

memorial at the crash site in Pennsylvania. This legislation will also establish a Flight 93 Advisory Commission to recommend planning, design, construction, and long-term management of the memorial.

I believe it is important to pass this legislation before the anniversary of September 11 to appropriately recognize the heroism of Alan Beaven and the other Flight 93 passengers.

I would like to take a few moments to tell the world about Alan and his family.

Alan Beaven wasn't supposed to be on Flight 93 that tragic day. On Monday, September 10, Alan and his wife Kimberly were in New York planning for a year long sabbatical in India to work for a humanitarian foundation. Alan was a top environmental lawyer in San Francisco who planned to volunteer his services in India.

Alan was headed east, not west, but there was one last case involving pollution in the American River near Sacramento and settlement talks had broken down that Monday. Alan had to head back.

Tuesday morning Alan drove to Newark, New Jersey to catch a flight to the West Coast. Flight 93 was 40 minutes late that day—giving passengers on-board time to learn about the planes that had crashed into the World Trade Center and the Pentagon. A few called home on cell phones to express their love and say that a group of passengers were determined to fight back against the hijackers—Alan Beaven was one of those brave men.

No one knows for sure what happened aboard that airplane, but we do know countless lives were saved when that plane was diverted from its intended target.

Even though Alan's seat was in the back of the airplane, his remains were found in the cockpit at the crash site in Pennsylvania. The Beaven family has also heard Alan on the cockpit voice recorder, so it is clear that Alan, standing 6 feet 3 inches tall and weighing over 200 pounds, fought with the hijackers.

I will enter two letters I have received from the Beaven family into the RECORD. Alan's wife, Kimberly, and his son, Chris, wrote to me about what they heard on the cockpit voice recorder in April when the families of the passengers of Flight 93 were allowed to listen to the struggle aboard the aircraft.

My heart goes out to Alan's wife, Kimberly, and his three children John, Chris, and Sonali. John earned a biology degree at UC San Diego where he was captain of the baseball team and an Olympic torch bearer when the torch went through Sacramento on its way to Salt Lake City this past winter. John's brother Chris attends Loyola Marymount University and sister Sonali is 5-years-old.

Alan's great joy was his family. He spent hours reading to Sonali, scuba diving with Chris, and playing catch with John.

In fact, John's early memories of his father were of the two of them playing catch for hours on end. When John was 5, the family moved from London to New York and before they could drop off their luggage, young John made Alan play catch in Central Park.

In a tribute to Alan, the Beaven family decided not to have a funeral, but instead a "Thanksgiving for the life of Alan Anthony Beaven."

And what a life it was.

Alan was born in New Zealand on October 15, 1952. He worked as an attorney in New Zealand, England, New York, and California. As a top environmental lawyer, Alan worked on over 100 clean water cases in just 10 years in California.

Friends and family of Alan say they are not surprised that Alan risked his own life so selflessly to save others.

The day after the terrorist attacks on our nation, Alan's secretary went into his office and found a single piece of paper tacked up at eye level on the wall in front of his desk. It was a quote he heard that week which summed up how he lived his life, and how he ended it when he joined others to fight back against the terrorists. Alan wrote, "Fear, who cares?" And these words adequately describe his actions aboard Flight 93.

I did not know Alan Beaven, but this quote tells me all I need to know about him—that he was a fearless, loving, and devoted man.

One year later, it is clear that our Nation has lost a superstar environmental lawyer, a loving father and husband, and a true hero—Alan Beaven.

I ask unanimous consent to print the two letters to which I referred in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 9, 2002.

HON. DIANNE FEINSTEIN,  
U.S. Senator, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: My father, Alan Beaven, was among those 33 passengers of United Airlines Flight 93. Their hurried steps toward the cockpit were the first in an international campaign against the threat of fanatical hostility. For this they should be celebrated.

My dad played a central role in the depositing of his flight's assailants. Not only did he cooperate in an organized effort but he commanded it as well. For this effort he should be particularly acknowledged.

The cockpit recorder (C.V.R.) substantiates my claim of his exceptional heroism. At a private listening in Princeton, New Jersey I twice heard his accented words. His final phrase, "Turn up!" was shouted at 10:02:17.3 on the official C.V.R. transcript. Given the range of sensitivity of the cockpit microphones and my father's seating placement in the rear of the plane I reasonably believe that these findings indicate my dad's extraordinary actions.

Secondly, my father's remains were recovered in the front of the aircraft. Authorities confirmed that D.N.A. testing placed him in the cockpit at the time of impact. Again, given his seating placement, this evidence undoubtedly proves his centrality in the effort to regain custody of United's Flight 93.

Though my father did not place a telephone call in his final hour, other such correspondences indicate his exceptional involvement. Reports were made of great men well above the height of six feet leading the passengers toward the captured cockpit. My dad, 6'3" and 215 lbs., was one of few men who met this description.

Finally, the assumption of his extraordinary bravery in death is founded on the thematic valiance of his life. Whether in his professional or personal activities he met opposition with strength and spirit. It is understood by all who knew him that he continued this trend in passing.

In conclusion, I concede that assumptions based on the thematic valiance of his life do not warrant superlative public recognition. However, his stature and his physical placement at impact beg it. Finally, the cockpit voice recording demands it. I ask you to do all in your power to issue due credit to my father. He led a group that led a nation that led an international campaign against the threat of fanatical hostility. My father is a hero.

Sincerely,

CHRIS BEAVEN.

AUGUST 1, 2002.

HON. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: On April 18, 2002 in Princeton, NJ, I heard the voice of my husband, Alan Beaven, on the cockpit voice recorder of United Airlines Flight 93 that crashed in Shanksville, Pennsylvania on September 11, 2001.

I know without a doubt that I heard Alan's voice shout "Turn up!" at the time on the tape's clock of 10:02:17.3. My stepson, Chris Beaven, who was listening to the VCR at the same time, independently made note of the exact same words and time.

There are at least two other occasions that I am very confident that Alan's voice was recorded. These additional times were of shouting and "aargh" noises, familiar to us as Alan often "wrestled" playfully with his sons. The distinct sounds were very similar. The times I noted for these sounds were 9:38:36.3 and 9:40:17.7.

As you know, Alan's physical remains were found in the cockpit area of the plane. Alan was a 6 foot 3 inch, 205 lb powerful man. A brilliant litigator who made his life's work fighting for justice. I, and all who knew Alan, know he was an active participant that fateful day.

Please ensure that Alan Beaven and all the passengers of Flight 93 are duly honored for their heroic actions in preventing the terrorists from destroying their intended target in Washington, D.C.

Sincerely,

MRS. KIMBERLY BEAVEN.

JOHN E. COLLINGWOOD OF THE  
FEDERAL BUREAU OF INVESTIGATION

Mr. THURMOND. Madam President, I rise today to recognize the service of my good friend John E. Collingwood, upon his retirement as the Assistant Director for the Office of Congressional and Public Affairs for the Federal Bureau of Investigation. Mr. Collingwood will retire after 27 years of exemplary service as a Special Agent of the FBI. As Mr. Collingwood enters the private sector, he leaves behind an irreplaceable legacy of dedication, integrity, and success.

John Collingwood was raised in Findlay, OH, and graduated from Bowling Green University in Ohio in 1970. Mr. Collingwood then worked in the family business and went on to graduate from the University of Toledo Law School in 1975. Upon graduation, he began his career with the FBI as a Special Agent in Detroit, MI.

During the following three decades, John Collingwood served the FBI in many capacities. After attending the Defense Language Institute in California, he became a Special Agent in Portland, OR. His first position at FBI Headquarters was in the Legal Research Unit of the Legal Counsel Division. He then became the Unit Chief of the Civil Litigation Program. In 1992, Mr. Collingwood was named to head the Office of Public and Congressional Affairs and became the Assistant Director in 1997.

During the past three decades, Mr. Collingwood has made countless contributions to the Federal Bureau of Investigation. He can take pride in all of his accomplishments during his tenure. Mr. Collingwood is to be commended for working diligently to keep Congress informed about issues related to the FBI. Under his leadership, the Office of Public and Congressional Affairs assumed responsibilities of the Freedom of Information and Privacy Act and implemented initiatives to increase the FBI's responsiveness to the public. I would also like to congratulate him for his continuing efforts to help reshape the structure of the FBI as our Nation deals with the tragedies of September 11.

The positive impact Mr. Collingwood has made on the FBI and our great Nation runs deep, and I applaud him for his leadership. During the past three decades, he has worked tirelessly to make positive changes within the agency. It is because of individuals like him, that our Nation is the greatest in the world.

It has been an honor getting to work with such an outstanding leader, and I wish Mr. Collingwood, his wife Mary Ann, and his children, Stephanie and Mark, the best of luck in future endeavors. For three decades, Mr. John E. Collingwood served the Federal Government distinguishing himself as one of the hardest working leaders of our time. His professional and friendly manner will be missed by all those who have had the pleasure to work with Mr. Collingwood, but I am certain that he will continue to set a fine example for others to follow.

#### POULTRY EXPORTS

Mr. CLELAND. Madam President, I want to express my relief that the long standoff with the Russian Government over American poultry exports has finally been resolved. On March 1, 2002, the Russian Government instituted a ban on American poultry imports and cited safety concerns about U.S. processing procedures. Although the U.S.

Department of Agriculture responded to those concerns point-by-point, the ban continued until August 23.

Russia is the largest market for U.S. chickens, with annual sales of about one million tons valued at \$600 million. This trade dispute had cost Georgia poultry producers, the most productive in the country, approximately \$100 million a year.

After many efforts to resolve this embargo, American poultry producers may resume selling chickens in Russia. I had joined with many of my colleagues on multiple occasions in contacting members of the administration about this unfair trade practice. For example, I cosigned a letter to U.S. Trade Representative Zoellick with 16 other Senators on March 4. Soon after, on March 14, I personally wrote to the President on behalf of Georgia poultry producers. On March 22, I cosigned a letter to the President with nine of my Senate colleagues. On May 9, I personally wrote Trade Representative Zoellick on behalf of Georgia's poultry producers. Again, on May 17, I cosigned a letter to the President with 51 of my Senate colleagues. Finally, on July 2, I cosigned a letter to the President with 30 other Senators about the serious economic damage that the Russian trade block was having on the American economy.

I believe that the continued focus by members of Congress, as well as the diligence of the administration, helped bring about the successful resolution of this ban. At a time of economic uncertainty, the poultry producers of my State will certainly appreciate the re-opening of this important market.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam 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 September 2, 2002 in West Hollywood, CA. Two gay men, Treve Broudy, 33, and Edward Lett, 22, were brutally beaten while walking home after dinner. As the victims were walking, a car pulled up beside them. The two assailants, one of whom wielded a bat, jumped out of the car and attacked the victims. Mr. Lett received minor injuries, but Mr. Broudy was critically wounded, having been kicked and punched and struck violently in the back of the head with the baseball bat. No one has been arrested in connection with the incident, which police are investigating as a hate crime.

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 sym-

bol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### STOPPING THE LITIGATION LOTTERY

Mr. FRIST. Madam President, the only level one trauma center in Las Vegas shuts its doors. Twelve orthopedic surgeons at facilities near Philadelphia resign their practice. Two-thirds of doctors in a small Mississippi city consider leaving for Louisiana. What is forcing our medical community to take such drastic measures? The "litigation lottery," trial lawyers filing too many lawsuits with the hope of winning excessive awards.

Medical malpractice litigation, when an injured patient sues a doctor over a medical error, has exploded in the United States. Between 1995 and 2000, the average amount a jury awards a patient rose more than 70 percent to \$3.5 million per claim. And more than half of awards now exceed \$1 million. Trial lawyers, who are fueling this surge by hand-picking patients whom they believe will win large awards, typically take 30 to 40 percent of the proceeds.

Doctors purchase insurance to protect themselves from malpractice lawsuits, but excessive awards have pushed the cost of insurance to unaffordable levels. In 2001, insurance premiums rose 30 percent or more in some States. And for doctors who perform high-risk procedures or practice where trial lawyers have won excessive awards, premiums have risen by as much as 300 percent per year. Many doctors can no longer afford to do the jobs they love.

But even more disturbing to doctors, because we swear a sacred and ancient oath to do no harm, is the impact of excessive awards on patient care. High insurance premiums are forcing doctors to move their practices to other States, adjust how they practice medicine, or quit practicing medicine altogether. Trial lawyers may be winning the litigation lottery, but patients are suffering a health care crisis.

First, excessive malpractice awards hurt access to health care. When a trauma center closes or specialists resign from a hospital or rural doctors can't deliver babies, patients must travel longer distances to get the care they need. They must also select from a smaller pool of physicians. When minutes, and a doctor's experience, can mean the difference between life and death, access to health care matters.

Second, excessive malpractice awards increase the cost of health care. Many doctors are forced to practice defensive medicine. They must order more tests, write more prescriptions, and refer more patients to specialists to protect themselves against lawsuits. A recent Federal report found evidence that reasonable limits on malpractice awards would reduce health care costs by as much as 5 to 9 percent per year.