salvation Army Building Fund Drive.

He is a member of the North Carolina Fire & Rescue Commission and is the facilitator for the Wake County Fire Commission. He also is chairman of the North Carolina Safety Workers Compensation Fund.

I am proud of Cloyce’s professional and community-service accomplishments and know he will serve his fellow agents with distinction and strong leadership to further the worthy and noble cause of independent insurance agents and brokers. I bid him a successful year as president of the Independent Insurance Agents & Brokers of America.

Mr. Speaker, Cloyce Anders was a good friend of my father, the late Congressman Walter B. Jones, Sr., who served twenty-six years in this body. Cloyce has extended that same friendship, for which I am grateful.

I wish him and his lovely wife, Carole, all the best as IIABA President and First Lady. Congratulations Cloyce and Carole.
year, I strongly supported the airport security bill because I believed then—as I do now—that we must protect the public from a repetition of terrorist hijackings. One key part of that is to have baggage screened to safeguard against explosives being smuggled aboard airplanes in checked luggage.

But today I voted to extend the baggage screening deadline established in the airport security bill because it doesn’t make sense to me to mandate a deadline that clearly is impossible for a quarter of airports in this country to meet. It has been clear for some time that although airports would presumably be able to meet the December 31st deadline, 25% of this country’s largest airports would not. Denver International Airport (DIA) is among those airports still waiting for the Transportation Security Administration (TSA) to approve its security plan.

DLA has developed its own plan that would employ a baggage-screening system that costs approximately $85 million to implement, versus $130 million for the system currently approved for use in the U.S. The bill before us today allows TSA to incrementally address individual airport requirements like DIA and accommodate new technology improvements.

I am a cosponsor of legislation that would extend the deadline because I believe DIA will be able to provide a better, more cost-effective baggage screening system than the current TSA-approved model given a bit more time. So I am pleased that this bill includes an extension on the baggage screening system.

In summary, I am pleased that this bill echoes the overall approach of the Hart-Rudman report recommendations. I am also pleased that this bill includes important Science Committee contributions, such as the one establishing an Undersecretary for Science and Technology in the new department, as well as provisions I offered in the Science Committee markup requiring the new department and NIST to engage in a systematic review and upgrading of voluntary consensus standards. I believe it is important that the bill includes a provision reaffirming the Posse Comitatus Act, which prohibits the use of the armed forces for civil law enforcement. And it is important that the bill prohibits the government from implementing the proposed “Operation TIPS,” an Orwellian program under which designated citizens would be trained to look for and report suspicious behavior on the part of their fellow citizens.

Despite the problems in the bill, I am voting for it today because I remain committed to a strong, effective Department of Homeland Security. I am hopeful that the problematic issues I highlighted and other concerns will be successfully addressed in the conference committee.

IN HONOR OF TORII KEDAR HUNTER

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ROSS. Mr. Speaker, on July 9th, 2002, in Milwaukee, Wisconsin nine of the Nation’s top professional baseball players walked onto the field at Miller Park as the starting lineup for the American League’s team at Major League Baseball’s 73rd All-Star Game. Among them, in centerfield, was Torii Hunter of the Minnesota Twins. The crowd’s eyes were fixed on him because he is known to be a show stopper, but my eyes were fixed upon him because he is from Pine Bluff, AR, in the heart of my own district.

In the first inning with two outs and nobody on base in a scoreless game, the crowd was aching for some action. Soon San Francisco’s Barry Bonds stepped up to the plate. Hunter took a few steps back. With a 3-0 count, Bonds lashed a fast-ball deep into center field. Hunter raced to the back wall, waited, and timed his jump perfectly to catch the ball well above the fence. The crowd erupted into applause.

After the game Hunter said “I grew up in Arkansas and the All-Star Game is one everybody got to watch on TV. I just want to make the people of my hometown proud. To make a catch against a Hall of Famer on national TV, this is one I’ll always remember.”

Some might have been surprised by Torri Hunter’s outstanding performance at the All Star game, but his teammates certainly weren’t. Hunter’s breakout performance in 2001 was one of the main reasons the Minnesota Twins battled for first place until the final weeks of the season. A first-round draft pick in 1993, Hunter has been one of the better defensive center fielders in baseball for several seasons but he became an offensive threat last season, hitting 27 home runs, 32 doubles, and knocking in 92 runs. His defense in center field didn’t suffer either; he was awarded his first Gold Glove Award during the 2001 season.

Hunter’s impressive career got its start in South Arkansas. Hunter is a 1993 graduate of Pine Bluff High School where he played baseball, basketball, football and track. He was named first team All-State his junior and senior seasons and played on the South squad in the 1992 Junior Olympics. Hunter was selected to the High School National Team by USA Today, the All American Team by Baseball America, and was named Gatorade’s Arkansas Player of the Year in 1993.

Mr. Hunter is not only an amazing athlete, but a husband, father and volunteer. He and his wife, Katrina Hall Hunter, have one son, Torii Jr. Hunter also designates his time and effort in support of Big Brothers & Big Sisters of Minneapolis and St. Paul. Through his inspiring career, and his selfless actions, Torri Hunter has indeed made the people of his hometown proud.

HONORING ACCOMPLISHMENTS OF NORTH CAROLINIANS

HON. RICHARD BURR
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor the accomplishments of some fellow North Carolinians who, during the recent District Work Period, brought great honor to our State.

Shortly after he returned to our respective districts, North Carolina lost one of its most famous athletes, Enos “Country” Slaughter. Born in Roxboro, just south of the Virginia State line, Country went on to star for the St. Louis Cardinals baseball team during their heyday’s of the 1940’s. Known as one of the “Gashouse Gang,” Country batted .300 for his career and had almost as many triples (148) as he had home runs (169). His most memorable moment came in the 1946 World Series, when he rounded the bases after hitting a routine single to score the Series winning run. The “Mad Dash”—as it came to be known—may have been his finest moment on the field, but often forgotten and much more appreciated by his fellow Americans was his service to the country in World War II during the height of his career. Country was inducted into the Hall of Fame in 1985 and returned annually for the induction ceremonies until his health prevented his attendance this year. Former teammate Mantle Maloney called Slaughter, “...a good old country boy who just loved to play baseball.” Country will be sorely missed.

About the same time Enos was called home, a new generation of North Carolina baseball players were reaching the pinnacle of youth sports—the Little League World Series. During the months of July and August, a talented group of 11 and 12 year olds from the Southwest Forsyth County Little League swept through the Northwest Florida Little League Tournament, defeating Greenville to become State Champions. Then, at the Southeast Regional Championship, the All-Stars ran their winning streak to 13 by tearing through the competition in Florida and defeating the Virginia State Champions to earn their tickets to Williamsport, Pennsylvania. They are only the third team in North Carolina to reach the World Series in the event’s fifty-six year history.

Upon reaching Williamsport, Southwest was thrust into the international spotlight, living side-by-side with Venetians, Stellians, and Russians, as well as Californians and Texans. In the pool play competition, Southwest put up a valiant effort in each of its three games, the third of which was a loss to eventual world champions Louisville, Kentucky. Even though the won-loss record does not reflect it, the talent and effort put forth by these young men far exceeded the expectations of coaches and parents and in the category of sportsmanship, Southwest is an undisputed champion. These boys and their proud families have the right to call themselves the World Champions to earn their tickets to Williamsport, Pennsylvania. They are only the third team in North Carolina to reach the World Series in the event’s fifty-six year history.

Of course the success of Southwest would not be possible without the unwavering support of parents, who sacrificed hours of family and work time to shuttle the players to and from practices and tournaments; of coaches, who also sacrificed time away from their families to teach young ball players about baseball, and more importantly, the things the game teaches us about life and our responsibilities to others, be they teammates, classmates, family members or society as a whole. Also, league organizers and sponsors, who for the past three decades have given the children of Southwest Forsyth County a place to spend their Springs and Summers in a competitive, safe and constructive atmosphere to learn our Nation’s pastime. Each of these young men, and at one time during this memorable ride, gave people in Forsyth County and North Carolina something to cheer about, so it would be only fitting to recognize all of them:
IN TRIBUTE TO OFFICER MICHAEL BARWICK

HON. RICHARD A. GEPHARDT
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEPHARDT. Mr. Speaker, August 29, 2002, was a sorrowful day for our community. St. Louis Police Officer Michael Barwick died that day when his police cruiser collided with another vehicle and caught fire. This fine young officer was performing his duty to protect and serve the citizens of St. Louis when the fatal crash occurred.

Officer Barwick attained his lifelong dream of becoming a police officer just two years ago. He loved his work and was committed to helping people in trouble; this devotion was evident to all who knew and worked with him. He was 27 years old.

Officer Barwick was not a police officer to become rich or to work easy hours. He worked long hours, in many dangerous situations, for a very modest salary. He joined the St. Louis Metropolitan Police Department out of a sense of duty to his community and his belief that he could make a difference. This belief was reflected in the way he conducted himself on and off the job.

Mr. Speaker, all of us are affected by the loss of this good and decent man, and the entire St. Louis community grieves with his family. His bravery and dedication to others won’t be soon forgotten, and we are grateful to have had him among us.

PRO-INDIAN CHARITIES SUPPORT TERRORISM

HON. EDDOLPH TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TOWNS. Mr. Speaker, on August 8 there was a very significant article in the Indian newspaper The Hindu. It was written by Robert M. Hathaway, whom many of us know as a former aide to former South Asia Sub-committee chairman Steven Solarz. As you may remember, Chairman Solarz was a fervent defender of India.

Mr. Hathaway’s article is called “Charity . . . or Terrorism?” It exposes the rise of terrorism in India and how charitable contributions from Americans are being used to fund causes that are not in the best interest of India. In his article, Mr. Hathaway writes, “substantial sums of money are sent from Indians resident in the U.S., and from American citizens of Indian origin, to groups and organizations in Gujarat and elsewhere in India that are directly linked to the violence in Gujarat.”

The article goes on to discuss how journalists have uncovered disturbing links. These transactions could raise issues of fraud and they appear to violate U.S. antiterrorism laws.

We must not allow money from the United States, even in the form of private contributions, to be used in support of terrorism. In that case, President Bush should act. After September 11, the President froze the assets of charities involved in supporting the terrorist network that attacked the World Trade Center and the Pentagon. Similar action should be taken to freeze the assets of charities involved in the violence and terrorism in India. And contributions from U.S. residents to those charities’ offices in India should expressly be prohibited. America should also stop its aid to India until it stops repression of the minorities. It is not realistic to consider terrorism against Sindh and other neighbors, and until it allows self-determination for all the people and nations seeking freedom from India.

Mr. Speaker, I would like to put Mr. Hathaway’s article into the Record at this time. It shows Indian terrorism in great detail.

(From the Hindu, Aug. 8, 2002)

CHARITY ... OR TERRORISM?

(By Robert M. Hathaway)

It is probably advisable for the American public to maintain an official inquiry into fund-raising in the U.S. by groups implicated in the Gujarat violence.


The people of India need no instruction from foreigners regarding the moral issues raised by this spring’s communal violence in Gujarat. Except for an embittered but fortunately minuscule minority, Indians of all religions and beliefs reacted with horror and disgust to the great human tragedy that unfolded in their country this year.

All those who admire Indian culture and accomplishments, who celebrate the extraordinary progress that has achieved in its still brief national existence, understand that the tragedy of Gujarat strikes at the very essence of India’s being and promise. The assassinations of Abdul Gani Lone, who opposed Indian rule in Kashmir but who in his final years had come to realize that violence and extremism offer Kashmiris no way out in their struggle with New Delhi, represented another blow to the ideals of tolerance and moderation, another triumph for the forces of hatred and intolerance.

The traumas and tragedies of Gujarat and of Kashmir are inextricably linked. Kashmir was certainly not the cause of Gujarat, but the violence in Kashmir, the mass expulsion of people like those of Godhra and Ahmedabad and Baroda spring from still more ancient soils. But the continued violence in Kashmir makes the hatred recently seen in Gujarat more likely, and in a perverted sense, more “respectable,” or at least acceptable. Perhaps, it does not go too far to suggest that until the wounds of September 11 are last healed, the poison that produced Gujarat will make other Gujars increasingly likely.

Some Indians, of course, say that the tragic events in Gujarat are a domestic Indian affair, and that the United States and the rest of the world have no business meddling into a purely internal Indian matter. This is a self-serving falsehood. Important American interests, including the global war against terrorism, can be directly affected by what the U.S. says—and fails to say—about Gujarat.

At this particular moment in history, the U.S. cannot allow the impression to take hold that Americans somehow value a Muslim life less than the life of a person of another religion. Sadly, there are those in the Islamic world who assert that the present conflict is a war directed not against terrorism, but against Islam. That the U.S. does not care about Muslims. That Washington seeks to hijack the tragedies of 9/11 to carry on long-held plans to repress the Islamic world. These are detestable lies, but many in the Muslim world are prepared to believe them, especially since, it is essential that India’s friends in the U.S. speak out to condemn the injustice and hatred so prominently displayed in Gujarat, and to lend support to Indian religious leaders of all religious beliefs, who are working to strengthen the forces of secularism, tolerance and multiculturalism. Some have asked what impact the recent events in Gujarat will have—should have—on the new and healthier relationship that the U.S. is developing with India. No one needs to be reminded of the tortured history of U.S.-India relations over the years, or the difficulty the two nations have had in working collaboratively with one another, even on those issues where our purposes and interests ran along parallel tracks.

Over the past half dozen or so years—and notwithstanding the temporary if traumatic jolt to the relationship administered by India’s 1998 nuclear tests and subsequent imposition of U.S. sanctions—Washington and New Delhi have begun to qualify a more qualitatively better relationship, so much so that the Prime Minister, Atal Behari Vajpayee, has come to describe the two countries as “natural allies,” a phrase increasingly used by Americans as well.

“Following the trauma Americans experienced on September 11, India was one of the first countries in the world to step forward with a pledge of unconditional and unavailing support for the U.S. in its quest to bring to justice those responsible for the terror attacks in the U.S. and Washington. The administration of George W. Bush, already keen to upgrade relations with Delhi, took notice. Prior to the February 27 Godhra attack that touched off the bloodshed in Gujarat, this new and more sanctions relationship between the U.S. and India was widely viewed by Americans as in the initial stages or, at least, nascent. Today: Gujarat has not changed this calculation.

And yet, it is neither possible nor practical simply to pretend that Gujarat did not happen. The violence in Gujarat, and the steps the Indian Government might take in coming months in response to those events, could have a significant impact on American views of India, and hence, on political and public support in the U.S. for a close and collaborative U.S.-India partnership.

Reports have already suggested that substantial sums of money are sent from Indians resident in the U.S., and from...
American citizens of Indian origin, to groups and organizations in Gujarat and elsewhere in India that are directly linked to the violence in Gujarat. I do not know if these accounts are true, but respected Indian journalists have uncovered disturbing linkages. If these reports prove accurate, then it is possible that such financial transactions violate U.S. anti-terrorism statutes.

Alternatively, issues of fraud may be at issue. Responsible sources report that some U.S. residents make financial contributions to overseas religious groups in the belief that these funds are to be used for religious or humanitarian purposes, when in fact the monies so raised are, used to promote religious or political ends.

In either event, it is probably advisable for the American Government to hold an official inquiry into fund-raising in the U.S. by groups implicated in Gujarat violence, to ensure that U.S. laws are not being violated. Legitimate organizations need not fear such an investigation, which would serve to clear their names and reassure potential donors about the legitimacy of their fund-raising activities. Nor would such an inquiry be new or unusual. The U.S. has acted in the past to regulate foreign fund-raising activities by groups advocating violence and ethnic or religious intolerance in other countries, as well as activities where fraud may be an issue. Since September 11, both the Bush administration and other Governments have shut down a number of groups whose ostensibly permissible activities were to collect funds for Musalim charities, but which actually served to finance terrorist networks.

The Gujarat violence, Lone’s assassination, and, more recently, the designation of L.K. Advani as Deputy Prime Minister and most likely successor to Mr. Vajpayee have all raised new concerns about India’s future among India’s friends in the U.S. An official U.S. effort to get into Gujarat-related fund-raising, voluntarily facilitated by the Government of India, would go far towards easing those concerns and further strengthening the new partnership between our peoples.

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002
Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th birthday of Margaret “Mardy” Murie.

Mardy was the prime mover in the creation of one of America’s great treasures, the Arctic National Wildlife Refuge. She was the first female graduate of the University of Alaska. Margaret “Mardy” Gillette grew up in Fairbanks during a time before airplanes and bush pilots, when one entered the territory by only boat or sled. Back then, Mardy relates, the territory was such an expanse that great spaces and wilderness were taken for granted. In 1921, and again in 1928, a Minnesota native who’d just been hired by the Biological Survey to study the Caribou population in Alaska. In 1924, Mardy married Olaus in the small village of Anvik.

The couple spent their first days of their marriage on the upriver Kuskokwim. Mardy and Olaus later followed the Caribou migration through Brooks Range. Their honey-moon was a 550-mile dog sledded ride across some of the most beautiful country in the world. Mardy took to the trail with Olaus, setting up field camps and assisting with data collection and photography. Olaus completed many paintings of the settings they traveled in. From the Yukon Territory to the Teton Range, they raised three children. The family eventually settled in Jackson Hole, Wyoming. It was then that they traveled frequently back to Alaska to live and also to Washington, D.C. to speak out for conservation issues and wilderness preservation. During their travels, both Mardy and Olaus began to notice the impact that the destruction of the native habitation had on the natural world; they saw large areas of wild land begin to disappear.

Over time, their commitment to natural area preservation increased. Even after Olaus’ death in 1963 the commitment they shared continued. She often pick up the letters she receives and invite people to her home. Her home serves as a Mecca for the conservation movement, hosting the Murie Center, an organization dedicated to the conservation movement. The center is dedicated to the development of new constituencies for wilderness and to foster fresh thinking and sustain confidence in the conservation movement.

We owe much to the life’s work of Mardy Murie, a pioneer of the environmental movement, who, with her husband, Olaus, has set the course of American conservation more than 70 years ago. Her passionate support for and compelling testimony on behalf of the Alaska Lands Act helped to ensure the legislation’s passage and the protection of some of our most pristine lands. A member of the governing council of The Wilderness Society, she served with such distinction as the Restoration of America committee and its Business Advisory Council as well as founding Sci-Quest in North Alabama. Prior to the merger between Sannina-SCI and the Republic Gardens. Virgin Mary “Jefferson” Paige graced the stages on the local club scene for 60 years. As an actress she performed in film, television and commercials and won an Emmy for the documentary “7th and T.” Mary traveled with a group of Washington DC jazz and blues singers to perform at the San Remo Blues Festival in Italy. She was aptly called the “Queen of DC Blues.”

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002
Mr. COSTELLO. Mr. Speaker, I rise today to recognize two very special members of the Huntsville community. Gene and Pat Sapp. Gene and Pat Sapp are the deserving recipients of the 2002 Huntsville Arthritis Foundation’s Humanitarian Award. The people of North Alabama are very fortunate to have had Gene and Pat Sapp active in our community over the last forty years. They have provided leadership to North Alabama in business, education, economic development, volunteerism, music and music education, and overall humanitarianism.

Gene Sapp presently serves as Co-Chairman of the Sannina-SCI Board of Trustees in Huntsville. Gene is a member of the Board of Directors of the Huntsville Symphony Orchestra Foundation, a founding trustee of Leadership Alabama, a founding member of Junior Achievement, and a member of the Huntsville Board of Education. Gene and Pat Sapp are the deserving recipients of the 2002 Huntsville Arthritis Foundation’s Humanitarian Award. The people of North Alabama are very fortunate to have had Gene and Pat Sapp active in our community over the last forty years. They have provided leadership to North Alabama in business, education, economic development, volunteerism, music and music education, and overall humanitarianism.

Gene and Pat Sapp are the deserving recipients of the 2002 Huntsville Arthritis Foundation’s Humanitarian Award. The people of North Alabama are very fortunate to have had Gene and Pat Sapp active in our community over the last forty years. They have provided leadership to North Alabama in business, education, economic development, volunteerism, music and music education, and overall humanitarianism.

Gene Sapp presently serves as Co-Chairman of the Sannina-SCI Board of Trustees in Huntsville. Gene is a member of the Board of Directors of the Huntsville Symphony Orchestra Foundation, a founding trustee of Leadership Alabama, a founding member of Junior Achievement, and a member of the Huntsville Board of Education. Gene and Pat Sapp are the deserving recipients of the 2002 Huntsville Arthritis Foundation’s Humanitarian Award. The people of North Alabama are very fortunate to have had Gene and Pat Sapp active in our community over the last forty years. They have provided leadership to North Alabama in business, education, economic development, volunteerism, music and music education, and overall humanitarianism.
church’s council of deacons. Pat was instrumental in forming a satellite center for senior citizens in an area of Huntsville that did not have adequate outreach available to our community’s elderly. She serves on the Huntsville Hospital Foundation Board of Trustees and has spent many years as a nursing home volunteer. Additionally, Pat was a chief volunteer and contributor for the Downtown Rescue Mission’s Capital Campaign Committee that developed a new women’s and children’s shelter, the Sapp Shelter for Women and Children.

Mr. Speaker, on behalf of the people of North Alabama, I rise today to recognize and congratulate Mr. and Mrs. Gene Sapp for receiving the 2002 Humanitarian Award from the Huntsville Chapter of the Arthritis Foundation. As you can tell, this distinguished award recognizes an outstanding commitment to our community is well-deserved. I join their children, Sharon Crain and Dr. Mark Sapp; their grandchildren, Will, Berkley, and Annie; and the people of North Alabama in thanking Gene and Pat Sapp for their contributions of time, talents, and compassion to our community over the years.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

SPREECH OF

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Mr. CUMMINGS. Mr. Speaker, I rise to ask all of my colleagues to vote against H.R. 5203, the “so-called” Education Affordability Act that would make permanent all but one of the education tax benefits that were contained in last year’s tax cut legislation. I understand that some of the education provisions, such as the exclusion for employer provided education benefits and tax breaks for student loan interests in the bill today have broad bipartisan support. However, those provisions can be considered in separate legislation that does not contain such provisions as the Coverdell Savings Accounts, that provides tax breaks equivalent to vouchers for private elementary and secondary schools’ attendance.

Five similar bills have been pushed through this House that would make other provisions of last year’s tax cut permanent. The Republican Leadership’s irresponsible tax cuts have propelled the nation into deficit spending. Every dollar spent on making these tax cuts permanent is another dollar taken out of the Social Security Trust Fund.

Instead of passing this bill, the House should provide adequate public education funding. Additional resources are needed to implement the new ESEA law. This bill would divert much needed money from the public school system where funds are desperately needed to improve public education for all students.

I would urge a no vote on H.R. 5203.

HONORING THE 40TH ANNIVERSARY OF THE CK & L OF I

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 40th Anniversary of the (Catholic Knights of Ladies of Illinois) CK & L of I in Swansea, Illinois.

Locally, the CK & L of I organization started some 40 years ago by Emil Wottowa, who served as the organization’s President. His son, Ed served as Vice President of the organization, which served the needs of the Catholic community in our area.

The CK & L of I is a fraternal organization based upon the tenants of the organization of Catholic Fraternal Life. The Knights of Columbus is a Catholic, family, fraternal service organization. Their 1.6 million members and families are dedicated to the ideals of charity, unity, fraternity and patriotism. They work to benefit their communities, their church and their fellowman. In the past ten years alone, the Knights have worked effectively on programs to benefit countless others in need, donating more than $372 million and providing 421 million hours of volunteer service.

The members of the Catholic family respond person to person in times of need. Members devote thousands of hours annually to fundraising and community service programs to improve the quality of life for others. They give of their time and talents and ask nothing in return. That is what fraternalism is about.

Volunteer efforts and council members are the heart of the organization. With the assistance of volunteer officers, members carry out numerous social, civic, benevolent, patriotic and religious activities throughout the year. They provide support, guidance and financial assistance to help members address local needs and their social interests. They support teen centers, blood banks and the Special Olympics, as well as the Sapp Shelter and child abuse prevention programs.

The CK & L of I was started locally by Mr. Wottowa who wanted to secure a place in the country where members could enjoy themselves. They started in the old Senior Center located at 116 West A Street in Belleville in 1930 and as they searched for a place for their members, they found the property that they needed at the old Dr. Walton Farm in the Fairview Hts/Swansea area along Rt. 159. Dr. Walton was an avid outdoorsman, as well as a horse enthusiast, and left undeveloped land available for members and their families to enjoy.

Their first meeting was held on the grounds of the old farm, where several farmhouses were converted for use by the organization. As the complex developed over time, the organization hosted Boy Scout troops from throughout the region, on overnight campouts to learn about the wetland areas and other open space. In fact, the organization works with St. Clair County, Illinois by utilizing its lake and retention ponds as a holding pond for area storm water.

The complex today consists of 2 ball diamonds, an auditorium and private clubrooms.

The CK & L of I plays host to many weddings, meetings and receptions. Through their charitable work, they offer rent-free space to Althoff High School, the Fraternal Order of the Eagles, St. Henry’s Catholic church, the Belleville Exchange Club, the Veterans of Foreign Wars, the Swansea Chamber of Commerce, Senior citizen meetings, the Exchange Club, many fundraisers and the annual Blood drive.

Today the CK & L of I boasts over 1,800 members, 900 of which are the men of the organization and 950 are women. The men meet the first Monday of the month while the ladies meet on the second Monday.

Mr. Speaker, I ask my colleagues to join me in honoring the 40th Anniversary of the CK & L of I organization and wish the best to all of its members both past, present and in the future.

EXPRESSIONS OF CONCERN WITH STRATEGIC POLICY TOWARDS TAIWAN AND APPARENT MILITARY BUILDUP BY MAINLAND CHINESE

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. GRAVES. Mr. Speaker, I rise today to express my concern with our stated policy towards Taiwan and the apparent military buildup by the mainland Chinese.

Mr. Speaker, according to a recent report to Congress issued by the Department of Defense, China’s military “offensive capabilities improve as each year passes, providing Beijing with an increasing number of credible options to intimidate or actually attack Taiwan.”

This warning by the Department of Defense only adds to my concern over the long standing ambiguity of United States policy towards Taiwan. The policy of “strategic ambiguity” has served the interests of the United States in years past, but recent developments constitute a review in current United States policy.

According to the report, in March of this year, China announced a 17.6 percent increase in military spending. This is a significant increase when it is facing significant threats from abroad. The report also states, “Beijing is pursuing the ability to force Taiwan to negotiate on Beijing’s terms regarding unification with the mainland . . . it also seeks to deter, deny, or complicate the ability of foreign forces to intervene on Taiwan’s behalf.”

This report is very troubling. However, even more troubling is that while our stated policy indicates an acknowledgment of “one-China,” it does not address what the United States’ policy should be if Taiwan were attacked by China.

Because of our current policy of “strategic ambiguity” that dates back to the 1970’s and the unanswered questions it generates, I am urging President Bush to conduct a comprehensive review of U.S. policy toward Taiwan.

With the apparent aggressive military buildup by the Chinese, the warnings reported by our own Defense Department, and our policy of “strategic ambiguity” towards the China-Taiwan relationship, it is time to review our policy toward Taiwan so as to account for the possibility of a military conflict between mainland China and Taiwan and the United States response to such an action.
HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

SPEECH OF HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 4, 2002

Ms. LEE. Mr. Speaker, I thank the Speaker, Congressman DAVIS, and Congresswoman MILLINDER-MCDONALD for bringing this resolution to the floor. I am proud to join my colleagues in support of this resolution recognizing the extraordinary sisters: Venus and Serena Williams.

As a member of both the Congressional Black Caucus and the Women’s Caucus, I am especially delighted to participate in honoring the Williams sisters for their remarkable contributions not only to the sport of tennis, but also to their community and indeed communities all across our nation. These women are truly making a difference. They are breaking down barriers on the courts and in underserved communities.

Their record is staggering: together the Williams sisters have won over 43 professional titles. Venus is the first African-American woman to win the Wimbledon Championships since 1957. She is the first United States woman since 1922 to win an Olympic gold medal in both singles and doubles, and holds the women’s world record for the fastest serve at 127 miles per hour. She is one of only seven women to win the singles titles in both the Wimbledon Championships and the U.S. Open in the same year.

Serena is the second African-American woman to win a Grand Slam singles title. She is the sixth American woman to win the U.S. Open singles title since 1968, and is only the fifth woman to win both singles and doubles Grand Slam titles in the same year. Since 1978, Serena is the only woman to reach the finals of the U.S. Open while debuting at the tournament.

In Compton, where they were raised, the Williams sisters are renowned for their service to their community. It is not unusual to find them passing out tennis rackets, conducting tennis clinics for low income children, or otherwise contributing to community development and helping to create an outlet for young people.

Their community service, however, extends far beyond Compton and California. Through their work, they have changed the lives of many young people, including young people right here in Washington, DC. I applaud the Williams sisters’ efforts and encourage my colleagues to vote for the passage of this resolution.

CELEBRATING THE LIFE OF LIONEL HAMPTON

HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. CONYERS. Mr. Speaker, I rise today to celebrate the life of Lionel Hampton, one of the greatest jazz musicians ever and a personal friend. Hamp, also known as the “Vibes President of the United States,” passed away on Saturday, August 31, but he lives on because of his many accomplishments. I, of course, try to list all of Hamp’s awards, but there are too many; instead, I’d like to share some personal memories I have of Hamp.

I was able to see him this past April 17, when I hosted a luncheon in his honor on Capitol Hill. He was surrounded by many friends and supporters on the occasion of his 94th birthday. Just this past April 15, the Senate passed Senate Concurrent Resolution 101, which extended best wishes to Hamp for his birthday, and the very next day, the House passed the same resolution. Of course, few birthdays could top Hamp's 90th in 1998, when he played at the White House for President Clinton. He proved to all of us that he hadn’t slowed down a bit. But playing for Presidents was old hat for Hamp. Throughout his career, he also played for Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, George H.W. Bush, and George W. Bush.

He also displayed his commitment to higher learning by having no fewer than 16 leading institutions award him honorary degrees and by having the University of Idaho name its school of music in his honor in 1987. That was the first time any school of music had been named in honor of a jazz musician. In fact, I have had the pleasure of serving as an honorary co-chair with President George H.W. Bush of the University of Idaho’s Lionel Hampton School of Music.

To make sure his cultural legacy would be preserved, I had the honor of helping him donate that vibraphone to the jazz collection at the Smithsonian Institution’s National Museum of American History on January 30, 2001. His donation will help inspire thousands of budding musicians to follow their dreams just as Hamp did.

If that wasn’t enough, Hamp used his mastery of music to cross color barriers and set an example for others. He was one of the first black musicians to perform in previously white-only venues and events, including with the Benny Goodman Quartet from 1936–1940, and as the first black musician to perform at a presidential inauguration (President Truman’s in 1949).

It isn’t possible for me to list all of Hamp’s awards, accomplishments, and performances, but rest assured, he will live on.

ON THE SWEARING-IN OF J. RUSSELL GEORGE AS INSPECTOR GENERAL FOR THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. HORN. Mr. Speaker, all of us who serve in Congress depend heavily on skilled, capable and hard-working staff members to meet the heavy demands of committee hearings, floor action and all of the other activities of a national legislature. These staff members serve in many roles, ranging from our personal staffs who handle a wide variety of issues to specialists at the Congressional Research Service, the General Accounting Office, the leadership staffs and our committees.
Over the past decade of my service in the U.S. House, I have been blessed with a strong and effective group of staff members who have helped me meet the needs of the 38th District of California. My staff also has helped me engage in vigorous oversight of government programs as a subcommittee chairman of the House Committee on Government Reform.

Today I want to recognize and honor one particular member of my staff who has served with me for nearly eight years as a staff director and chief reducer for the House Subcommittee on Government Management, Information, and Technology, which is now called the Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations.

J. Russell George joined my staff in 1995, shortly after Republicans won control of the House and I was appointed a subcommittee chairman. Since that time, Russell has been my key adviser and chief aide in directing the subcommittee through hundreds of hearings that investigated every department of the federal government and helped me prod executive agencies into a serious and sustained effort to prevent any major breakdown of government computer systems due to software problems related to the Year 2000 changeover. He was a key force in pressing for legislation that is owed to the taxpayers, and he has directed many other subcommittee initiatives that have saved hundreds of millions of dollars while making government programs more effective in meeting the needs of our citizens.

Safety first.

All of these efforts built on Russell’s prior experience as a New York prosecutor, as an aide to Senator Bob Dole of Kansas and as a White House aide under President George H.W. Bush from 1990 to 1993. They also serve as a excellent foundation for the new challenge that Russell takes on today after being sworn in as the new Inspector General for the Corporation for National and Community Service. Senator Dole administered the oath of office and both of us are proud of our roles in spotting Russell’s ability and putting that talent to work for the taxpayers.

I know Senator Dole and I also were pleased that Russell’s parents, Jonas and Celeste George, were able to attend today’s ceremonies. Russell was born in the Borough of Brooklyn in New York City on October 8, 1963. His father is a retired New York City Transit Authority Supervisor and his mother, Celeste Russell George, is a retired secretary.

Russell grew up in the Laurelton section of Queens, New York, where he attended public elementary and junior high schools. Following an entry exam, he gained admission to Brooklyn Technical High School, where he took pre-law prep courses to follow his dream of becoming an attorney. From a very early age, Russell demonstrated a commitment for public service, raising funds for charities, and at the age of ten, publishing a neighborhood newspaper aiming to benefit peers.

Following his high school graduation, Russell entered Howard University here in Washington and began his career in public service. A political science major, with a history minor, Russell was involved in college politics and was elected as the graduate representative to the Board of Trustees of Howard. He also served as an intern on Capitol Hill and that lead to his hiring as a clerk on the personal staff of Senator Dole, who at the time was chairman of the Senate Finance Committee. Russell remained on the Senator’s staff until his graduation from Howard, working nearly full-time, while winning placement on the Dean’s List and graduating magna cum laude in 1987.

Following Howard, Russell entered the Harvard Law School with the stated goal of “achieving legal training and returning to my community to serve it.” Russell remained true to that commitment by becoming a prosecutor in the District Attorney’s Office in Queens, New York, following his graduation in 1988. He tried cases and argued appeals before leaving to join the Administration of President George H.W. Bush, first as assistant general counsel in the Office of Management and Budget, and later as associate director for policy in the White House’s Office of National Service. It was in that latter position, that Russell was first introduced to the National and Community Service Act of 1990, when he was instructed to implement the recently passed legislation.

After serving in the Bush Administration, Russell practiced law at a corporate law firm in New York, but in 1995 I was able to lure him back to Washington to head my subcommittee staff. Russell has been a tremendous resource for me through many long hours and days of difficult work. I thank him for his dedication and hard work and I wish him all the very best in what I know will continue to be a very distinguished career in public service. He is a wonderful person and a sterling example of the men and women who serve our country so very well.

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

SPEECH OF
HON. ELIJAH E. CUMMINGS
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today to support H. Res. 94, the resolution to honor the contributions of sisters Venus and Serena Williams offered by Congresswoman JUANITA MILLER- MCDONALD.

I first want to congratulate Serena and Venus Williams for their outstanding and historic achievement of being ranked #one and #two, respectively, by the Women’s Tennis Association tour, the first for siblings.

Earlier this year the sisters faced each other in the finals at Wimbledon. The singles final was the first competition between siblings at Wimbledon since the very first final edition in 1884, when Maud and Lillian Watson faced each other. Venus and Serena played a game that will not soon be forgotten.

The sisters have won many awards including more than 43 professional titles between them. Setting Grand Slam titles is nothing new to Venus and Serena. Venus Williams was the first African-American woman to win the Wimbledon Championships since 1958 and was the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles. It is no surprise that Venus earned Sports Illustrated Sportswoman of the Year in 2000 and winner of the 2001 ESPY Award for Outstanding Women’s Tennis Performer.

Serena Williams was the first woman to reach the finals in a U.S. Open debut since 1978 and is the 2002 Wimbledon champion.

Together, Venus and Serena Williams were the first sisters in professional tennis history to each win a Grand Slam singles title, the first to be ranked in the top ten simultaneously since 1991, the first to win a Grand Slam doubles title together, and the first to compete against one another in a Women’s Tennis Association Tour final. The sisters also were the first to win gold medals in doubles at the 2000 Sydney Olympic games.

The Williams sisters are also winners off the court. They have established the Venus and Serena Williams Tennis and Tutorial/tennis academy that offers mentoring and tennis lessons to high school students in the Los Angeles area.

Additionally, the sisters are co-founders of the Southeast Tennis and Learning Center in Washington, D.C. These ventures will give hope to many young people and help keep them off the streets, on the tennis courts, and following their dreams.

As we honor these remarkable athletes, we must not forget to salute their family, especially their parents, Richard and Oracene Williams. They established a solid foundation of excellence in their children. They are indeed the backbones for their daughters’ successful careers.

Venus and Serena’s accomplishments are victories for women of all ages who aspire to be or are already athletes. On and off the courts, Venus and Serena Williams are indeed “giving back.”

I believe that in a few days we will see another Williams sister-sister match up at the U.S. Open. Venus and Serena Williams are both advancing toward the finals in the U.S. Open.

Mr. Speaker, the wonderful thing about this resolution is that it acknowledges the Williams sisters for their contributions to the sport of tennis, their community, and all the things they have done and will continue to do. Without question, Venus and Serena are two great athletes who have changed the game of tennis. I urge all of my colleagues to join me in supporting this resolution.

RECOGNIZING THE ACHIEVEMENTS OF CLARK R. LAW

HON. DAVID L. HOBSON
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. HOBSON. Mr. Speaker, I rise today to recognize the achievements of Clark R. Law, who for the past 14 years, has served as the President and Chief Executive Officer of the Association of Ohio Philanthropic Homes for the Aging, a nonprofit organization that represents more than 350 nonprofit long-term care facilities located in more than 150 Ohio towns and cities.

Clark has been an aggressive leader in working in Columbus and in Washington on
behalf of AOPHA-member facilities that serve more than 50,000 elderly Ohioans daily and employ more than 20,000 people statewide.

Before coming, to Congress, I served as the Chairman of the Committee on Health, Human Services and the Aging. I knew I could always rely on Clark Law and AOPHA to provide sound advice and to bring any problems affecting seniors to my committee’s attention.

Clark’s efforts were instrumental in helping win approval of the Seniors Healing at Home Act. This bill is now a federal law, and provides seniors the option of where they choose to receive care and helps bridge the gap between home and hospital care.

After making sure that we in Congress knew that this problem was impacting seniors, AOPHA took up the charge by making its members available to testify, and helped spread the word that seniors were being negatively affected by Washington’s Medicare bureaucracy.

In all the years I have known him, Clark has never been shy about standing up for those seniors who rely on AOPHA to be their voice in matters of public policy. His willingness to get involved and to fight hard on behalf of Ohio’s seniors and assisted living care professionals has improved the quality of life for thousands of Ohioans.

As Ohio’s Seventh District Representative to the Congress of the United States, I take this opportunity to publicly recognize Clark R. Law and his achievements on behalf of Ohio’s senior citizens. His contributions to the quality care of the elderly in our state are too numerous to list and I thank him for his years of dedicated service.

CONGRATULATIONS TO THE JESSE BURKETT LITTLE LEAGUE ALL-STAR,JESSE BURKETT LITTLE LEAGUE ALL-STAR JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Worcester, Massachusetts in celebrating the achievements and accomplishments of the 2002 Jesse Burkett Little League All-Star Team. Throughout their run from the city title to the U.S. Championship game, this terrific team won the hearts of Worcester, of Massachusetts—indeed, all of New England. By advancing to the National Championship game, these fine young men advanced further than any other team in the history of Massachusetts.

This accomplishment is impressive in and of itself, considering that this team has only played together for a few short months. They made us all proud. Proud not just because of their amazing play on the field—but also because of the way they conducted themselves off the field. The image I’m going to take from the World Series isn’t a home run or a great defensive play or a nasty breaking ball. I’ll remember that after the game against Kentucky, this team stood on the field and applauded their competitors.

They acted like true gentlemen, true sportsmen, and that is what we are most proud of. That is what we will remember for years to come. During a time when the sports headlines are dominated by things like revenue sharing and luxury taxes and salary caps, they reminded all of us why we fell in love with the game of baseball.

Mr. Speaker, the Jesse Burkett All-Star Team reminded us of the sheer joy that can come from doing your best, playing hard, playing fair and playing as a team. This is one of the best stories of the year, and I was honored to be a part of celebrating it in Worcester.

A special thanks needs to be extended to the Manager Fran Granger and Coaches Tom Daly, Paul Flynn and Chris Doyle. They have reminded us all of what baseball is all about . . . good sportsmanship, teamwork, young boys playing their hearts out, and most of all—having fun.

Mr. Speaker, it is with tremendous pride that I recognize the exceptional players, coaches, parents and members of the Massachusetts residents of the Jesse Burkett All-Star Team for a remarkable run to the Little League World Series. I am tremendously proud of all of them and congratulate them on their accomplishments. I wish them the best of luck in years to come.

ARTURO SANDOVAL TRIBUTE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body’s attention the achievements of a distinguished musician, Mr. Arturo Sandoval. At the age of 52, he continues a career that has brought him international acclaim as a composer, performer, and bandleader. I am extremely honored that he will be my guest here in Washington, DC, on Thursday, September 12, 2002, during the Congressional Black Caucus Foundation’s Annual Legislative Conference. That evening, my colleagues and I will have the opportunity to thank him for the great pleasure that his life’s work has brought to its, and to millions across this nation and around the world.

The Congressional Black Caucus is not alone this year in recognizing the magnificence of what Arturo Sandoval has accomplished. Sandoval, a founding member of the Grammy-winning group, Irakere, has been honored by the Recording Academy with twelve nominations and four Grammy Awards. Sandoval received Cuba’s Best Instrumentalist of the Year Award from 1982 through 1990. In 2001, he was awarded the American Society of Composers, Authors and Publishers Founder’s Award for his accomplishments as trumpeter, composer and arranger. He is currently the Professor of Trumpet at the Florida International University School of Music. However, Mr. Sandoval’s accomplishments are hardly limited to the trumpet; he is an accomplished pianist in both classical and jazz styles.

Born November 6, 1949, in Artemisa, a small province of Havana, Cuba, Arturo Sandoval has for 40 years been a musical prodigy. He began his musical career in his village band at the age of 13. In 1964, he began three years of classical trumpet study at the Cuban National School of Arts. At 16, he earned a place in Cuba’s national all star band. Drafted in to the military in 1971, Sandoval was able to play with the Orquesta Cubana de Musica Moderna and continued his daily practice regime.

Sandoval’s talent has led him to associations with many of the great jazz musicians, but his most important association was his friendship with the legendary Dizzy Gillespie. In 1977 Gillespie was visiting Cuba, when Sandoval decided to seek his counsel. Sandoval and Gillespie quickly became friends and Gillespie invited Sandoval to perform and...
Tribute to Robert Barnes

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Robert Barnes, one of San Francisco’s premier political consultants who died on August 9, 2002 at the age of 42. A fifth generation San Franciscan, his leadership and tenacity greatly influenced the political landscape of San Francisco and his passion and strength inspired untold numbers of our fellow citizens. Accordingly, it is fitting for the Congress not only to honor those who were tragically taken from us on that day, but also those among us who bravely risked their lives for others and for everyone who has since that tragic attack, stood steadfastly united in this war against terror.

On Friday, September 6, 2002, our special session of Congress has been convened in Federal Hall, just 5 blocks from where the Twin Towers once proudly stood and where George Washington was sworn in as the first President of the United States. Accordingly, it is only fitting that we are honoring the victims of September 11, sending our deepest sympathies to their families on this sacred ground. This special joint congressional session is a tribute to their memory and to the heroism of our fellow citizens. It is legislation that we take part in this solemn, historic event to tell the rest of the world that our Nation stands united as one because we truly are the “United” States of America.

In Memory of Ethel Marie Silver

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well being of the city of Riverside, California, was unparalleled. Riverside was indeed fortunate to have such a dynamic and dedicated political and community leader who willingly and unselfishly gave of her time and talents to make her community a better place in which to live and work. The individual I am speaking of is Ethel Marie Silver, a close friend and mentor. She passed away Sunday, September 1, 2002 at the Riverside Community Hospital after complications from surgery at the age of 76.

Ethel was born in Hemet, California but lived most of her life in Riverside and graduated from Riverside Poly High School in 1944. She earned her registered nurse degree from Los Angeles County General Hospital School of Nursing where she met her husband, Dr. Harrison Silver. After graduation, she played a vital role in establishing the Riverside General Hospital Medical Auxiliary and later served as president. Ethel also regularly volunteered at the hospital blood bank.

Ethel’s passion for her work as a nurse was matched by her passion for politics. Throughout her life, she had been involved in campaigns from the local level to the federal level. Ethel got her start in politics volunteering on a
successful 1962 congressional campaign from Riverside. Over the years she became a master of political strategy and worked tirelessly helping candidates.

She was a member of several community organizations including the California Republican Central Committee and was a delegate and alternate to several Republican national conventions. Ethel received many awards throughout her lifetime and in 1987 she received the Presidents Achievement award from the Riverside County Federation of Republican Women.

She is survived by her husband, her son, Jeffrey, her daughter Jennifer Barnes, two granddaughters, her brother William Gruber, and two sisters, Lil Harvill and Florence Danson. My thoughts and prayers go out to them for their loss.

Mr. Speaker, looking back at Ethel’s life, we see a woman dedicated to her family and community—an American whose gifts to the Inland Empire and southern California led to the betterment of those who had the privilege to come in contact or work with her. Honoring Ethel’s memory is the least we can do today for all that she gave over her lifetime.

TRIBUTE TO MR. STANLEY A. HAMER OF LACEY SPRINGS, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR. OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Mr. CRAMER. Mr. Speaker, I rise today to recognize a special member of the North Alabama community, Mr. Stanley A. Hamer of Lacey Springs, Alabama, who has served 30 years as a delivery driver. Mr. Hamer served the past 28 years with the United Parcel Service.

As you know, UPS is celebrating its 95th year in business today. As the company celebrates this important milestone in its history, UPS is taking this opportunity to honor the employees who have achieved milestones of service with UPS. I would like to congratulate Mr. Hamer on his 30 years of service as a delivery driver, and thank him for the support he has provided to the North Alabama community.

In addition to serving many North Alabama citizens, Stan Hamer has spent the last 21 years delivering UPS packages to the men and women of Redstone Arsenal in Huntsville. Mr. Hamer has become an icon to the employees at Redstone Arsenal and his excellent delivery service has come to represent to them UPS and its commitment to quality.

Mr. Speaker, I want to commend Mr. Hamer for his many years of service making important deliveries to the community of North Alabama, and to congratulate the United Parcel Service for ninety-five successful years of business.

TRIBUTE TO MR. JOSEPH GREGG
HON. SHELLY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Mr. Joseph Gregg, owner of Charleston Cut Flower, in recognition of his efforts to promote neighborliness in his community. Charleston Cut Flower has selected September 4th, 2002 as “Good Neighbor Day.” To celebrate, their store will give away a dozen roses to the first person to visit the store. In return, each person who receives flowers is asked to give away eleven roses to eleven different people as a symbol of friendship and community renewal.

I commend Charleston Cut Flower for their commitment to their community and their generosity towards their neighbors.

Mr. Gregg and all of his employees have set and incredible example for the other businesses in their area. Mr. Speaker, I urge my colleagues to join me in honoring Charleston Cut Flower.

HONORING H. G. DULANEY, DIRECTOR OF THE SAM RAYBURN LIBRARY

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a distinguished gentleman from Ector, Texas in the Fourth Congressional District—H.G. Dulaney, who this week is stepping down after forty-five years of service as Director of the Sam Rayburn Library in Bonham, Texas.

H.G. Dulaney is a name that is synonymous with the Sam Rayburn Library. He was actively involved in preparations for the Library from its inception through construction and opening in 1957, and he has directed activities of the Library since that time, including its transfer into The University of Texas at Austin in 1990. Throughout almost half a century of operation, H.G. has nurtured the Library and has shared his wealth of knowledge and insights about Speaker Sam Rayburn with scholars, tourists, and school groups who visit the Library.

And his has been a labor of love. H.G. began working for the legendary “Sam” in 1951. “Mr. Rayburn was one of the greatest men who ever lived,” he said. “He had more integrity than anyone I’ve known in my life.”

And he has been a labor of love. H.G. has shared his love of the Library and the legacy of this great statesman who served in Congress for 48 years, from 1913 until his death in 1961, including serving as Speaker of the U.S. House from 1940 to 1961 for all but four years. His career spanned the administrations of eight Presidents, and the Library houses the books, papers, and momentoes from his 48 years in the House.

The Library is truly a treasure for Bonham, for the State of Texas, and for America. It is a testament to the powerful legacy of Mr. Rayburn—and it is a testament to H.G.’s years of hard work and devotion in directing the Library’s operation. That is also fitting that H.G. is a native of Mr. Rayburn’s Fourth District of Texas, which I am now honored to represent, and understands its people and its culture. He was born and reared in Ector, where he graduated from high school in 1936. Following three years of service in the Air Force in World War II, he attended business college in Dallas and then was employed at the Bonham Abstract Company and with the Farmer’s Home Administration. He then joined Speaker Rayburn’s Washington staff in 1951 and served until the opening of the Library in 1957, when he moved back to the Fourth District and became the Library’s Director.

Mr. Speaker, the Sam Rayburn Library Board of Trustees and many friends and supporters are hosting a retirement luncheon for H.G. this week in Bonham, and I would like to ask my colleagues in the House to join me in expressing our gratitude to him for his dedication, inspiration and years of outstanding service and to extend to him our best wishes for a wonderful retirement. His labor of love has helped preserve the history and the integrity of this chamber and one of its greatest Speakers, Sam Rayburn, and as we adjourn today, let us do so in tribute to one of Mr. Rayburn’s dearest and most loyal friends—H.G. Dulaney.

RECOGNIZING CAROL SLETNER, CHIEF OF POLICE FOR THE CITY OF ROSEVILLE

HON. BETTY McCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Ms. McCOLLUM. Mr. Speaker, it is my privilege to recognize Carol Sletner for her appointment to the position of Chief of Police for the city of Roseville in Minnesota’s Fourth Congressional District. Sletner joins the ranks of six other women police chiefs in the state of Minnesota.

As only the second woman elected to Congress from the state of Minnesota, it is a true pleasure to honor another woman for her achievements in public service. Carol Sletner is eminently qualified for her duties as chief. Hired in 1982, Sletner was the first full-time female police officer for the City of Roseville. Since then, Sletner has steadily achieved promotion, to Sergeant in March 1992, Lieutenant in September 1997, and Deputy Chief in March 2001. She is the President of the Minnesota Association of Women Police and Past President of the Minnesota Juvenile Officers Association. She is currently a member of the FBI National Academy Association, Ramsey County Chiefs Association, Minnesota Association of Chiefs of Police, International Association of Chiefs of Police and International Association of Women Police.

When I had the opportunity to meet with Carol this past spring, I was impressed by her commitment to public service and her willingness and ability to meet the new challenges of Homeland Security facing our local police departments.

I commend Chief Sletner for her pursuit of her childhood desire to become a police officer. Her promotion to Chief of Police marks a great achievement. I know that she and the rest of the Roseville police department will serve our community well.
Mr. CUMMINGS. Mr. Speaker, I rise today in support of HR 3287, a bill that would rename the U.S. Postal Service’s Brentwood Processing and Distribution Center in Washington, D.C., as the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

Mr. Curseen, Jr., and Thomas Morris, Jr., were two of four U.S. Postal Service employees who contracted inhalation anthrax while working at the Brentwood Processing and Distribution Center in Northeast Washington last fall. It is believed that they were exposed while sorting contaminated letters sent to congressional offices. The anthrax attacks temporarily suspended some mail delivery, closed numerous congressional offices, and mail processing facilities, where health officials tested and decontaminated equipment, offices and facilities.

It has been almost a year since the anthrax mailings and we are not any closer to finding the person who sent anthrax contaminated letters through the mail. Last year, I met with postal workers from my district. They are proud to work for the postal service but are concerned for their safety. They assured me that neither rain, snow, nor anthrax laced letters would keep them from delivering the mail. However, with that renewed pledge and resolve, they wanted my assurance that the government cared about them. I have the highest admiration for the postal workers who have continued to go to work in this time of uncertainty. Congress must pledge to continue funding for anthrax research. For years the military has been preparing for a chemical weapon attack, specifically from the biological agent anthrax. Some military personnel have been vaccinated for anthrax. Perhaps we should consider vaccinating postal employees along with the military. For years the military has been conducting anthrax research. Perhaps we should consider vaccinating postal employees for anthrax.

Moreover, StorageTek’s leadership within the community also warranted this recognition. Since its founding in 1991, the StorageTek Foundation has donated more than nine million dollars to charitable causes with emphasis on education, health, human services, and art. The Foundation also encourages and rewards employee volunteers through the Volunteers in Partnership with the Community (VIP.COM), which rewards organizations designated by employees with who the employee volunteers 100 hours or more.

Mr. Speaker, I congratulate StorageTek for receiving “Company of the Year” award, and commend them for being a role model in business and in the community.

REVISED REMARKS FROM CONGRESSIONAL RECORD

HON. CHET EDWARDS, OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 2002

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 2002

SPEAKING ON THE RULE FOR H.R. 4965

Mr. EDWARDS. Mr. Speaker, I strongly oppose late-term abortions, but I believe, like many Americans, that when the health of the mother is at risk, that is a decision that should be made by a woman and her doctor and not by politicians in Washington, D.C.

I am sad to say that this rule is shameful and this bill is a false promise. I do find it interesting that those supporting this rule and this bill keep quoting the American Medical Association. I do not know if they just did not want to hear me or they refuse to accept it. The organization they are quoting opposes this legislation.

Why do I say this rule is shameful? First, it ensures that when this bill passes today, were it then to become law, it would never have the impact of law or save one baby because the Supreme Court has made it absolutely clear, not just once but five times that the law must be constitutionally required exception where a health exception, we actually could do some good. What a shame.

SPEAKING ON PASSAGE OF H.R. 4965

Mr. EDWARDS. Mr. Speaker, Coreen Costello was a pro-life Republican and mother of three when her pregnancy turned tragically fatal for her child. Her doctors preserved Mrs. Costello’s fertility with a procedure being outlawed in this bill. She then became pregnant again and gave birth to her fourth child. Listen to this loving mother’s words. “Because of this procedure, I now have something my heart ached for, a new baby, a boy named Tucker. He is our family’s joy, and I thank God for him.”

Mr. Speaker, no Member of this House has the right to substitute his or her judgment for that of a physician and a mother faced with a rare but tragic situation where a pregnancy is failing, a child has no chance of living outside of the mother’s womb, and the goal is to save a mother’s fertility or health. No Member has that right, not one.

If there is an issue of late-term abortion in America for frivolous reasons, that is one too many, regardless of the procedure used. I am strongly opposed to late-term abortions. But I believe when the health of the mother is at risk, that firm recently named as the “Company of the Year” by ColoradoBiz Magazine.

StorageTek is headquartered in Louisville, Colorado, with more than 7,800 employees in fifty countries worldwide. Founded in 1969, this company specializes in a broad range of digital storage and data security equipment. Their customers include industry leaders and government agencies such as the Department of Defense, Central Intelligence Agency, and the Congress.

ColoradoBiz Magazine bestowed its award for StorageTek’s success in business, marketing innovation, operational efficiency, and community responsibility. For instance, the company astonishingly improved customer order processing time by twenty-five percent, while reducing facility space by fifty percent and inventory on hand by $100 million.

StorageTek’s business model improved efficiency and customer service. Moreover, StorageTek’s leadership within the community also warranted this recognition. Since its founding in 1991, the StorageTek Foundation has donated more than nine million dollars to charitable causes with emphasis on education, health, human services, and art. The Foundation also encourages and rewards employee volunteers through the Volunteers in Partnership with the Community (VIP.COM), which rewards organizations designated by employees with who the employee volunteers 100 hours or more.

Mr. Speaker, I congratulate StorageTek for receiving “Company of the Year” award, and commend them for being a role model in business and in the community.

HONORING STORAGETEK, COMPANY OF THE YEAR

HON. BOB SCHAFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. SCHAFER. Mr. Speaker, I rise today to honor StorageTek, a Colorado technology company that recently named as the “Company of the Year” by ColoradoBiz Magazine.

StorageTek is headquartered in Louisville, Colorado, with more than 7,800 employees in fifty countries worldwide. Founded in 1969, this company specializes in a broad range of digital storage and data security equipment. Their customers include industry leaders and government agencies such as the Department of Defense, Central Intelligence Agency, and the Congress.

ColoradoBiz Magazine bestowed its award for StorageTek’s success in business, marketing innovation, operational efficiency, and community responsibility. For instance, the company astonishingly improved customer order processing time by twenty-five percent, while reducing facility space by fifty percent and inventory on hand by $100 million.

StorageTek’s business model improved efficiency and customer service. Moreover, StorageTek’s leadership within the community also warranted this recognition. Since its founding in 1991, the StorageTek Foundation has donated more than nine million dollars to charitable causes with emphasis on education, health, human services, and art. The Foundation also encourages and rewards employee volunteers through the Volunteers in Partnership with the Community (VIP.COM), which rewards organizations designated by employees with who the employee volunteers 100 hours or more.

Mr. Speaker, I congratulate StorageTek for receiving “Company of the Year” award, and commend them for being a role model in business and in the community.

I am pleased that preliminary samples from the test fumigation of the quarantined Brentwood postal facility indicate no traces of anthrax spores. The test fumigation of the quarantined Brentwood postal facility indicate no traces of anthrax spores. EPA scientists, lab technicians and others who have been conducting anthrax research. For years the military has been preparing for a chemical weapon attack, specifically from the biological agent anthrax. Some military personnel have been vaccinated for anthrax. Perhaps we should consider vaccinating postal employees along with the military.

Mr. Speaker, I congratulate StorageTek for receiving “Company of the Year” award, and commend them for being a role model in business and in the community.
is a choice that should be made by a woman and her doctor, and not by politicians in Washington, D.C.

That is not just my opinion, that is the opinion of the United States Supreme Court in the Stenberg v. Carhart opinion dated June 28, 2000. In that indication, the Supreme Court and its majority of justices made it very clear that the Nebraska partial-birth abortion law was unconstitutional, in these words:

“...Because it lacks an exception for those instances when the banned procedure is necessary to preserve the health of the mother.

That is as clear as the English language can be. Justice O’Connor, the swing vote on this issue, has made it clear. The truth is that with no health exception for a woman, there will be no law; no law, not one baby saved.

Mr. Speaker, this bill has two flaws in it that make it little more than politics at its worst, as Ralph Reed said, a political silver bullet. First, it is unconstitutional, therefore meaningless. It is a false promise. Second, if the authors of this bill truly believe that American women are monsters who would take a perfectly healthy baby seconds before a perfectly healthy child birth and puncture its brain and kill that innocent child, then why is it that they just want to outlaw one procedure? If you assume the woman is that kind of a monster, then under this bill even if it were law and were constitutional, which it is not, then the woman could choose to use other late-term abortion procedures. Once again, a meaningless law, a meaningless bill that will not save one baby’s life.

I think the people who should really be offended by this bill are those genuine pro-life Americans who want to stop late-term abortions. I want to stop late-term abortions, and I hope others who do would ask the proponents of this bill two questions. Is politics so important that you would rather pass a clearly unconstitutional bill than a bill that could actually become law, a bill like I helped pass in Texas 15 years ago that is still the law of that State today? Second question: Why are you outlawing one procedure and leaving every other late-term abortion procedure perfectly legal? This bill is politics at its worst. It is a false promise.

COMMEMORATION OF RETIREMENT OF MRS. MYRNA DECKERT OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. REYES. Mr. Speaker, I rise today to commemorate the retirement of one of the most inspirational and respected women in El Paso, Texas: Mrs. Myrna Deckert. Mrs. Deckert represents the highest caliber of citizen we have in the United States. Since the early 1960s, she has been a motivating force in the improvement of her workplace, the YWCA El Paso, and as a result, the El Paso community as a whole. We are lucky to have someone with her rare mix of business savvy and empathy in our midst and I am proud to honor her today in the United States Congress.

Myrna’s service to El Paso began with her position as Teenage Director at the YWCA El Paso del Norte Region. Myrna quickly displayed her prowess for innovation and improvement as she expanded the Teenage Program from less than 30 members to over 1500 members and vastly improved the services offered. She then moved up to become the Associate Executive Director of the organization.

Most recently, it is the privilege of this Board for ten years, that YWCA captured national attention in Parade Magazine. Myrna created a place of respite and support for teenage girls with family problems called the Residential Intervention Center which was so effective that it caught the eye of Parade, who ran the story as its feature article.

Just one year after assuming the Associate Executive Director post, Myrna was made Chief Executive Officer of the YWCA El Paso del Norte Region. In the ensuing years, it was easy to tell that Myrna was at the helm. With her as head of the organization’s 33-member board, the YWCA’s operating budget grew from $100,000 to $35 million. Their staff grew from about 20 to over 800, and the YWCA went from one building to numerous facilities valued at over $20 million.

As CEO, Myrna received numerous awards and recognitions for her efforts. Some highlights—as there are definitely too many to share all of them here—are: the Woman of the Year Award from the American Association of University Women; the Director of the Year Award from the United Way of El Paso County, the Humanitarian Award from the League of United Latin American Citizens, and the “One of the Twenty Outstanding Women of Year Award(s)” from the El Paso Times in 1997. Three years later, the El Paso Times honored her again with one of the two “Newsmaker of the Year” awards in 2000.

While reflecting over this amazing and substantive career, I would like to congratulate Myrna on her retirement and thank her so much for her years of hard work and commitment. Because of her efforts, I represent an area that provides opportunity and enjoyment to its citizens. Myrna, because of your efforts, I represent an area that are proud to call home. Thank you. I yield back the balance of my time.

GENEROUS CONTRIBUTION MADE TO COMMUNITY PROJECT IN LEXINGTON, MISSOURI

The Robert Byrd Honors Scholarship recipients from the 6th District of Missouri. Their achievements, dedication, and promise. The department of elementary and secondary education, in cooperation with the United States Department of Education, provides superior scholars throughout the Nation with this esteemed award. In order to receive the scholarship, students must be a resident of Missouri and attend a public or private school within the State, be accepted for enrollment at a four-year institution of higher education, rank in the top 10% of their high school graduating class and score in the top 10% of the national percentile on the ACT test. It is my honor and privilege to have 19 of these scholars residing in the 6th district.

Mr. Speaker, please join me in honoring these exceptional scholars for their dedication to achievement and in their academic studies.

THE ROBERT BYRD HONORS SCHOLARSHIP RECIPIENTS FROM THE 6TH DISTRICT OF MISSOURI

HON. SAM GRAVES OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding achievements of the Robert Byrd Honors Scholarship recipients from the 6th district of Missouri. The following students have shown dedication and persistence in their academic studies, and it is my honor to announce them as this year's scholar award winners:

Matt Arndt, Brianna Belke, Grant Buell, Zachariah Castle, Joseph Giff, Wesley Kauble, Rachelle Lipanovich, Kenneth Maynes, Emily McClanahan, Robert Nedved, Adam Osborne, Colby Parks, Kathryn Seyboth, Austin Siddens, Erin Smith, Eric Sokol, Lauren Spencer, Matthew Tingler and Justin Wilson. Each student was awarded scholarships of up to $1500 per year for their first four years of study at a four-year institution of higher education.

The Robert C. Byrd Scholarship Program is a federally funded scholarship for students who show outstanding academic achievement and promise. The program is designed to provide financial help to elementary and secondary education, in cooperation with the United States Department of Education, provides superior scholars throughout the Nation with this esteemed award. In order to receive the scholarship, students must be a resident of Missouri and attend a public or private school within the State, be accepted for enrollment at a four-year institution of higher education, rank in the top 10% of their high school graduating class and score in the top 10% of the national percentile on the ACT test. It is my honor and privilege to have 19 of these scholars residing in the 6th district.

Mr. Speaker, please join me in honoring these exceptional scholars for their dedication to achievement and in their academic studies.
INTRODUCTION OF THE HOMETOWN HEROES SURVIVORS BENEFIT ACT OF 2002

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor the service and sacrifice of our nation’s public safety officers.

Each community in America is blessed to have its own unique group of hometown heroes; the firefighters, law enforcement officers, and others who keep our streets safe, protect our families and possessions from fire, and are the first to respond to an emergency. They are dedicated and prepared, and when we call on them, they risk their lives for us.

Last year, Congress improved the Public Safety Officers Benefit, which provides a one-time financial benefit to the families of public safety officers who die because of an injury sustained in the line of duty. However, despite our efforts there are families who are prevented from receiving these benefits because of a technicality in the law.

A heart attack or a cardiac related deaths account for almost half of all firefighter fatalities (between 45-50 firefighter deaths per year), yet the families of these fallen firefighters are rarely eligible to receive this benefit. Fighting fires is dangerous, exhausting, and stressful work. A firefighter’s chances of suffering a heart attack or stroke greatly increases when he or she puts on heavy equipment and rushes into a building to fight a fire. The families of these hometown heroes should receive this benefit when their loved ones die of a heart attack or other cardiac related death while they are on duty selflessly protecting us from harm.

Today, along with several of my colleagues, I am introducing a bill to correct this unfortunate loophole in the Public Safety Officers Benefit. The Hometown Heroes Survivors Benefit Act will allow the families of public safety officers who have died from a heart attack or stroke while on duty, or within 24 hours after participating in a training exercise or responding to an emergency situation, to receive this benefit.

Our hometown heroes put their lives on the line for each of us everyday. This legislation shows them our support and appreciation for their extraordinary bravery and heroism. I invite every Member to join us in this effort by cosponsoring this important legislation.

CONGRATULATIONS TO MARJORIE CREEN

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. OBERSTAR. Mr. Speaker, it is with great admiration and respect that I offer congratulations to my constituent, Marjorie A. Creen, of Chisago City, Minnesota. Marjorie, a senior at Chisago Lakes High School has been named winner of the VFW 2002 Voice of Democracy broadcast scripting contest. She is the daughter of Mr. and Mrs. Dennis and Judy Creen and was sponsored by VFW Post 7267 in Lindstrom, Minnesota.

The Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. The theme of this year’s audio/essay contest was “Reaching Out to America’s Future.” Marjorie, on behalf of a very proud constituency: “Congratulations on a job well done.”

REACHING OUT TO AMERICA’S FUTURE
(By Marjorie Creen)

Will is a small boy. He is in first grade and is 6 years old. He loves playing sports. He likes to tetherball and riding bikes. Will’s favorite thing to do is color. He draws pictures for his mom and dad, and for his grandma and grandpa. Recently, Will was coloring a picture of an American flag when he noticed that he didn’t have a red crayon. Will is a smart young boy and knew that he needed red to finish his drawing. He searched through his pack of crayons, then on the table, and finally looked to the floor. Low and behold, there was his crayon. Will was quite happy to find the crayon, but it was too far away. Frustrated he stretched even more to get it, but still, he could not pick up his red crayon.

As odd as it may seem, the United States is much like Will. Just like the young boy, we are trying to create something beautiful and strong. However, for many years we too are missing something that we need to make our dream come true. This child has one up on us, though. Will knows what he is missing, therefore he can reach out in order to achieve it. What exactly are we missing? I figured out what I thought we were missing by looking at what the finished drawing should look like.

When I think of what the United States should be, I think of a place where racial differences do not exist. I see a place where there are no “bad streets” in major cities and where people can feel safe to walk alone at night. I want a place where people are less self-absorbed and when a cashier says, “Have a good day!” she actually means it. I see a place where the veterans of World War II, Vietnam, and the Persian Gulf are praised and honored. I think the United States needs a red crayon. We, the people of this great country, must reach out with arms stretched to the future. Not only must we reach, but we need to stand up, proud and strong, to show respect for those who fought and died to give us our rights. Respect is what this country needs. Respect for all who live in it, and respect for all who fought for it, so that we could live with freedom, rights, and pride.

A TRIBUTE TO MARTIN MATICH ON HIS 75TH BIRTHDAY

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Martin Matich, a very good friend and a man who has earned a reputation throughout California as a builder of flawless public works and community leader. Mr. Matich reaches his 75th year this month.

The Matich Corp., which Martin Matich ran for 40 years until his retirement as chairman in 1995, is one of Southern California’s largest heavy construction companies. It builds freeways, bridges, runways, flood-control channels and dams. The San Bernardino County company, founded by Matich’s father John, has built more than 1,000 miles of roads and freeways in California, Nevada and Arizona, and constructed runways and aprons at 40 military and civilian airports.

Under the leadership of Martin Matich, the company became known for its top-quality work and innovation. The Matich Corp. developed continuous-slip formwork and 90-foot-deep intercontinental ballistic missile silos to be built at Vandenberg Air Force Base in one step, making them stronger and faster to finish. It also pioneered continuous-pour concrete paving machinery, which allows long stretches of highways to be built without elaborate forms.

The company, which is now run by Matich’s son, Steven, has completed more than $1 billion in projects in its 85-year history. Six members of the family’s third generation are still in management. Their latest endeavor is to revamp and improve hundreds of miles of highways in Mexico, which will help that country meet the challenges of trade with the United States.

Martin Matich has been so involved in local and regional community affairs that the local press often calls him the most influential non-elected person in San Bernardino and Riverside Counties, an area known as the Inland Empire of Southern California. His advice and counsel is sought by presidents, senators, House members and most local officials—and Martin Matich is a man of great affability. He knows the mood of Inland Empire residents, and he is dedicated to putting their interests first.
INTRODUCING THE “CHANCE TO SUCCEED ACT”

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. STARK. Mr. Speaker, I rise today to introduce the “Chance to Succeed Act.” This legislation is aimed at helping disabled Americans and those with employment move from welfare to work. I’m proud to be joined in this effort by 43 of my colleagues. I’m also thankful to Senators Wellstone and Kennedy, who are working to pass companion legislation in the Senate.

Too many Americans find themselves trapped on welfare because of a disability. Others are simply ill equipped to overcome very real barriers that stand in the way of achieving meaningful employment.

The “Chance to Succeed Act” creates broad new guidelines for states to better serve the needs of the disabled and the severely disadvantaged. The states are encouraged to improve employment opportunities for welfare recipients with physical and mental disabilities. It also addresses other proven barriers to employment, such as a low level of education, limited English proficiency, and domestic abuse among others.

A recent General Accounting Office (GAO) study found that welfare recipients with disabilities were half as likely to leave the welfare rolls compared to recipients without impairments. The same GAO study found disabled recipients who did move off welfare were much less likely to gain employment.

An Urban Institute study found that 46 percent of welfare recipients that returned to welfare were in poor mental or physical health. The same Urban Institute study found that 38 percent of welfare recipients that returned to welfare had less than a high school education. Perhaps most disturbing is a Wisconsin Study that found that 30 percent of welfare recipients responding to their survey reported that they had been fired or lost a job because of domestic abuse.

My bill provides a framework for states to institute new screening and assessment programs that identify and provide specialized services to these recipients. It encourages them to create individual “personal responsibility plans” that outline goals necessary for each recipient to obtain stable employment. It also provides funding for state-level advisory panels to evaluate and improve these efforts.

And it allows States to follow through with this process without being penalized under current Federal work requirements.

Some states have already taken steps along these lines. This bill continues to give states flexibility to determine how best to meet the goals set out in this legislation. This is critical in giving families the tools they need to meet the individual challenges they face.

By making clear that involvement in state programs tailored toward employment barriers will be counted as a work activity, states can fully follow through on this critical effort.

Please join me in supporting the “Chance to Succeed Act” to provide new hope and opportunity to Americans struggling to lift themselves out of poverty.
The family traveled often and extensively throughout the United States, Canada and Mexico. After the children were grown, John and Genevieve traveled to Europe, Asia, South America and Africa.

John was a life member of Southern University Alumni Federation, a foundation member and past president of the Los Angeles Alumni Chapter, member of SEIA, CTA, United Negro College Fund, (UNFC) and the Lake Charles Club.

Also, John was a life member 71-510 of the Kappa Alpha Psi Fraternity, initiated in 1938 into Alpha Sigma Chapter at Southern University. He participated in the under graduate program and joined with graduates of Los Angeles Alumni Chapter when it was reactivated after World War II. He was a past Polemarch and was always active in fund raising, recruiting and recording.

John assisted in the chartering of the first campus based chapter in San Diego. He accompanied and assisted then Province Polemarch Bishop, (Elderman Erwin A. Amas), in the chartering of a chapter in Okinawa, Japan. Additionally, he was a contributor to the Western Province Foundation, Inc. and was a member of the Kappa Million Dollar Club, always ready to contribute in anyway to Kappa causes.

An annual high school scholarship is awarded to a St. Eugene student in John's name from funds donated by family, former students and friends in celebration of his 80th birthday. Another scholarship is given in his name to the Southgate High School for one of his former students.

John departed this life on August 25, 2002 at 6:45 a.m. during hospitalization at the Kaiser Permanente Hospital located in West Los Angeles.

He leaves to cherish his memory his loving wife, Genevieve; daughter, Yolanda Lylye; sons, Duane W. and Damon A.; grandchildren, Danzio, Nickolas and Nora-Lena; great granddaughter, Danish; one nephew, John Paul Redfud, one niece, Gwendolyn Redfud-James (McDonald James), sister-in-law, Matilda Redfud, five brothers-in-law; nine sisters-in-law; many Redfud and Livingstone descendants, cousins, relatives, friends, former students, co-workers and fraternity brothers who loved him profoundly. It goes without saying that John Redfud will always be remembered as a “Redfud” the teacher who made a difference.

HONORING THE LIFE OF PETER DAUTERIVE

Peter W. Dauterive, born in New Orleans, Louisiana departed this life on August 16, 2002 in Los Angeles, California due to natural causes.

Mr. Dauterive was an executive with Broadway Federal Savings & Loan for 23 years, rising to the position of executive vice president.

In 1972 he was the founding President and Chief Executive Officer of Founders Savings & Loan Association, which bought the Santa Barbara Avenue branch of Santa Barbara Savings. After Mr. Dauterive stepped down in 1986, he formed the Peter W. Dauterive & Associates, (Elderly Bishop, Elderly Physicists).

Active in the Republican Party, Mr. Dauterive served as a national convention delegate from 1976 through 1996 and served on the National Committee, California Golden Circle, the Ronald Reagan 10 Club and the President’s Committee of Citizens for the Republic. He was chairman of the Los Angeles Republican Club and Finance Vice Chairman of the State Committee to Elect the President.

He also served as a director of the California Savings and Loan League and director and president of the American Savings and Loan League. Reagan named him to the National Commission for Employment Policy, and he also served on several state commissions, including the California Economic Development Corporation.

At the time of his death, Mr. Dauterive was a director of the California Science Center in Exposition Park, a trustee of the Greater Los Angeles Zoo Association and a trustee of the University of Southern California. He was also active in the Los Angeles Memorial Coliseum Commission, the Los Angeles Figueroa Corridor and the Access Leasing Student Loan Corporation. He was a director of the Los Angeles County Health Facilities Authority Commission.

Dauterive was highly respected in the business community and helped break racial barriers in many areas. In 1964, he became one of the first three African-Americans admitted to the previously all-white Western Avenue Golf Club after the late Supervisor Kenneth Hahn and colleagues ordered a halt to discrimination on county golf courses.

Peter Dauterive was predeceased by his wife, Verna, principal of Franklin Avenue Elementary School.
Recognizing Tulare County and the City of Visalia, California, on Their 150th Anniversary

HON. WILLIAM M. THOMAS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. THOMAS. Mr. Speaker, it is my pleasure to recognize and salute the City of Visalia and the County of Tulare, California as they celebrate their 150th anniversary on September 7.

Tulare County and Visalia will celebrate the area’s rich history and its current status as one of the nation’s top two agricultural-producing counties, with crops valued at $3.5 billion in 2001. While it was the California gold rush that brought the first permanent settlers to the area that is now Visalia in 1852, it has been agriculture that has sustained the city to the area that is now Visalia in 1852. Today, Tulare County is also home to some of the nation’s most breathtaking scenery, including the highest mountain peaks in the Sierra Nevada range, rising more than 14,000 feet, the majestic Giant Sequoias, and the rich San Joaquin Valley floor. Visitors to Tulare County are often left with the indelible image of the mountains rising above the lush, green valley.

The City of Visalia holds special memories for my family; my wife, Sharon Hamilton Thomas, was born and raised in Tulare County. She graduated from Redwood High School for my family; my wife, Sharon Hamilton Thomas, were active members of the community.

While Visalia’s economy has its foundation in agriculture, and is the county’s trade center for the products grown there, Visalia has, in recent years, broadened its economic base to include other economic sectors, including food processing, printing, and manufacturing.

Mr. Speaker, I join the elected leaders, past and present, of Visalia and Tulare County, and the nearly 400,000 people who live there now, in congratulating the past 150 years, and wishing it well on the next 150.

HONORING SISTER HANNA CHRISTEN

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Sister Hanna Christen on the occasion of being honored by the Alumni of the Armenian Evangelical High School in Anjar, Lebanon, at a ceremony taking place in Southern California on August 24, 2002. Sister Hanna served 30 years at the High School as a long time missionary from the Hilsbund Missionary of Bad-Homburg in Frankfurt, Germany.

Sister Hanna Christen was born in the city of Rothenburg, in the Tauber near Nuremberg, Germany. She was raised in a Christian home with her father as a preacher. Upon completion of her studies, her parents suggested she enter a Protestant monastery. She then became a nun and started providing her services to an orphanage. She continually felt a call from God for her to travel to another country and serve. She went to serve in the Boys’ section of the Boarding School of the Armenian Evangelical High School of Anjar, Lebanon. She served as a missionary to these students who are now well established in communities throughout the United States. Since 1980, she has served in nursing homes in Beirut, Germany and now serves in Yerevan, Armenia.

Today, Sister Hanna is a certified general and geriatric nurse at the Nursing Home No. 1 of Yerevan, where she takes care of the residents’ hygienic, emotional and spiritual needs. The 125 elderly residents of the home are grateful for the loving care and compassion of this German woman, who speaks fluent Armenian.

Sister Hanna is considered the “Mother Theresa” for Armenians, and she considers Armenia her “Hayrenik” (fatherland). She has adopted Armenia to be her homeland and continues to serve as a volunteer missionary for the Armenian Missionary Association of America (AMAA) gaining the respect and admiration of people for her humanitarian services.

Mr. Speaker, I want to congratulate Sister Hanna Christen for her dedication as a volunteer missionary and for touching the lives of so many. I invite my colleagues to join me in wishing Sister Hanna Christen many more years of continued success.

In Honor of General Michael J. Williams

HON. JOHN P. MURTHA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. MURTHA. Mr. Speaker, today I recognize General Michael J. Williams, United States Marine Corps on the occasion of his retirement from active duty. General Williams has served our great Nation for a total of 42 years.

General Williams enlisted in the Navy in 1960, and served as a boatswain. He was commissioned a second lieutenant in the United States Marine Corps upon graduation from the U.S. Naval Academy in June 1967, and subsequently completed Naval Flight Training and was designated a Naval Aviator. General Williams’ operational tours include various squadron assignments in the United States, Republic of Vietnam, and Okinawa; Presidential Helicopter Pilot with Marine Helicopter Squadron One; executive officer Headquarter and Maintenance Squadron 16; commanding officer of Marine Helicopter Training Squadron 301; 2d Marine Aircraft Wing Inspector; executive and commanding officer of Marine Air Group 26, serving as commanding officer during Desert Shield and Desert Storm; assistant Division G-3 for 3d Marine Division and Commanding General of 2d Force Service Support Group and Commander Joint Task Force 160, responsible for providing humanitarian relief for Haitian and Cuban immigrants in Guanarito and Guantanamo Naval Base.

His staff assignments include: company officer and executive assistant to the Commandant of Midshipmen at the U.S. Naval Academy; Marine Corps Program Development Officer and branch head in Requirements and Programs Division, Headquarters Marine Corps; Vice Director for Operational Plans and Interoperability, J-7, Joint Staff; Director of the Marine Corps Staff, Headquarters Marine Corps; Commander, Marine Corps Systems Command and Deputy Chief of Staff for Programs and Resources, Headquarters Marine Corps.

General Williams is concluding his illustrious career having served as the Assistant Commandant of the Marine Corps. In this capacity, he has been the principal advisor to the Commandant of the Marine Corps on all decisions of major consequence. His extensive and diverse background in operational and joint planning, professional military education and training, and budgetary and programmatic policy issues have been given wide credibility by decision makers in the Department of the Navy, the Joint Staff, the Office of the Secretary of Defense, and the United States Congress.

General Williams has made a lasting contribution to the capabilities of today’s Marine Corps and the future shape of tomorrow’s Corps. We are grateful for General Williams’ dedication, sense of duty, advice and counsel, and exceptional work ethic. The Marine Corps will miss him, but General Williams leaves a large legacy for others to follow and emulate.

I wish him and his lovely wife, Barbara, his son, Matthew, and daughter-in-law, Kimberly, all the best as they enter this new chapter of their lives.

In Honor of General Michael J. Williams

HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 5, 2002

Mr. GEKAS. Mr. Speaker, I am most honored today to recognize and commemorate the Calvary United Methodist Church of Harrisburg, Pennsylvania on their Golden Anniversary.

On October 25, 1953, the Reverend O.B. Poulsen, the appointed acting pastor, held the first service in the basement of the Seventh Day Adventist Church in Harrisburg with just 65 people in attendance. Just over two years later on November 6, 1955, consecration services were held for the first Calvary Church chapel. However, the rapidly growing congregation quickly outgrew their beautiful new facility and so, on August 17, 1962 following a year of construction, a congregation of 1,154 members worshipped in a new sanctuary.
Over the last fifty years, the faith community of Calvary United Methodist Church has contributed to the greater community of Harrisburg and Central Pennsylvania in many countless and wonderful ways. By bringing together the faithful, Calvary Church is in fact planting a seed of compassion that grows and flourishes as the congregation reaches out to the community. The good works of the congregation become immeasurable as time passes and the community and the congregation become intertwined. Calvary Church has truly become a considerable element of the history of Harrisburg and Central Pennsylvania.

Mr. Speaker, I want to commend the Calvary United Methodist Church for its commitment to the faithful, and for its contributions to Central Pennsylvania. It is churches like Calvary Church that make the region, the Commonwealth, and our nation great!
Daily Digest

HIGHLIGHTS

House Committees ordered reported 11 sundry measures, including the Energy and Water Development Appropriations for fiscal year 2003.

Senate

Chamber Action

Routine Proceedings, pages S8235–S8334

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 2903–2912, and S. Res. 322–323.

Measures Reported:

H.R. 3214, to amend the charter of the AMVETS organization.

H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization.

S. Res. 316, designating the year beginning February 1, 2003, as the “Year of the Blues”.

S. 1615, to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, with an amendment in the nature of a substitute.

S. 1972, to amend the charter of the AMVETS organization.

S. 2127, for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States.

S. 2896, to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, with an amendment in the nature of a substitute.

Measures Passed:


JFK Center Plaza Authorization Act: Senate passed H.R. 5012, to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, clearing the measure for the President.

Thomas E. Burnett, Jr. Post Office Building: Senate passed H.R. 5207, to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the “Thomas E. Burnett, Jr. Post Office Building”, clearing the measure for the President.

Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center: Senate passed H.R. 3287, to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center”, clearing the measure for the President.

Congratulating Lance Armstrong: Committee on the Judiciary was discharged from further consideration of S. Res. 315, congratulating Lance Armstrong for winning the 2002 Tour de France, and the resolution was then agreed to.

Mercury Reduction and Disposal Act: Senate passed S. 351, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Reid (for Jeffords/Smith (NH)) Amendment No. 4511, to make certain revisions to the bill.

Department of the Interior Appropriations: Senate continued consideration of H.R. 5093, making
appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

Adopted:

Byrd (for Murray) Amendment No. 4493 (to Amendment No. 4472), to provide funds for the Vancouver National Historic Reserve in the State of Washington, with an offset.

Burns (for Campbell) Amendment No. 4494 (to Amendment No. 4472), to modify the provision relating to transportation services to include Rocky Mountain National Park.

Byrd (for Leahy) Amendment No. 4495 (to Amendment No. 4472), to permit the use of a single procurement contract by the Smithsonian Institution for a multi-year repair and renovation of the Patent Office Building, subject to the availability of annual appropriations.

Burns (for Collins) Amendment No. 4496 (to Amendment No. 4472), to redistribute funds allocated for Atlantic salmon recovery.

Byrd (for Graham/Nelson) Amendment No. 4497 (to Amendment No. 4472), to direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida.

Burns (for Hutchison) Amendment No. 4498 (to Amendment No. 4472), to make a technical change with respect to the Lower Rio Grande Valley National Wildlife Refuge.

Burns (for Kyl) Amendment No. 4499 (to Amendment No. 4472), to require the Director of the National Park Service to report to Congress on the status of the Colorado River Management Plan.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Daschle Modified Amendment No. 4481 (to Amendment No. 4480), to provide emergency disaster assistance to agricultural producers.

A motion was entered to close further debate on Daschle Modified Amendment No. 4481 (to Amendment No. 4480), listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Tuesday, September 10, 2002.

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, September 10, 2002, with 60 minutes of debate remaining on Amendment No. 4481, with a vote to occur in relation to the amendment; that if a Budget Act point of order is raised and a motion to waive the Budget Act is successful, or if a tabling motion is made and is unsuccessful, without further intervening action or debate, the Senate then vote immediately on the amendment, that upon disposition of the amendment, the motion to reconsider then be laid upon the table; that upon the entering of this agreement, the cloture motion with respect to the Daschle amendment (listed above) be vitiated.

Homeland Security Act: Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

Adopted:

Reid (for Wellstone) Modified Amendment No. 4490 (to Amendment No. 4486), in the nature of a substitute.

Wellstone Amendment No. 4486 (to Amendment No. 4471), to prohibit the Secretary of Homeland Security from contracting with any corporate entity.

By 87 yeas to 6 nays (Vote No. 210), Reid (for Boxer/Smith (N.H.)) Further Modified Amendment No. 4492 (to Amendment No. 4491), in the nature of a substitute.

Smith (N.H.) Amendment No. 4491 (to Amendment No. 4471), to amend title 60, United States Code, to improve flight and cabin security on passenger aircraft.

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

A unanimous-consent agreement was reached providing for further consideration of the bill on Monday, September 9, 2002, following the vote on the nomination of Kenneth A. Marra, to be United States District Judge for the Southern District of Florida.

Authority for a Committee—Agreement: A unanimous-consent agreement was reached providing that the Foreign Relations Committee be authorized to report an Executive Treaty on Friday, September 6, 2002, from 10 a.m. to 11 a.m., notwithstanding the adjournment of the Senate.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:


The treaty was transmitted to the Senate today, considered as having been read for the first time, and
referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.  

Pages S8325–26

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Protocol Amending 1949 Convention of Inter-American Tropical Tuna Commission (Treaty Doc. 107–2);

South Pacific Environment Programme Agreement (Treaty Doc. 105–32) with one declaration; and

1990 Protocol to the 1983 Maritime Environment of the Wider Caribbean Region Convention (Treaty Doc. 103–5) with three reservations, one understanding, and one declaration.  

Pages S8326–27

Nomination—Agreement: A unanimous-consent agreement was reached providing for the consideration of the nomination of Kenneth A. Marra, to be United States District Judge for the Southern District of Florida, on Monday, September 9, 2002, at 1 p.m., with a vote to occur thereon.  

Page S8329

Nominations Confirmed: Senate confirmed the following nominations:

Pamela F. Olson, of Virginia, to be an Assistant Secretary of the Treasury.  

Pages S8326, S8334

Nominations Received: Senate received the following nominations:

David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

Robin Renee Sanders, of New York, to be Ambassador to the Republic of Congo.

Anne B. Pope, of Tennessee, to be Federal Cochairman of the Appalachian Regional Commission.


Page S8334

Messages From the House:  

Page S8296

Measures Referred:  

Page S8296

Executive Communications:  

Pages S8296–99

Additional Cosponsors:  

Pages S8300–02

Statements on Introduced Bills/Resolutions:

Pages S8302–12

Additional Statements:  

Pages S8294–95

Amendments Submitted:  

Pages S8312–16

Authority for Committees to Meet:  

Page S8316

Privilege of the Floor:  

Page S8325

Record Votes: One record vote was taken today.  

(Total—210)  

Page S8280

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:35 p.m., until 12 noon, on Monday, September 9, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8329).

Committee Meetings

(Committees not listed did not meet)

OAK TREE MORTALITY

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded hearings to examine the decline of oak tree populations in southern states caused by prolonged drought and red oak borer insect infestation, after receiving testimony from Senator Carnahan; Tom Thompson, Deputy Chief, National Forest System, and Charles Richmond, Forest Supervisor, Ozark-St. Francis National Forest, both of the Forest Service, Department of Agriculture; John T. Shannon, Arkansas Forestry Commission, Little Rock, and Robert L. Krepps, Missouri Department of Conservation, Jefferson City, both of the National Association of State Foresters; Scott Simon, Nature Conservancy, Little Rock, Arkansas; James R. Crouch, Russellville, Arkansas, on behalf of the Ouachita Timber Purchasers Group, Ozark St. Francis Renewable Resource Council, Mark Twain Timber Purchasers Group, and the American Forest and Paper Association.

COLLEGIATE FINANCIAL LITERACY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine consumer debt among college students and the lack of financial literacy/education programs for America’s youth, after receiving testimony from Representative Slaughter; Jonathan Miller, Kentucky Office of State Treasurer, Frankfort; Robert D. Manning, Rochester Institute of Technology, Rochester, New York; Ellen Frishberg, Johns Hopkins University, Baltimore, Maryland; Natala K. Hart, Ohio State University, Columbus; and Michael E. Staten, Georgetown University McDonough School of Business, Washington, D.C.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak), and Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board, Department of Transportation, after the nominees testified and answered questions in their own behalf. Mr. Laney was introduced by Senator Hutchison, and Mr. Nober was introduced by
Senators Baucus and Warner, and Representative Petri.

BUSINESS MEETING
Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following bills:
S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality, with an amendment in the nature of a substitute; and

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:
S. 2127, for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States;
H.R. 809, to make technical corrections to various antitrust laws and to references to such laws, with an amendment;
H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization;
S. 1972, to amend the charter of the AMVETS organization;
H.R. 3214, to amend the charter of the AMVETS organization;
S. Res. 316, designating the year beginning February 1, 2003, as the “Year of the Blues”; and
S. 2896, to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, with an amendment in the nature of a substitute;
S. 1615, to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, with an amendment in the nature of a substitute; and
The nominations of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit, James Knoll Gardner, to be United States District Judge for the Eastern District of Pennsylvania, and Denny Wade King, to be United States Marshal for the Middle District of Tennessee.
Also, committee failed to approve the reporting of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.
Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 5334–5342; 1 private bill, H.R. 5343; and 2 resolutions, H. Con. Res. 462, and H. Res. 517, were introduced.

Reports Filed: Reports were filed today as follows:
H.R. 4708, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District, amended (H. Rept. 107–641);
H.R. 4822, to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property (H. Rept. 107–642);
H.R. 4938, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska (H. Rept. 107–643); and
H.R. 5157, to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003 (H. Rept. 107–644).

Guest Chaplain: The prayer was offered by the Guest Chaplain, Rev. Jeff C. Hudson, Senior Pastor, Fredericktowne Baptist Church, Frederick, Maryland.

Dam Safety and Security Act: The House passed H.R. 4727, to reauthorize the national dam safety program by a yea-and-nay vote of 401 yeas to 2 nays, Roll No. 373.

Agreed to the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill (H. Rept. 107–626).

Agreed to the Wu amendment that clarifies that the National Dam Safety Review Board may include a representative of the National Laboratories of the Department of Energy.

Suspension—Honoring Venus and Serena Williams: The House agreed to suspend the rules and agree to H. Res. 94, honoring the contributions of Venus and Serena Williams by a yea-and-nay vote of 398 yeas with none voting “nay”, Roll No. 374. The motion was debated on Sept. 4.

Legislative Program: The Majority Leader announced the legislative program for the week of Sept. 9.

Meeting Hour—Monday, Sept. 9: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, Sept. 9 for morning hour debate.

Meeting Hour—Tuesday, Sept. 10: Agreed that when the House adjourns on Monday, Sept. 9, 2002, it adjourn to meet at 10:30 a.m. on Tuesday, Sept. 10, for morning hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Sept. 11.

Quorum Calls Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H6070 and H6071. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:08 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Ordered reported the Energy and Water Development Appropriations for fiscal year 2003.

FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations approved for full Committee action the Foreign Operations appropriations for fiscal year 2003.

SELECT COMMITTEE ON INTELLIGENCE REPORT

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on a report of the House Permanent Select Committee on Intelligence entitled “Counter-Terrorism Intelligence Capabilities and Performance of the CIA, FBI, and NSA Prior to 9/11.” Testimony was heard from Representatives Chambliss and Harman.

CANCELING LOANS TO ALLOW SCHOOL SYSTEMS TO ATTRACT CLASSROOM TEACHERS ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 5091, Canceling Loans to Allow School Systems to Attract Classroom Teachers Act.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following measures: H.R. 3880, amended, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism; H.R. 4793, amended, Mosquito Abatement for Safety and Health Act; H.R. 4014, Rare Diseases Orphan Product Development Act of 2002; H. Con. Res. 189, amended, expressing the sense of the Congress regarding inflammatory bowel disease; H. Con. Res. 320, amended, expressing the sense of Congress regarding Scleroderma; H. Con. Res. 291, expressing the sense of the Congress with respect to the disease endometriosis; and H. Con. Res. 435, expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited.
MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, H.R. 1701, Consumer Rental Purchase Agreement.

The Committee also began markup of H.R. 4689, Fairness in Sentencing Act of 2002.

ADMINISTRATION'S HEALTHY FORESTS—
MISCELLANEOUS MEASURES

Committee on Resources: Met to discuss the Administration's Healthy Forests: An Initiative for Wildlife Prevention and Stronger Communities and to hold a hearing on the following measures: H.R. 5214, National Forest Fire Prevention Act; H.R. 5309, Wildlife Prevention and Forest Health Protection Act of 2002; and H.R. 5319, Healthy Forests Reform Act of 2002. Testimony was heard from Representatives McInnis, Shadegg and Rehberg; Ann Veneman, Secretary of Agriculture; Gale A. Norton, Secretary of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 282, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; H.R. 3747, Bainbridge Island Japanese-American Memorial Study Act of 2002; H.R. 4692, to amend the Act entitled 'An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes', to provide for the addition of certain donated lands to the Andersonville National Historic Site; and H.R. 5318, to provide for an exchange of certain private property in Colorado and certain Federal property in Utah. Testimony was heard from Representatives LaTourette, Inslee and Bishop; the following officials of the Department of the Interior: John Parsons, Associate Regional Director, National Capital Region, National Park Service; and Jim Hughes, Deputy Director, Bureau of Land Management; Darlene Kordonowy, Mayor, Bainbridge Island, State of Washington; and public witnesses.

DRIVER'S LICENSE SECURITY ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Driver's License Security Issues. Testimony was heard from public witnesses.

BACK TO SCHOOL TAX RELIEF ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 5193, Back to School Tax Relief Act of 2002.

Joint Meetings

NATIONAL DEFENSE AUTHORIZATION

Conferences met to resolve the differences between the Senate and House passed versions of H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on personnel and strategic provisions, but did not complete action thereon, and will meet again on Wednesday, September 11.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 6, 2002

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of September 9 through September 14, 2002

Senate Chamber

On Monday, at 1 p.m., Senate will consider the nomination of Kenneth A. Marra, to be United States District Judge for the Southern District of Florida, with a vote to occur thereon; following which, Senate will resume consideration of H.R. 5005, Homeland Security Act.

On Tuesday, Senate will continue consideration of H.R. 5093, Department of the Interior Appropriations Act, and resume consideration of H.R. 5005, Homeland Security Act.

During the balance of the week, Senate will also consider any other cleared legislative and executive business, including appropriations bills and conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Commerce, Science, and Transportation: September 9, Subcommittee on Surface Transportation and Merchant Marine, with the Committee on Environment
and Public Works, Subcommittee on Transportation, Infrastructure, and Nuclear Safety, to hold joint hearings to examine freight transportation issues, 2:30 p.m., SR–253.

September 10, Full Committee, to hold hearings to examine the status of aviation security one year after September 11, 2001, 9:30 a.m., SR–253.

September 12, Subcommittee on Science, Technology, and Space, to hold hearings to examine S. 2537 and H.R. 3833, bills to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, 2:30 p.m., SR–253.

Committee on Environment and Public Works: September 9, Subcommittee on Transportation, Infrastructure, and Nuclear Safety, with the Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine, to hold joint hearings to examine freight transportation issues, 2:30 p.m., SR–253.

September 13, Full Committee, to hold hearings to examine the Everglades, 9:30 a.m., SD–406.

Committee on Foreign Relations: September 12, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine replenishment authorizations for the World Bank’s International Development Association, the Asian Development Fund, and the African Development Fund, 10:15 a.m., SD–419.

September 12, Full Committee, to hold hearings to examine the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 (Treaty Doc. 107–08), 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: September 10, to hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on Title 1, 10 a.m., SD–430.

September 12, Full Committee, to hold hearings to examine restoring economic security for workers in the nation one year after September 11, 2001, 10 a.m., SD–106.

Committee on Indian Affairs: September 12, to hold oversight hearings to examine successful strategies for Indian reservation development, 10 a.m., SR–485.

Select Committee on Intelligence: September 10, to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

September 12, Full Committee, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

Committee on the Judiciary: September 10, to hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap, 10 a.m., SD–226.

Committee on Veterans’ Affairs: September 10, to hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 Cannon Building.

House Chamber

To be announced.

House Committees

Committee on the Budget, September 12, hearing on Economic Outlook, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, September 10, Subcommittee on Employer-Employee Relations, hearing entitled “Retirement Security for American Workers: Examining Pension Enforcement and Accountability,” 10:30 a.m., 2175 Rayburn.


Committee on Government Reform, September 10, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on H.R. 5215, Confidential Information Protection and Statistical Efficiency Act of 2002, 2 p.m., 2247 Rayburn.

September 12, full Committee, hearing entitled “Conflict With Iraq–An Israeli Perspective,” 2 p.m., 2154 Rayburn.

Committee on International Relations, September 12, Subcommittee on the Middle East and South Asia, hearing on U.S. Policy Toward Syria and on H.R. 4483, Syria Accountability Act, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, September 12, Subcommittee on the Constitution, oversight hearing on Privacy Concerns Raised by the Collection and Use of Genetic Information by Employers and Insurers, 10 a.m., 2237 Rayburn.

Committee on Rules, September 12, hearing on proposed changes to House rules, 1:30 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, September 10, Subcommittee on Highways and Transit, hearing on Intelligent Transportation Systems, 10 a.m., 2167 Rayburn.

September 12, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Delta Regional Authority and Southeast Crescent Authority: Progress and Prospects for Regional Development Authorities, 9 a.m., 2253 Rayburn.

Committee on Veterans’ Affairs, September 12, hearing on the Department of Veterans Affairs homeless veterans programs, 1:30 p.m., 340 Cannon.

Committee on Ways and Means, September 10, Subcommittee on Health, hearing on legislation to Reduce Medical Errors, 10 a.m., 1100 Longworth.

Joint Meetings

Conference: September 11, meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed
Forces, focusing on readiness provisions, 1:30 p.m., S–211, Capitol.

Conference: September 11, meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 4 p.m., 345 CHOB.

Conference: September 12, meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on personnel provisions, 3 p.m., H–8, Capitol.

Conference: September 12, meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on strategic provisions, 5:30 p.m., H–8, Capitol.

Conference: September 13, meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, focusing on general provisions, 9:30 a.m., S–207, Capitol.

Joint Meetings: September 10, Senate Committee on Veterans’ Affairs, to hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345, Cannon Building.

Joint Meetings: September 12, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.
Next Meeting of the SENATE
12 noon, Monday, September 9

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will consider the nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida, with a vote to occur thereon; following which Senate will resume consideration of H.R. 5005, Homeland Security Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, September 9

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

Gordon, Bart, Tenn., E1498, E1502
Graves, Sam, Mo., E1510, E1517
Hall, Ralph M., Tex., E1515
Hill, Barrow F., Ind., E1594
Hobson, David L., Ohio, E1512
Horn, Stephen, Calif., E1531
Israel, Steve, N.Y., E1502
Issa, Darrell E., Calif., E1504, E1505
Jones, Walter B., N.C., E1506
Kirk, Mark Steven, Ill., E1505
Lantos, Tom, Calif., E1498
Lee, Barbara, Calif., E1511
Lewis, Jerry, Calif., E1518
McCollum, Betty, Minn., E1515
McGovern, James F., Mass., E1499, E1500, E1513
McInnis, Scott, Colo., E1497, E1498, E1500
McIntyre, Mike, N.C., E1503
Miller, George, Calif., E1501
Murtaza, John P., Pa., E1521
Oberstar, James L., Minn., E1518
Pastor, Ed, Ariz., E1499
Payne, Donald M., N.J., E1520
Pelosi, Nancy, Calif., E1514
Radanovich, George, Calif., E1521
Rangel, Charles B., N.Y., E1530
Reyes, Silvestre, Tex., E1517
Ross, Mike, Ariz., E1507
Schafter, Bob, Colo., E1497, E1500, E1516
Shaw, E. Clay, Jr., Fla., E1519
Skelton, Ike, Mo., E1517
Stark, Fortney Pete, Calif., E1519
Tauscher, Ellen O., Calif., E1497
Thomas, William M., Calif., E1521
Toens, Edolphus, N.Y., E1500, E1508
Udall, Mark, Colo., E1506
Watson, Diane E., Calif., E1519

Congressional Record
The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. *Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the Congressional Record, available online through GPO Access, a service of the Government Printing Office, free of charge to the user.