The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ADENHOLT).

DETECTION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, September 13, 2002.
I hereby appoint the Honorable ROBERT B. ADENHOLT to act as Speaker pro tempore on this day.
J. DENNIS HASTERT.
Speaker of the House of Representatives.

PRAYER
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:
In You, O Lord, we find wisdom and hope. In the dark night, You bring forth light. In loneliness, You make Your presence known. In times of doubt and indecision, You speak Your word. In facing threats that frighten us, You providentially provide confirmation that strengthens resolve and frees the spirit. You are the source of all power and the foundation of all human freedom; therefore, we place our trust in You.

Be with this Nation at this time of its recovery from the sad events which have affected both the people and the economy in this past year. Make us once again strong and united so that we can be Your instrument of peace and justice in the world. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore 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.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. MONAHAN, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:
H.R. 3880. An act to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clear 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, and for other purposes.
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.

Three messages also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:
S. 2513. An act 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; to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:
9111. A letter from the Principal Deputy Administrator, Environmental Protection Agency.

This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Protection Agency, transmitting the Agency's final rule — Iodosulfuron-Methyl-Sodium; Pesticide Tolerance [OPP-2002-0141 FRL-7187-2] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

912. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting a report pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

913. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2001, pursuant to 46 U.S.C. 7918a; to the Committee on Armed Services.

914. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report entitled, "Alternatives to Fee Basis Physicians for Military Entrance Physical Examinations"; to the Committee on Armed Services.

915. A letter from the Director, Office of Management and Budget, transmitting an appropriation report, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

916. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final Rehabilitation Training Centers program, pursuant to 20 U.S.C. 1232a(1); to the Committee on Education and the Workforce.

917. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plan Corrections [SIP NP. MT-001-0032, MT-001-0039; FRL-7381-1] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

918. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; New Source Performance Standards [SIP NP. PA-172-419a; FRL-7274-1] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


920. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Indiana; Volatile Organic Compound Regulations [INH11-1a; FRL-7273-5] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

921. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota; Final Priorities [FRL-7377-6] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


923. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters in the Pacific Ocean and French Guiana [Transmittal No. DTC 2174-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

924. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters in the Pacific Ocean and French Guiana [Transmittal No. DTC 2174-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

925. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters in the Pacific Ocean and French Guiana [Transmittal No. DTC 2174-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

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September 13, 2002

[Space Docket No. 01-ANM-08] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


9158. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of Class D Airspace: Bloomington, IN; Modification of Class E Airspace: Bloomington, IN; Correction [Space Docket No. 01-AGL-06] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


9160. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: de Havilland Inc. Models DHC-2 Mk. 1, DHC-2 Mk. II, and DHC-2 Mk. III Airplanes [Docket No. 96-CE-134-AD; Amendment 39-12828; AD 2002-14-28] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9161. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Cessna Model 650 Airplanes [Docket No. 2000-NM-388-AD; Amendment 39-12824; AD 2002-14-24] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9162. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Fokker Model F.28 Mark 008, -009, and 4000 Series Airplanes [Docket No. 98-NM-224-AD; Amendment 39-12827; AD 2002-14-27] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Turbomeca Makila 1 A, 1 A1, and 1 A2 Turboshaft Engines [Docket No. 2001-NE-23-AD; Amendment 39-12833; AD 2002-15-06] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9164. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: HH-1L, and UH-1P; and Southwest Florida Helicopter Corporation Model HH-1K, TH-1F, and TH-1H Light Helicopters [Docket No. 2000-NE-13-AD; Amendment 39-12834; AD 2002-15-01] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


9167. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Series Helicopters [Docket No. 2002-SE-24-AD; Amendment 39-12837; AD 2002-08-30] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


9170. A letter from the Administrator, Department of Transportation, transmitting the Department’s final rule — Final rule — Injuries and fatalities of Workers Struck by Vehicles on Airport Aprons’; to the Committee on Transportation and Infrastructure.

9171. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Raytheon Model HAE-125 Series 1000A Airplanes and Model Hawk 1000 Airplanes [Docket No. 97-NM-313-AD; Amendment 39-12875; AD 94-09-11 RI] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9172. A letter from the United States Trade Representative, Executive Office Of The President, transmitting an outline of the Administration’s plans; to pursue a free trade agreement with Morocco; to the Committee on Ways and Means.

9173. A letter from the Deputy Secretary, Department of Defense, transmitting notific ation regarding the FY 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services and Appropriations.
9174. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Guidance for Combining Award of Grants for Counter-Terrorism Coordination Activities and Award of Grants for Technical Assistance and Training for Drinking Water System Security (for Systems Serving Fewer Than 100,000 People) by States and Territories into a Single Multiple-Authorizations Grant Award — received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

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. YOUNG of Florida: Committee on Appropriations. Revised Suballocation of Budget Allocations for fiscal year 2003 (Rept. 107-656). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4793. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; with an amendment (Rept. 107-657). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. CUBIN:

H.R. 5383. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 5384. A bill to amend the Farm Security and Rural Investment Act of 2002 to eliminate any confusion regarding the applicability of the payment quantity limitations to the transition payment required as part of national dairy market loss payments; to the Committee on Agriculture.

By Mr. RANGEL:

H. Con. Res. 468. Concurrent resolution honoring the Harlem Little League All-Stars for their performance in the 2002 Little League World Series baseball tournament; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 512: Mr. SMITH of Washington.

H.R. 513: Mr. SMITH of Washington.

H.R. 567: Mr. STRICKLAND.

H.R. 1368: Mr. FOSSella.

H.R. 1624: Ms. KILPATRICK, Mr. SHADEGG, and Mr. DOOLEY of California.

H.R. 2023: Mr. SCHROCK, Mr. ROGERS of Michigan, Mr. MCHugh, Mr. UPTON, Mr. ARMY, Mr. DeLAY, Mrs. BONO, Mr. DEAL of Georgia, Mrs. MEeks of Florida, Mr. MEeks of New York, Mr. BARCIA, Mr. STUPAK, Mr. POMEREOY, and Mr. PETERSON of Minnesota.

H.R. 3363: Mr. ENGLISH, Mr. YOUNG of Alaska, Mr. LATHAM, Mr. MURTHA, and Mr. BLUMENAUER.

H.R. 3414: Ms. NORTON and Mr. MURTHA.

H.R. 3535: Mr. CANNON and Mr. GRAHAM.

H.R. 3659: Mrs. McCARTHY of New York.

H.R. 4783: Mr. MARKEY, Mr. DEAL of Georgia, Mrs. MINK of Hawaii, and Mr. MCDERMOTT.

H.R. 4894: Mr. COBLE, Mr. HAYES, Mr. SMITH of New Jersey, Mr. WICKER, Mr. DREIER, Mr. LUCAS of Kentucky, Mr. GRAHAM, and Mr. HAYWORTH.

H.R. 5064: Mr. LAHOOD.

H.R. 5285: Mr. BAIRD, Mr. DOOLITTLE, Mr. LATOURETTE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, and Ms. DEAULO.

H.R. 5287: Mr. CARSON of Oklahoma, and Mr. PILGER.
The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

**PRAYER**

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

Amen.

Yes, Lord, thankfully, it does. As our flag flies over the Capitol this morning, we commit ourselves anew to serve You by doing the strategic work of government and by leading our Nation through the present challenges in the way that pleases You. It is good to know that You are not surprised by the needs we bring to You. Help us to see that prayer is how You call us to do what You think is best rather than just a call for You to assist us with what we already have decided. Help us to wait for You to listen intently to You, and to gain strength to carry out Your best for us, personally and for our Nation. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEAN CARNAHAN 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:

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To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

The CHAMBER CLERK.
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**RESERVATION OF LEADER TIME**

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

**EXECUTIVE SESSION**

NOMINATION OF JOSE E. MARTINEZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 961, which the clerk will report.

The legislative clerk read the nomination of Jose E. Martinez, of Florida, to be United States District Judge for the Southern District of Florida.

The ACTING PRESIDENT pro tempore, Without objection, the nomination is confirmed.

Mr. GRAHAM. Madam President, I thank the Judiciary Committee for recognizing the needs of Florida and favorably reporting the nomination of Mr. Jose Martinez.

Jose Martinez’s long and impressive legal career makes him an outstanding candidate. Beginning as counsel and now partner at Martinez & Gutierrez, Mr. Martinez has been associated with the firm since 1991. Jose Martinez has served as Assistant United States Attorney in the Southern District of Florida, and Legal Officer for the United States Navy, Judge Advocate General Corps. He took a two-year leave from his firm to become the Regional Director for the Office for Drug Abuse Law Enforcement of the United States Department of Justice.

Mr. Martinez received his undergraduate and law degrees from the University of Miami. He was the President of the highest honorary on campus, the Iron Arrow. His involvement with Student Government ranged from working in the Student Activities Office to becoming the treasurer of the School of Business.

Currently, Mr. Martinez is the vice chairman of the Federal Court Practice Committee of the Florida Bar. He is also a member of the American Bar Association, the Federal Bar Association, the Cuban American Bar Association, and the Hispanic National Bar Association.

In summary, Mr. Martinez is a highly regarded and qualified candidate for the federal bench.

I appreciate the Senate’s consideration of Judge Martinez’s nomination and appreciate the Senate’s recent confirmation of Kenneth Marra and Timothy Corrigan, who will serve in Florida’s Southern and Middle Districts, two of the largest and busiest judicial districts in the country.

**LEGISLATIVE SESSION**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of
Mr. DODD. Madam President, let me say, first of all, for the benefit of my colleagues and the record, I know under the existing order of the unanimous consent request yesterday between the leaders—let me make a parliamentary inquiry. As I understand it, there is a vote to occur at 10:15; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. On or in relation to the Dodd amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

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Mr. DODD. Madam President, let me say, first of all, for the benefit of my colleagues and the record, I know under the existing order of the unanimous consent request yesterday between the leaders—let me make a parliamentary inquiry. As I understand it, there is a vote to occur at 10:15; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. On or in relation to the Dodd amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.
this particular case because my State is feeling it. And we are not anti-Na-
tive American at all. Quite to the con-
trary. We are deeply proud of the Mo-
hegan and Pequot Tribes in my State.
I strongly supported their recognition
effort. Next, I have been highly crit-
cized in books because I stood in sup-
port of them when they were under threat of not being recognized.
So I will not take a back seat to any-
one in my determination to fight for them, for my con-
stituency as well as when they feel as though they are not being served well 
by a process that is fundamentally bro-
ken. And when the Assistant Secretary 
for the Bureau of Indian Affairs says 
she says at the outset, though, that no one will 
table the Dodd amendment. Let me 
clarify some language they were con-
cerned about. We can offer that, accept it, and move on. We do not have to make this 
become a divisive debate.
I know the chairman of the com-
mittee and the ranking member are 
here, and they want to be heard. I have 
spoken my piece. I hope we can work it out in the next 15 minutes or so and 
then put this issue behind us. But if we 
cannot, I am going to ask my col-
leagues to support my State. Look to 
your own States. If you are unclear, in-
quire, because the issue will come to your 
State, I promise you, sooner or 
later. And this vote will be looked back 
on as to where you stood on this 
issue when you, all of a sudden, are 
confronted, as we were, with two groups seeking recognition and neither one was approved, and then there is a third one. That is how bad this system is right now. That is wrong. That is un-
fair. My people deserve better than that.
So I urge my colleagues to support 
this amendment if a compromise is not 
reached.
I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Hawaii.

Mr. INOUYE. Madam President, it is with some considerable reluctance that 
I rise today to speak in opposition to the amendment proposed by my good 
friend, the senior Senator from Con-
necticut, that would prohibit the ex-
npenditure of funds for the operations of the Branch of Acknowl-
dgment until the Secretary of the Interior has cer-
tified to the Congress that certain ad-
ministrative procedures have been im-
plicated with respect to the consid-
eration of any petition submitted to the Secretary.
The provisions of this amendment are drawn from an authorizing bill, S. 1392, that is now pending in the Com-
mittee on Indian Affairs.
At Senator DODD’s request, in July of this year I agreed to schedule a hearing on S. 1392.

That hearing is to be held on Tues-
day, September 17.
As chairman of the Committee on In-
dian Affairs, I believe that Senator DODD’s request for a hearing in the au-
thorizing committee reflects a position on which the Secretary has not 
acted with respect to the consid-
eration of any petition submitted to the Secretary.

Both petitions are the subject of 
proposed finding whether positive or 
negative is due to be published on De-
cember 5, 2002.

Thereafter there is a 6-month com-
ment period, followed by a two-month 
response period, both of which may be 
extended at the request of the parties.
If no extensions are requested or 
granted, then assuming a positive find-
ing, the earliest time in which a posi-
tive finding would become effective for purposes of any appeal by the State of Connecticut or other parties, is August 
For the Golden Hill Paugussett Tribe—under court order, the proposed 
finding whether positive or negative is due to be published on January 21, 2003.

Thereafter there is a 6-month com-
ment period, followed by a 2-month re-
ponse period, both of which may be 
extended at the request of the parties.
If no extensions are requested or 
granted, then assuming a positive find-
ing, the earliest time in which a posi-
tive finding would become effective for purposes of any appeal by the State of Connecticut or other parties, is Sep-
ember 21, 2003.

The other groups that will be af-
fected by the amendment proposed by 
Senator DODD are two petitioning 
groups of the Nipmuc Tribes of Massa-
echusetts, the Mashpee Tribe of Massa-
echusetts, the Snohomish Tribe of Washi-
ngton State and the Burt Lake 
Band of Michigan.

I firmly believe that Senator DODD’s 
authorizing legislation can be ad-
ressed through the hearing process 
and acted upon well within the time 

In an effort to responsibly address 
the matter of whether there is some un-
emergency associated with effecting reform in the Branch of Acknowl-
dedgment process is in the authorizing 
committee of jurisdiction.

In an effort to responsibly address 
the matter of whether there is some un-
emergency associated with effecting reform in the Branch of Acknowl-
dedgment that cannot await action by the authorizing 
committee, particularly as such reform may affect the State of Connecticut, I 
authorized my staff to contact the De-
partment of the Interior and the Indian 
Administration for information on the petitions currently pending be-
fore the Branch.
There has been no hearing nor public record developed on the proposal advanced in Senator Dodd’s amendment, and I think it is incumbent upon us to develop such a record and to receive testimony on this proposal before any action is taken precipitously without any hearing.

The other proposals now pending in the Congress for the reform of the Federal acknowledgment process—Senator Campbell, the vice chairman of the Committee on Indian Affairs, has one such proposal.

Clearly, the proponents of those measures would also wish to have their legislative initiatives given full consideration, and I believe we should afford a full and fair opportunity for all such measures to be considered rather than adopting one proposal that has not yet been the subject of hearings.

Under current law, the Branch of Acknowledgment works with petitioning tribal groups in a cooperative process which is designed to assure that a petitioning group has submitted data sufficient to address each of the seven criteria that petitioners must meet.

The regulations require the Assistant Secretary for Indian Affairs for the Department to provide notice of the petition to the Governor and the Attorney General of the State in which the petitioning group is located.

It has been represented that the proposed amendment does nothing more than codify the existing Branch of Acknowledgment regulation, but in fact, the proposed amendment proposes to replace most of the existing procedural rules governing the acknowledgment process with a contested hearing process.

It would grant interested parties, and not petitioners, the power to control the timing of the contested case and would prevent the expenditure of any funds by the Branch of Acknowledgment if the Branch does not comply with the new procedural rules established by the amendment.

The amendment requires the Secretary to consider “all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities.” Upon the request of an interested party, the Secretary may conduct a formal hearing for interested parties to present evidence, call and cross examine witnesses, submit evidence even before a petition is complete.

A transcript of the hearing is to be made part of the administrative record upon which a decision may be based.

Nowhere in the existing administrative regulations is a contested case hearing, such as the one proposed by my colleague’s amendment, authorized.

Instead, the general spirit of the regulations is to enable a cooperative relationship between the petitioning group and the Branch of Acknowledgment, as reflected by the authorization for a technical review of each petition by the Branch of Acknowledgment and the opportunity to supplement or amend a petition before it is actively considered and to have information submitted by third parties who have legal, factual, or property interests in the recognition decision to be considered.

The present administrative process allows for publication of a proposed finding, a 6-month comment period for all interested parties, and a 2-month response period for the petitioning group.

A final determination is then made and time lines are established governing requests for reconsideration and when the decision becomes final.

In contrast to the existing regulations, the proposed amendment creates a contested case process the timing of which is controlled not by the Branch of Acknowledgment in conjunction with the petitioning group, but by those municipalities, counties, State attorney generals, State Governors, and other entities within the notice provisions of the amendment.

Given the fact that the amendment proposes to include State, county, and municipal governments from each area that the petitioning group was historically located—and that Federal policy forced not one but many relocations of most tribal groups from their traditional areas—the amendment contemplates the involvement of scores if not hundreds of small communities that no longer are in close proximity to any government relationship with the petitioning group.

With the exception of the continued application of the seven criteria in the existing regulations, almost every other aspect of the regulations would be changed under the amendment, including the burden of proof a petitioning group must satisfy to meet the criteria.

In addition, a petitioning group would be required to defend its petition whenever an interested party requests a hearing, even though that request may be made at a time where a petitioning group has not yet perfected its petition.

I am not suggesting that the proposals advanced in this amendment do not merit the consideration of the Congress.

Indeed, as I have earlier indicated, the Committee on Indian Affairs has scheduled a hearing on Tuesday, September 17 for that very purpose.

What I am suggesting, Mr. President, is that there is an appropriate venue for the consideration of substantive changes in Federal Indian law and policy, and that venue is in the authorizing committees of the Congress.

I ask unanimous consent to print the following statement in the RECORD.

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

DEPARTMENT OF THE INTERIOR—FY 2003 INTRIOR APPROPRIATIONS BILL: EFFECT STATEMENT TO THE CONFERENCE MANAGERS

| Bureau/Office: Bureau of Indian Affairs. |
| Appropriations: Operation of Indian Programs. |
| Activity/Subactivity: Central Office Operations/ Tribal Government. |
| Project/Budget Element: Tribal Government Services. |

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2002 enacted</th>
<th>FY 2003</th>
<th>Compared to request</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Pres. request level</td>
<td>House level</td>
<td>Senate level</td>
</tr>
<tr>
<td>Branch of Acknowledgment and Research</td>
<td>1,050</td>
<td>1,100</td>
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House Action: House added $600,000 to the Bureau’s Central Office, Division of Tribal Government Services. Funds are specifically for the Branch of Acknowledgment and Research (BAR).

House Report Statement: None.

Reference: This amendment was reported and voted on by the full Appropriations Committee.

Effect of House Action: The House Action would enable the BAR to hire additional staff if the Branch does not comply with the new procedural rules established by the amendment.

What would the funding be used for?: Currently, the BAR has three research teams. Each research team has one of a cultural anthropologist, a genealogist, and a historian. FY 2003 funding for three teams and support staff for BAR is $1,100,000. The additional funding would enable the BAR to staff one additional research team and hire support staff who would focus on administrative functions, such as FOIA requests, preparation of administrative files for litigation, and other time consuming responsibilities that are currently handled by the professional research teams. Consequently, this funding would allow four research teams to focus on processing documented petitions.

Feasibility/capability of the proposed funding level or language this fiscal year?: On November 2, 2001, General Accounting Office (GAO), released a report on the acknowledgment process titled “Improvements Needed in Tribal Recognition Process.” The two concerns raised by GAO were the need to improve the speed and transparency of the decision making process. These additional funds will enable the Department to address these two identified concerns.

Is the program/project ranked on existing priority setting system?: This program was included within the total budget priorities for increased funding. However, because many other priorities, funding was not included within the President’s Budget Request.

Senate Action: Proposed at the President’s Budget request level; however S. 2708 was introduced on the floor which amends the Department of the Interior’s appropriations bill.

Senate Report Statement: None.
Reference: S. 2708.

Effect of Senate Action: S. 2708 is an amendment to the Department of the Interior’s appropriations bill. The purpose of this bill is to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

The amendment would oppose this bill because it will result in the Department being unable to comply with court scheduling orders for issuing acknowledgment decisions and thus provisions are ambiguous and appear to be unworkable.

Sections 1(c)(1)(A) and 1(c)(1)(B) require notice to each state, county and local government in the areas where the petition is located in the area historically occupied by the petitioning group. The acknowledgment regulations already provide for written notice to the state and local government where a petition is currently located and provide for notice of the petition in the Federal Register and in local newspapers. Written notice to governments where the petitioner was historically located within 30 days of the receipt of a letter of intent is unrealistic. There is insufficient evidence in a letter of intent to identify these locations.

Section 1(c)(1)(C) requires the Department within 30 days to notify any Indian tribe and any other petitioning group that, as determined by the Secretary (i) has a relationship with the petitioner (a historical relationship); or (ii) may otherwise be considered to have a potential interest in the acknowledgment determination.

As with the prior provision, the difficulty with the notification provision with the 30-day deadline, is that it may be that until a petition processing is begun, or at least until the preliminary technical assistance review, the Department will not know all of the petitioners, tribes, states, and others that could be involved. Notice beyond that in the Federal Register to such societies within 30 days of the receipt of a letter of intent is not feasible.

Section 1(c)(2)(A) requires the Secretary to consider all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities that possess information bearing on the merits of a petition. A determination already considers all evidence which is submitted within prescribed time frames by petitioners and any other interested party, including neighboring municipalities.

Under section 1(c)(2)(B), the Secretary, on request by an interested party, may conduct a formal hearing at which all interested parties may present evidence, call witnesses, cross-examine witnesses, or rebut evidence presented by other parties during the hearing.

The bill leaves unspecified who the hearing would be before when in the acknowledgment process this hearing would take place, and the purpose of this hearing. Therefore, any advantages of a hearing are unclear.

Further, existing regulations, the Department provides for hearings before the IBIA, an independent administrative review body. If an additional hearing is intended, it would further delay decisions on the petitions.

Under section 1(c)(3)(A), the Secretary shall ensure that the evidence presented in consideration of a petition is sufficient to demonstrate that the petitioner meets each of the 7 mandatory criteria for recognition contained in section 83.7 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

This section appears to restate the existing standard used by the Department.

Under section 1(c)(3)(B), the Secretary shall consider a criterion to be met if the Secretary determines that it is more likely than not that evidence presented demonstrates the criteria described in paragraph (3).

The meaning of the stated standard is unclear, particularly as to whether it changes the regulatory standard which provides that a criterion shall be considered met if the evidence presented demonstrates a "reasonable likelihood of the validity of the facts relating to that criterion." It is unclear if this provision would change the existing standard.

Under section 1(c)(4), the Secretary shall publish in the Federal Register, and provide to each person to which notice is provided under paragraph (1), a complete and detailed explanation of the Secretary regarding a documented petition under this Act that includes express findings of fact and law with respect to each of the criteria described in paragraph (3).

The regulations already require that notice of the final determination be published in the Federal Register. It is ambiguous if the complete final determination is to be published in the Federal Register which would be an extraordinary and unnecessary expense. Presently, the decisions are publicly available and will be posted on the Internet as soon as possible.

Recommendation: The Department does not support this amendment, and it opposes considering it as part of the Interior Appropriations Bill.

Mr. INOUYE. Madam President, what I would like to propose is to convert this amendment into a bill and have it referred to the Committee on Indian Affairs to give time to the respective staffs, the staff of the committee and the staff of Senator Dodd, to work over this measure and come forth with a resolution of the matter. When that resolution is reached—and I gather it will be reached in 24 or 48 hours—we can once again bring up the new amendment and consider that.

If I may, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call 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, last night I worked with Senators INOUYE and DODD until almost 11 o’clock. The arrangement made at that time was that we would have a vote at 10:15 on the Dodd amendment. The Senators have worked with their staffs and we are still going to have a vote at 10:15 but not on the Dodd amendment. We are going to ask unanimous consent to set that aside and to see if Senators DODD, CAMPBELL, and INOUYE can work out this problem that is now facing us. They do believe by early next week they can work something out.

I know some Senators are going to be upset that we are only voting on a judge this morning, but there has been a lot of work going into having this amendment withdrawn. I think it is in the best interest of the Senate that we not charge forward on something if it can be resolved. There will be a vote at 10:15. We will vote on Arthur Schwab, of Pennsylvania, to be a judge. We expect to announce that in a moment or two.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before the unanimous consent request, I thank the distinguished majority whip. I thank my colleague from Hawaii, my colleague from Colorado, and the Senator from Montana as well. I apologize to colleagues who were counting on a vote. I know the leadership wants to have a vote. This matter is very important. If we can resolve this by not having a divisive Senate on this issue, I think that exceeds the importance of whether we have a vote. We are going to try to work this out so we can deal with the underlying cause of the problem. I thank the Senators for offering my colleague from Connecticut and I a chance to come to a solution. We will ask unanimous consent to temporarily set aside the Dodd-Lieberman amendment. Then this will pop back up again, Tuesday when we come back after Yom Kippur and deal with the matter. I am confident that at that time we will have resolved this problem and we can vote on a compromise. I apologize. We worked late last night. I thank the Senator and their staffs. Senator Reid was on the phone until after 11:30. Time didn’t permit us to get it done. I don’t want to see the Senate vote on a matter of this importance without trying to resolve the differences. We will vote on a judgship, but we will, at some point, vote on this matter—a compromise or the Dodd-Lieberman amendment. I hope it will be a compromise that will be satisfactory to everybody.

I thank the Senator from Nevada. He works hard to keep things on track. This is something which I think rises to the level of reaching a compromise on an important effort.

Mr. REID. I simply say to my friend that I think we have far too many votes here anywhere that are not necessary. I think it shows the experience and wisdom of the people who have been working on this issue, along with your staffs. Mr. Chairman is no need to have a vote on this matter. We may never have to have one. If we do, we will vote on it. I think a lot of people say “I want a recorded vote” because it looks good—or whatever reason. We spend far too much time voting on matters that cannot be recorded. Even though there is no vote on this amendment, I think the Senators have saved us a lot of time.

The next vote will occur at 5 o’clock Tuesday.
EXECUTIVE SESSION

NOMINATION OF ARTHUR J. SCHWAB, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 963, Arthur Schwab to be U.S. district judge; that the Senate vote immediately on the nomination; that upon the disposition of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and statements thereon be printed in the RECORD as though read and that the Senate resume legislation session, with the preceding all occurring without any intervening action or debate.

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

The clerk will report.

The assistant legislative clerk read the nomination of Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. REID. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. CUMMINS), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

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

The result was announced—yeas 92, nays 0, as follows: yeas 92—

[Rollcall Vote No. 216 Ex. 26]

YEAS—92

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Byrd
Bunning
Burke
Burns
Byrd
Campbell
Cantwell
Carson
Carper
Chafee
Clinton
Collins
Conrad
Cox
Cornea
Craig
Craig
Crandall
Daschle
Dayton
DeWine
Dodd
Domenici
Donlan
Durbin
Eder
Ensign
Eisgruber
Feingold
Feinstein
Fitzgerald
Flay
Glassie
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kyl
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McCain
McClellan
McConnell
McKee
McKuki
Murray
Nelson (FL)
Nichols
Nichols
Nixon
O'Keefe
Orrin
Paige
Pennacchio
Pennacchio
Pepper
Reed
Reid
Rockefeller
Santorum
Sarbanes
Sessions
Shalala
Snowe
Specter
Stabenow
Stockman
Stevens
Thornton
Torricelli
Voinovich
Warner
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is tabled. The PRESIDING OFFICER. The motion to reconsider is tabled. The motion to reconsider is tabled. The motion to reconsider is tabled.

Mr. DASCHLE. Madam President, I yield such time as the Senator from Pennsylvania may require to make a brief statement.

Mr. SPECTER. Madam President, I thank the majority leader.

I have sought recognition to comment very briefly on the nomination of Arthur J. Schwab, of Pennsylvania, PA. Mr. Schwab is an outstanding lawyer and will make an outstanding judge. His credentials include: Graduating cum laude from Grove City College; Order of Coif from the University of Virginia; a law clerkship in the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuits. He has an extraordinary litigation background and will make an outstanding judge.

I ask unanimous consent to have printed in the RECORD the qualifications of Arthur J. Schwab.

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

Arthur J. Schwab graduated cum laude from Grove City College in 1968. He then attended the University of Virginia law school, where he graduated Order of the Coif in 1972. After law school he was an assistant district attorney with the District Attorney's Office of Allegheny County. He then became a partner in the law firm of Masters, Beggy, McVerry & Baxter, later named McVerry, Baxter & Cindrich, from 1970 to 1988. He has also been Of Counsel to the law firm of Tucker Arenbaugh & Grogan, and was Of Counsel to Graffam, McEldy & Lucchino, P.C. Currently, Mr. Schwab serves as the chief counsel and chair of litigation Buchanan Ingersoll, P.C., in Pittsburgh, Pennsylvania. Over the past 20 years, Mr. Schwab has developed a practice in the areas of trade secrets, confidential information, employment agreements, software copyright infringement, trademark, unfair competition, and diversion of corporate opportunities. He has tried cases in state and federal courts in more than 22 different states, as well as in the Courts of Common Pleas of the Commonwealth of Pennsylvania and in the United States District Court for the Western District of Pennsylvania. Mr. Schwab has also been responsible for cases involving appeals to the United States Courts of Appeals for the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuits.

Mr. Schwab is also actively involved in his local community, including serving as the co-chair of the Senate Judiciary Committee's bipartisan Committee on Federal Nominations and as the co-chair of the Senate Judiciary Committee's bipartisan Committee on Federal Nominations and as the co-chair of the Senate Judiciary Committee's bipartisan Committee on Federal Nominations and as the co-chair of the Senate Judiciary Committee's bipartisan Committee on Federal Nominations and as the co-chair of the Senate Judiciary Committee's bipartisan Committee on Federal Nominations.

Once again, I believe that Arthur Schwab will be an excellent addition to the federal bench and I urge my colleagues to vote for his confirmation. Thank you.

Mr. LEAHY. Madam President, today the Senate has confirmed its 76th and 77th new judges since the change in majority last summer, with the vote on Arthur Schwab, who is nominated to the Eastern District of Pennsylvania and the vote earlier this morning on Jose Martinez, who is nominated to the Southern District of Florida. In less than 15 months we have confirmed more judges that the Republican majority confirmed in its final 30 months in the Senate. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three or four times as fast as they did to fill vacancies their inaction perpetuated.

The Senate has now confirmed more judges than were confirmed in all of 1989 and 1990, the first two years of the first Bush Administration, and almost 40 percent more confirmations than in the first 15 months of the Reagan or Clinton Administration, both of which were cooperating with a Senate majority of the same political party.

Another stark comparison would be between how we have proceeded this year and how the recent Republican majority proceeded in the years they were in the Senate majority. When the President was a Democrat. In the 1996 session for example, the second full year in which the Republican majority was in control of Congress, the Democratic Senate confirmed 17 judges to be confirmed the entire year. Not a single circuit court judge was confirmed that entire session all year—not one. By contrast, just since January, in this the second session of this Congress, this Democratic Senate has already confirmed 180 percent more judges than were confirmed in the second year of the Republican majority.

We have already confirmed seven judges to the circuit courts, which is seven more than were confirmed in the 1996 session.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.
I do believe for the American people, who have seen the western skies full of smoke now since the middle of June, it is important that this Senate express its will on this issue.

The Senator from South Dakota found an expression that fits his State. I do not criticize him for it because the Black Hills of South Dakota are in a state of forest health problems, as are other public forests. Clearly, it is important that we not walk away from this session of Congress without the public knowing where we are on this issue because, as the Senator knows, no matter what we do, even if we can have some aggressive effort on thinning and cleaning, the country must become ready to accept, tragically enough, that we are going to lose 5 million or 6 million acres a year of old growth and watershed and wildlife habitat to wildfires because of the public policy that has brought our forests to this current health environment.

I hope we take a step, probably not a big one but at least a small step, in the right direction of showing the public we can manage their land and we can do so in an environmentally sensitive way that will replenish the health of these magnificent forests that have now grown to a state of disrepair.

I understand where the leader is. I did want that expression put out there. I hope we can come to the majority leader and say we have something, we hope you can vitiate, and we hope we can come to this floor and debate this issue and get on with the process.

Mr. DASCHEL. Let me respond to the Senator from Idaho.

Mr. CRAIG. I thank the majority leader for yielding. He has just filed cloture on the Byrd amendment. The underlying second degree is the Craig-Domenici amendment to try to deal with forest health. I appreciate the frustration of time here and the reality we have to get a lot of work done in the next several weeks to conclude the appropriations process.

It was never our intent to block the Byrd amendment. This is a critical and necessary amendment that deals with fire itself and replacing some of the moneys or refurbishing, replenishing some of the moneys that have been spent fighting fires, primarily in the West but across the country, in our public forests.

We are continuing to work. We had another meeting this morning. I told all of my colleagues, Democrat and Republican alike, that Monday was drop dead. I meant that only in the sense of the legislation itself. Clearly, we have worked hard. There have been some good faith efforts. There has also been a reality as to where all of the sides are on this issue. Tragically enough, no matter what we accomplish, the forests of our country are going to continue to burn because of their diminished health because of public policy over the last good number of decades.

But on Monday, in visiting with Senator Reid, I hope we will have something, whether we want on—or a clarification that we cannot arrive at an agreement. I hope at some point, Leader, I can come to you and ask you if you could vitiate the vote on cloture, that we could expedite this ourselves. But there are a good number on my side, and many who want on—on—a clarification and at least more discussion on this issue, even if we can have opposing positions on which to vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, before the majority leader leaves the floor, I would like to comment on the discussion that just took place between the majority leader, Senator CRAIG and indicate to him I have been a daily participant in those negotiations. I have tried to act in good faith; many have. But somehow or another, we make one step forward, and literally the next time we meet, it looks as if we have gone one and a half back. It is getting more difficult.

We don’t intend to delay this bill once we know the good faith efforts of the Senators—who I think anumber of them—cannot reach an agreement. We will come forward. But we will have to take a little time, as best we can, without delaying things too much, to let everybody know what has happened. It will not take too long for that to occur. There are others who may feel differently. The amendment is a Craig-Domenici amendment. We put it together, gathered the Senators, but I wanted the record to reveal we are not interested in delaying the good faith effort on this bill, but we have a powerful issue, as you well know, that burns at many of our hearts. I am sorry I had to use that terrible word. We are having burns elsewhere in our States.

I yield the floor.

Mr. DASCHEL. The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I had wanted to make some comments this morning on the issue of homeland security. I understand we are currently back on the Interior appropriations bill; is that correct?

THE PRESIDING OFFICER. That is correct.

Mr. DORGAN. I ask the chairman of the Appropriations Committee if he has other business to transact on that appropriation. If not, I would like to offer some comments on homeland security, which is the second track we have been working on but we have a powerful issue, as you well know, that burns at many of our hearts. I am sorry I had to use that terrible word. We are having burns elsewhere in our States.

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

Mr. BYRD. I assume the Senate will return to homeland security this afternoon. The order is, I believe, 12 or 12:30?

Mr. REID. Yes, at 12 noon, with Senator Byrd having the floor.

Mr. BYRD. At 12 noon, at which time, under the unanimous consent order entered last evening, I will get recognized.

Now, I intend to explain my amendment clearly because my amendment is not adversarial to the Lieberman bill. My amendment improves, in my judgment, and I think people will agree once they really understand my amendment—the Lieberman amendment, the Lieberman bill. Therefore, I
Mr. BYRD. I wish I could be on the floor to hear what the Senator has to say. I have an appointment. I have to be down below this floor at 11 o’clock, which is 1 minute or 2 from now. I will read the remarks of the Senator. I know they will be good. If I can come back before he completes his remarks, I will do that.

Is it the understanding of the Senator that he will complete his remarks by 12 noon?

Mr. DORGAN. Yes.

Mr. BYRD. I thank the Senator.

Mr. DORGAN. Madam President, I have not been on the floor until now to speak about the homeland security bill and the issues surrounding that bill. I have been thinking a lot about it, as have many of my colleagues. We have had a good number of amendments, and I do not believe anyone here thinks the issue is whether we shall pass a piece of legislation dealing with homeland security. Of course we should enact a piece of legislation dealing with homeland security. We need to respond to the President’s request. We will do that. The question isn’t whether, the question is how.

There are many ideas about homeland security that come from all corners of this Chamber. We ought to take the best of all of those ideas and incorporate them into this legislation.

Yesterday the President spoke at the United Nations about the threat that comes from Saddam Hussein and Iraq. Because that also relates to the issue of homeland security, I wanted to make some comments of a general nature this morning.

In my desk, I have a couple of pieces of materials taken from weapons that were once targeted at the United States. I ask unanimous consent to be able to show them on the floor. I am doing this for a very important reason.

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

Mr. DORGAN. Madam President, let me thank the chairman of the Appropriations Committee and the ranking member. We have a very short amount of time, which is a great deal of business. I did not wish to interrupt their work on Interior if in fact there was an amendment that was to be acted upon. I appreciate their courtesy.

Let me make some comments about the broad question of homeland security and relate it to the discussion yesterday at the United Nations that was offered by President Bush.

Mr. DORGAN. Madam President, will the distinguished Senator yield for a question?

Mr. DORGAN. I am pleased to yield for a question from the Senator from West Virginia.
against a Comprehensive Nuclear Test-Ban Treaty—despite the fact that we unilaterally decided not to test, and have not tested for a decade. This Senate turned that treaty down, sending a message to the rest of the world that this is not our priority.

There is nothing more important, in my judgment, to the children of America and to their children and their future than dealing with this question of a nuclear threat. The Soviet Union is gone. The Cold War is over.

The President's discussion about Saddam Hussein underscores the concern about one dictator in Iraq—an evil man in Iraq who is seeking to get nuclear weapons.

But I am just saying that there is much more at stake than that. The Iraq situation is at stake for us, and we need to respond to that. But there is much more at stake.

So many others want to acquire nuclear weapons. Here are some. There are many nuclear weapons around in this world. I indicated that there are somewhere between, perhaps, 25,000 and 30,000 nuclear weapons in existence. A fair number of them for a number of reasons are not very well controlled. So we need to talk about this context about what our responsibility is, and what our role is with respect to arms control and arms reduction in the future.

The Senate was asked to consider the nomination of a fellow named John Bolton. Senator Snow said he wanted as senior adviser for arms control. John Holum is a remarkable American, who has had incredible experience, and he was nominated for the position of Under Secretary of State for Arms Control and International Security Affairs. He is somebody who believes in his heart that we need to pursue negotiations and efforts to achieve treaties for nuclear arms reduction and to achieve progress in stopping the spread of nuclear weapons. But his nomination was blocked.

The President sent us instead John Bolton, who doesn't have experience in arms control, who has never served in an arms control position, who has expressed disdain for arms control and those who promote it, and who expressed disdain for the United Nations. He said:

... a building in New York has 38 stories. If it lost 10, it wouldn't make a bit of difference.

And his nomination was approved by the Senate.

So we have someone in this area who really isn't interested in pursuing the approach that we have used, which has been quite successful in beginning the process of reducing nuclear weapons and reducing the nuclear threat.

We also have had discussions in recent months about perhaps developing a new type of nuclear weapon. Perhaps a nuclear weapon can be developed that will be a cave buster—some unclear-tipped bomb that will bust into caves and be more effective in dealing with the problem that we encountered in Afghanistan where terrorists burrowed into caves.

The minute you start talking about designing nuclear weapons—especially a little nuclear weapon with a special nuclear tip that can be used against caves—you start talking about the potential to use nuclear weapons, the genie is out of the bottle.

Our discussion in this country ought never to be a discussion about how to use a nuclear weapon. That is not what we ought to be discussing.

We ought to be discussing our obligation to assume a world leadership position to stop the spread of nuclear weapons and stop the proliferation of nuclear weapons. Do we want a future 10 years from now or 40 years from now in which 50, 75, or 100 countries, including terrorists and rogue nations, have nuclear weapons at their disposal? I don't think so.

We have had a 50-year effort in this country—50 years—to stigmatize nuclear weapons and brand them only as a weapon of last resort. We ought not do anything to undermine that basic approach to nuclear weapons.

We are talking about homeland security in these days. When you talk about nuclear weapons, you have to talk about homeland security against the ultimate weapon; that is, a nuclear weapon. But there are many other kinds of weapons.

We may spend $7 to $8 billion this year, in this Congress, on a national missile defense program, trying to build a missile that has the capability of hitting a bullet. The purpose of that is a defensive mechanism by which if a rogue nation or terrorist or some other country were able to launch an intercontinental ballistic missile against the United States, we would be able to shoot it down and prevent a nuclear attack using an ICBM.

We will spend an enormous amount of money on that. believing that one of the threats is an intercontinental ballistic missile, at 14,000 miles an hour, with a nuclear warhead, sent by some rogue nation or terrorist state. It is one of the less likely threats; the Pentagon will tell you that. Rogue nations and terrorist states would have a very difficult time dealing with an ICBM, if they could acquire one in the first place.

A far more likely prospect would be a container, on a container ship, pulling up to a dock in New York City at 3 miles an hour, with a low-yield nuclear device in the middle of a container, in the middle of a container ship.

There are 5.7 million containers that come into this country every year to all of our ports and docks. These large ships are pulling up to a dock with a low-yield nuclear device in the middle of a container, on top of their decks. Of the 5.7 million, 100,000 are inspected. So 5.6 million are not. I was at a dock in Seattle recently, and they had pulled off a ship container, and they were inspecting it at the Custom facility. I asked them: What is this? What is the container in? They said: Frozen broccoli, from Poland.

I said: Well, do you know anything about it, the frozen broccoli from Poland?

They said: No, but we'll show you. They opened up the container, pulled the bag out, and ripped it open, and, sure enough, there was broccoli from Poland.

I said: How do you know what's in the middle of this container? You just pulled the one bag out.

They said: Well, we don't. We just opened it to see that it was frozen broccoli from Poland.

So we have 5.6 million containers that come into this country, and they are largely uninspected. Does anyone here not believe that port security, the security of containers, is critically important?

Did you read the story about the fellow from the Middle East who decided to send himself to Canada, presumably with the thought of coming into the United States, and he put himself in a container? He had a cot, he had potable water, he had a telephone, he had a computer, he had a GPS system, he had a heater. And there he was living in a container, on a container ship, shipping himself to Toronto, Canada, and they didn't know. They thought he was a terrorist. I don't know what the disposition of that was. But think of it, how easy it is, if 5.7 million containers come into this country, and we only take a look at 100,000 of them. What is in the other 5.6 million?

That is a big homeland security issue. What are we going to do about that?

We have heard discussions about the potential for a dirty bomb. The National Research Council gave a long listing the other day with respect to homeland security, about our shortcomings on preparedness to defend against nuclear and dirty bomb threats, and against biological warfare.

Here is what the report said. We have to develop vaccines for airborne pathogens—we are way behind in doing that; create better sensors and filters for dangerous chemicals; build a system to counter sabotage of the Nation's food supply; find better methods to fend off attacks on nuclear reactors, electrical power grids, and communications systems; and develop defense in depth for airport and other transportation security.

Much of what we are talking about in the current debate about homeland security is organizational. We say, let's take a look at an organizational chart and find the boxes and evaluate how we can put all these boxes together in a different way. And so you have, at the end, 170,000 people in a new agency.

Putting agencies together in a way in which they are better prepared to deal with homeland security makes good sense to me. But there is not a right or a wrong way to do it. There are a lot of different ideas on how it might or might not work, and we will not know, perhaps for a year or 2 or 3 or 4 years,
after the Congress finishes its work, and the President signs the bill, whether what we have done advances our interests or retards it.

It is reasonable to ask the question, if homeland security is going to be restructured, how do we change to the way we use the FBI and the CIA, and the way we gather and analyze intelligence? I know there is a portion of that in this bill, and I think this is a question we have to consider carefully.

Good intelligence is critical. I mentioned the issue of nuclear weapons. Russia, which is now the nuclear repository of the old Soviet Union, has thousands of excess nuclear weapons in storage facilities that fall far short of what we expect for decent security standards. We are told they have more than 1,000 metric tons of highly enriched uranium and at least 150 metric tons of weapons-grade plutonium, much of it in less than adequate storage facilities, the fissile material is enough for 80,000 nuclear weapons, by the way.

In addition, dangerous biological pathogens are kept at scores of poorly guarded sites around the former Soviet Union.

Tens of thousands of former Soviet Union scientists and engineers are living hand to mouth because of military downsizing and the collapse of the economy. These are people who now know how to make the bombs, who were involved in the development of the Soviet nuclear capability.

We know that individuals and groups have attempted to steal uranium or plutonium from sites in the former Soviet Union dozens of times in the past 10 years.

Former Senate Majority Leader James Baker and former White House Counsel Lloyd Cutler headed a panel last year that studied the threat to our economy. These are people who know how to make these bombs, were in- volved in the development of the Soviet nuclear capability.

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much as elder abuse, elder neglect, and also the exploitation of elder Americans.

This abuse of our seniors takes many different forms. It could be physical abuse, sexual abuse, psychological abuse, and also financial abuse. The perpetrator may be a family member, a stranger you have never heard of or seen before; it may be an acquaintance; it may be a paid caregiver in some institution; it may be a corporation; and, unfortunately, far too often it can be a spouse or another member of the elderly person’s family.

Elder abuse happens everywhere—in poor, middle class, and upper income households; in cities, suburbs, and in rural areas. It knows no demographic or geographic boundaries.

The cost of such abuse and neglect is extremely high by any measure. The price of the abuse is paid in needless human suffering, inflated health care costs for everyone, depleted public resources, and the loss of one of our greatest national assets: Of course, the wisdom and experience of the elders in our country.

With scientific advances and the graying of millions of baby boomers, this great gift comes the responsibility to prevent abuse, and to increase the independence, productive life, triggering the greatest national assets of our country. What we are saying is that we need more attention on the question of how we treat, as a society, the elderly in our country, which is the fastest growing segment of our population.

Despite dozens of congressional hearings over the past two decades on the devastating effects of elder abuse, neglect, and exploitation, interest in the subject has risen and fallen. Crimes against the elderly have not received the attention that Federal law has been enacted to address this issue of elder abuse in a comprehensive fashion.

In these hearings we had in the Aging Committee, elder abuse was called a hidden epidemic and privacy scandal. Indeed, we found no single Federal employee working full time on the issue of elder abuse in the entire Federal Government, in any Department, anywhere.

I think the time has come to provide seniors a set of fundamental protections. That is why, along with the colleagues I listed, we have introduced S. 2933, the first comprehensive Federal effort to address elder abuse in the United States—the Elder Justice Act of 2002.

Our bill will elevate elder abuse, neglect, and exploitation to the national stage in a lasting way. We want to ensure that there is Federal leadership to provide resources for the services, prevention, and enforcement effort to those on the front lines.

You know, a crime is a crime, no matter what the victim is, or wherever the victim happens to be, or whatever the age of the victim is. Crimes against seniors must certainly be elevated to the level of child abuse and crimes against women.

It is clear, in confronting child abuse and violence against women, that the best method of prevention has been a two-pronged approach—through both law enforcement and social services. With offices in the Department of Health and Human Services, HHS, and the Department of Justice, our legislation will ensure a combined public health and law enforcement coordination at all levels.

In addition, because elder abuse and neglect have been virtually absent from the national research agenda, our legislation establishes research centers of excellence and funds research projects to fuel future legislation that may be necessary.

These measures lay the foundation to address, in a meaningful and lasting fashion, the elder abuse, neglect, and exploitation problem that has been invisible for far too long. We can no longer neglect these difficult issues affecting frail and elderly victims—American citizens.

This effort takes numerous steps to prevent and treat abuse. It improves prevention and intervention by funding projects to make older Americans safer in their homes, facilities, and in their neighborhoods, to enhance long-term-care staffing, and to stop financial fraud before the money goes out of the door.

It enhances detection and is coordinated through forensic centers and develops expertise to enhance detection of the problem.

It bolsters treatment by funding effective services and projects to prevent abuse, and to investigate the devastating consequences of elder mistreatment.

It also increases collaboration by requiring ongoing coordination at the Federal level, among Federal, State, and local agencies and law enforcement, long-term care facilities, consumer advocates, and families, to bring all of these agencies together in a coordinated fashion.

It aids prosecution by assisting law enforcement and prosecutors to ensure that those who abuse our Nation’s frail elderly will be held accountable, wherever the crime occurs and whoever the victim happens to be.

It also helps consumers by creating a resource center for family caregivers and those trying to make decisions about the different types of long-term care providers.

The importance of defending our right to live free of suffering from abuse and neglect does not diminish with age.

If we can unlock the mysteries of science and long live, what do we gain if we fail to ensure that Americans also live better lives and longer lives, lives with dignity? More and more of us will enjoy a longer life in relatively good health, and with this gift comes the responsibility to prevent the needless suffering too often borne by our frailest citizens.

I appreciate the hard work of the members of our Aging Committee and our co-sponsors and their joint effort with me to put together this legislation. I recommend it be considered by our colleagues and that the Senate proceed ultimately to act on the bill, S. 2933, the Elder Justice Act of 2002.

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

The PRESIDING OFFICER.

The clerk will call the roll.

The senior assistant clerk will proceed to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. I thank the Chair.

IRAQ

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the convincing call to action against Iraq that President Bush issued yesterday at the United Nations to discuss the unique dangers created by Saddam Hussein’s attempts and actions to lay the groundwork for war. This is what the President said: “It is not in the interest of the American people or the American security for Saddam’s regime to remain in power. Indeed, Saddam remains in power, there will be a day of danger for the Iraqi people, and the world.”

I believe this Congress has a moral obligation to support the President’s call to take action. I know many of my colleagues in this Senate believe thoughtfully and courageously that our Nation’s security and the security of our families, and, I might add, the security of our friends and neighbors, for the American people.

This is the very reason we are here today. We are here today to decide what actions will best advance America’s interests in protecting our people and our way of life.

The essential facts are known. We know of the weapons in Saddam’s possession—chemical, biological, and nuclear in clear danger. We know of his unequalled willingness to use them. We know his history, his invasions of his neighbors, his dreams of achieving hegemonic control over the Arab world, his refusal to accept and enforce U.N. resolutions, his attempts to seek and develop weapons of mass destruction, to use them to terrorize, to slaughter, to suppress his own people and others. And we need not stretch to imagine the nightmare scenarios in which Saddam makes common cause with the terrorists who want to kill Americans and destroy our way of life.

Indeed, 2 days ago on September 11, 2002, the state-owned newspaper in Iraq, the Voice of the World Trade Center’s Twin Towers in flames with the headline “God’s Punishment.”

This man—Saddam Hussein—is a menace to the people and the peace of the world. It was his brutal invasion of Kuwait, and hisouflage of the Iraqis in the face of our armed forces that resulted in the defeat of Iraq. In August 1990 that first and finally convinced America and the world that Saddam had become a tyrant, like so many before him in world history, who had to be stopped before he did terrible damage to his people, his region, and the wider world. I was privileged in January of 1991 to join with my colleagues in the Senate to vote to remove Saddam from power, while his military was in disarray. I said then: “The United States must pursue final victory over Saddam. We must use all reasonable diplomatic, economic, and military means to achieve his removal from power. Until that end is realized, the peace and stability of the region will not have been fully accomplished.”

In 1997 and 1998, I joined with Senators Bob Kerrey, TRENT LOTT, and JOHN WARNER in introducing the Iraq Liberation Act, which established in law the policy of changing the regime in Baghdad, not just contain it, and authorized specific assistance, including military training and equipment, to the Iraqi opposition in furtherance of that goal. That declaration was based on Saddam’s record of barbarism before, during and after the gulf war, and his repeated violations of U.N. resolutions.

On November 13, 1998, after Saddam ejected the U.N. weapons inspectors, I said, “The inspections and the monitoring that he agreed to as a condition of the cease-fire in the gulf war, then there is no doubt that one day soon, he will use weapons of mass destruction, carried by ballistic missiles, against Americans in the Middle East or against our allies.”

Since then, months and years have passed and the danger from Baghdad has only grown greater. International pressure—legal, diplomatic, economic, and political—has failed to change Saddam’s behavior. Growing stockpiles of Iraqi weapons, toxins, and delivery systems have accumulated. So too has a growing pile of U.N. resolutions which Saddam has persistently defied. They testify to the repeated opportunities the international community has given him to prove he has changed and to his determination nonetheless to remain a recidivist international outlaw.

As President Bush made clear yesterday, this must end. The hour of truth and decision has arrived. This is Saddam’s last chance, and the United Nations’ best chance to make the declarations of international law stand for something more than the paper on which they are written. It is time for all nations, law abiding and peace loving, to make clear that, after September 11, the world will not hesitate or equivocate while a tyrant stocks his arsenal and builds alliances with terrorists.

I am grateful that President Bush has effectively begun the critical work of educating the American people, the Congress, and the world about why. Our cause is just. The facts are on our side.

“Making this case” is not a burden. It is the vital responsibility of a democracy’s leaders when they have decided that our Nation’s security may necessitate war.

It is an extraordinary opportunity, as well, to engage our allies in meeting the greatest security threat of our generation before it is too late—not just for us but for them. An opportunity to make the consequences of repeated defiance of the United Nations painfully clear to Iraq, and to any other government that might follow that path. An opportunity to show the world’s law-abiding, peace-loving Muslim majority—who share the same values we do, the same aspirations we have for our families, and, I might add, the same extremist enemies as we—will actively support them in their fight for freedom and a better life.

President Bush has acted wisely and decisively in asking the United Nations to lead this noble effort, to insist that Iraq obey its resolutions, and to be prepared to enforce them militarily if Iraq does not comply. But if Saddam does not comply, and the United Nations proves itself unwilling or unable to take decisive action, then the United States surely can and must assemble and lead an international military coalition to enforce the United Nations resolutions and liberate the Iraqi people’s best chance to write a new chapter in the history of the world from Saddam Hussein. If we lead, I am confident many other nations will come to our side.

For more than 11 years now, since the early spring of 1991, I have supported plans to disarm Iraq and to remove Saddam Hussein from power. In fact, since the Iraq Liberation Act was passed by Congress and signed by President Clinton in 1998, that has been the law of our land. Today I am supportive of such military action now.

I know that many of my colleagues in the Senate believe thoughtfully and
sincerely that it would be preferable to give support to the President in two stages, first to endorse yesterday’s call for U.N. action, and then to return later, if the U.N. does not act, to authorize the use of America’s military power against Iraq. Other Members of the Senate and I are proposing that we request the President to defer a decision until the U.N. has acted, which will in effect be a vote of no confidence in the U.N. And we are concerned that a debate on the question of war against Iraq may be unnecessarily politicized if it occurs in the more heated environment of this fall’s congressional elections.

But the White House has made it clear it will ask for a resolution of support and authorization in the very near future. Each member of the Senate must, and I am confident will, face that reality in a spirit of non-partisanship, going where their hearts and heads take them, in deciding how best to fulfill our Constitutional responsibility to provide for the common defense in the current circumstances. For my part, I intend to work with Members of both parties in the Senate with the White House to draft a Senate resolution that will receive the broadest possible bipartisan support for the President, as Commander in Chief, as he works to protect our Nation and the world from Saddam Hussein.

On October 22, 1962, as nuclear weapons were being amassed in Cuba, President Kennedy spoke to the Nation and warned Americans of the need to act in the face of the rising threat. President Kennedy’s courageous and eloquent words can guide us now. He said on that occasion:

My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can see precisely what course it will take or what costs or casualties will be incurred. Many months of sacrifice and self-discipline lie ahead, months in which many threats and denunciations will keep us aware of our dangers. But the greatest danger of all would be to do nothing. The path we have chosen for the present is full of its perils. But the perils we face are, but it is the one most consistent with our character and courage as a nation and our commitments around the world. The cost of freedom is always many; and Americans have always paid it but there is one path we shall never choose, and that is the path of surrender or submission. Our goal is not the victory of might, but the vindication of right—not peace at any price. We are going to hear much of that in the coming days of the fall of the towers, the Twin Towers. We protest and we are not empty handed. We are not empty handed. We are working.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER (Mrs. Lincoln). Under the previous order, the hour of 12 noon having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

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.

Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism, and Homeland Security Response for detection, prevention, response, and recovery to counterterrorist threats. (By 41 yeas to 55 nays (Vote No. 214), Senate failed to table the amendment.)

Lieberman amendment No. 4534 (to amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response for detection, prevention, response, and recovery to counterterrorist threats.

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

Mr. BYRD. Madam President, I do not expect to yield, except for questions. I have several thoughts with respect to the pending measure. I can speak at great length. Only the Lord can intervene and make that statement fall. But I don’t expect to do that today.

House Republicans yesterday criticized the majority leader and the chairman of the Intelligence, Senator LIEBERMAN, for not moving quickly enough to pass legislation to create a new Homeland Security Department. They accuse the Senate Democratic leadership of endangering the country by not passing legislation.

We are going to hear more and more of that. There is no excuse for not giving the people of this country a homeland security bill, said the Speaker of the House yesterday.

Let me say again what the Speaker of the House yesterday said: There is no excuse for not giving the people of this country a homeland security bill.

What a flimsy argument, with all due respect, and I have great respect for the Speaker of the House. We know, Madam Speaker, that we have the vote of the Senate and the House. I am not going to go beyond that quotation in referring to what the Speaker of the House said. I am not going to go beyond that to in any way appear, in any way, and I do not now appear, even presume; I don’t want anyone to presume or to assume or to interpret what I say as any personal criticism of the Speaker of the House of Representatives. But what a flimsy argument. We are going to hear that argument; we are going to hear it from people. It will not be long in coming, if it has not already been expressed by others. But worse than flimsy is the kind of argument we ought not be making. It is an empty argument. It is shallow. That kind of argument cannot stand up under its own weight, that there is no excuse for not giving the people of this country a homeland security bill.

Let us be clear about a few things. Neither the House bill nor the President’s proposal would create any new federal agencies; it would only to move existing agencies from one Department to another. The Immigration and Naturalization Service, the Customs Service, the Coast Guard, all of these agencies currently exist. They are operating. They are funded. And the people are out there working day and night. These agencies have been working around the clock since the terrorist attacks last year on September 11. They have been out there working. They were on the borders. They were patrolling the U.S. waterways last night, the night before, and the night before that, and in all of the nights that have occurred, beginning on September 11, and before.

Whether or not we create a new Homeland Security Department, and regardless of who we have, these same agencies will continue to protect our homeland. The funds are there. The funds are being used. The people are there on the job. So do not have any concern about that. They are not absent. Their protest and they are not empty handed. They are not empty handed. They are working.

Now, we must be careful about how we create this Department. And I want to create this Department of Homeland Security; I want to create a Department of Homeland Security. But I am not one who wants to debate the bill on the Senate floor for 2 days and vote on it. That is what the House did, the other body. They have their own rules. I have been a Member, many years ago. I say “many;” many in the context of the ordinary lifetime of many years ago. They have their rules. I don’t care that at the White House it operated fast. The House can operate quickly, they can operate fast, and so can the Senate, as we did last year when we passed an appropriations bill within 3 days of the fall of the towers, the Twin Towers. We passed an appropriations bill within 3 days, a bill appropriating $40 billion.

The Senate can act fast, too. But thank God, the Senate has different rules from the rules of the other body. And that is no criticism of the rules of the other body. But why the hurry? Why pass a bill in 2 days? Why should the Senate not take a little time and discuss this? The people are out there. Our security people are at their posts. They have been funded. As a matter of fact, the Senate has passed bills coming out of the Appropriations Committee chaired by me and the ranking member, Mr. Ted Stevens, a former chairman of that committee, and all of the members acting unanimously—Republicans and Democrats alike. We have provided funds, more funds than the President has been willing to sign into law. We sought to provide $2.5 billion in a bill. All the President needed was to sign his name. That was all he needed. Two point five billion more would have been available—for what? For homeland security. And the White House has already told us in 3 days in which to sign that measure into law. He refused to sign it into law. So who is in a hurry?
The real threat to the American people is that by transferring 22 agencies and 122,000 employees to this new Department, all at once we will throw our homeland security efforts into a state of chaos and therefore make the country even more susceptible to a terrorist attack. We have heard the Senate leadership say its goal here is not a Homeland Security bureaucracy. For this reason, 26 leaders of nationally prominent conservative organizations have urged the Senate to exercise—and I use quotes—"restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy."

Let me say that again: 26 leaders of nationally prominent conservative organizations have urged the Senate to exercise restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy."

I say to those who would say there is no excuse for not giving the people of this homeland security, they have not listened. Don't push this Senate. Don't push it. The Senate will act in due time. Don't push this Senate. Back off. Don't push this Congress as a whole into unwise and hasty decisions that would make this country more vulnerable to another terrorist attack.

That attack can happen right now, later today, tonight. Why should we hurry in acting on this particular measure? The people are out there. The people in the agencies, the Customs, the Coast Guard, the Naturalization and Immigration Service, at the ports of entry into this country, at the river ports, at the seaports, food inspectors, the health officials, the firemen, the police officers. We have been there. We have done our part, up to this point, by funding those agencies that provide security to the country, to the nuclear facilities, along the border. We have funded them. We have provided more funds than the President himself has been willing to sign a bill for. They have been there. He had days to sign that bill, but he didn't do it. Now the hue and cry is: Pass this bill, the homeland security bill.

The current Representatives passed it in 2 days. That is all right; their rules will allow them to do that. But I say to the leadership in the House, and to the leadership down at the other end of this avenue: Don't push the Senate. Don't push the Congress into unwise and hasty decisions that would make this country more vulnerable to another terrorist attack. Don't push the American people. Don't push the American people, I say, as I look through those electronic eyes, the lenses there. Don't push those people into handing over their civil liberties. Now, pay attention. Not much attention has been paid thus far to my expression of concerns about this hasty action on this legislation. But don't push the American people into handing over their civil liberties in the name of homeland security. And some debate on this bill—when I say this bill, the House bill or the Lieberman substitute, it's all open eyes. The Lieberman's bill, I am not yet addressing the House bill. That is far worse. The House bill is really a poison pill.

Mr. LIEBERMAN's bill has 24 titles listed. My amendment only goes to this one. Mr. LIEBERMAN's proposal has encompassed in the bill that was reported by the committee a Department of Homeland Security. I am for that. My amendment does not do otherwise in support of a Department of Homeland Security. The Lieberman proposal provides for a Secretary. My amendment provides for a Secretary.

The Lieberman proposal provides for an Assistant Secretary. My amendment provides for a Deputy Secretary.

The Lieberman proposal provides for seven Under Secretaries. My proposal provides for seven Under Secretaries. The Lieberman proposal provides for five Assistant Secretaries in title I. The Lieberman proposal proposes six directorates. My proposal provides for six directorates in title I. That bill has a huge transaction here, which Mr. LIEBERMAN has told me involves 22 agencies and offices. We have heard the figure 22 bandied around here. I have seen those all over the press. I accepted that figure for a while, until I asked Mr. LIEBERMAN how many agencies are we really talking about. He said: I have counted them, and I count 28 agencies and offices, and 170,000 Federal workers being transferred to this Department. I don't say anything criticizing Mr. LIEBERMAN's bill. I am comparing my amendment in content with the bill which was reported by the Senate committee which Mr. LIEBERMAN chairs and of which Mr. THOMPSON is ranking member.

That bill provides for all this huge transaction—all of this movement of people, all of this shifting around of people in the agencies, or among the agencies in which they are presently working. And it provides for all this to be done—for these agencies to be shifted into the new Department. People's titles and offices will probably change. Their telephone numbers will probably change. The offices in which they serve today may or may not
change. They may be moved up Pennsylvania Avenue to a new place. They may have to move their desks and their telephones and their computer systems. Their culture will change. They may not have the same associates. They may not be located at the same location. Their telephone numbers may be changed. Their missions may be changed. Their assignments may be changed. Their objectives, overall, may be changed. We have seen the objectives of the FBI, for example, change since September 11.

Mr. DAYTON. Madam President, will the Senator yield for a question?

Mr. BYRD. Just in a moment, if I may, and then I will yield.

They are undergoing all of these changes. This will all be done within a period of 13 months following the signing by the President of the act. Thirteen months after that act becomes law, all this will be completed. My amendment does not change that calendar time period over all. Thirteen months this is envisioned by the President of the act. Thirteen months, whether or not we create a Department of Homeland Security in September, whether or not we create a Department of Homeland Security in October, whether or not we create a Department of Homeland Security in November, whether or not we create a Department of Homeland Security in December, these same agencies will continue to exist. They were on the borders. They were patrolling U.S. waterways.

What or not we create a new Department of Homeland Security in September, whether or not we create a Department of Homeland Security in October, or whether or not we create a Department of Homeland Security in November, or whether or not we create a Department of Homeland Security in December, these same agencies will continue to exist. They were on the borders. They were patrolling U.S. waterways.

What is the difference between the bill, then, and my amendment? I have already mentioned. Thirteen months—Thirteen months—that occurs with respect to the Lieberman bill and with respect to my amendment, if my amendment is adopted— the same time period, 13 months.

So what is the difference? Under the bill, the bill that was in committee, once the Senate passes whatever it passes, and that is sent to conference, and it comes back, and it is signed into law, Congress is out of it except with respect to the appropriations that will go forward to the agency, to the new Department. When the Senate passes this bill and sends it to conference, for all purposes of amending that process in the Senate, it is over. When it goes to conference, whatever comes back from the conference between the two Houses—the Republican-controlled House and the Democratic-controlled Senate—whatever comes back from that conference is it.

We have one more—one more—chance, and that is in voting up or down on that conference report. When that conference report comes back to the Senate, it may not even look like the bill that passed the Senate. Ha, ha, ha. Now, Senators, you may have an entirely different breed of legislation on the table. This comes back, but it is there. You can vote it up or down. But, Senators, you will not be able to offer any amendments to that conference report. You can vote it down, you can vote it up, but you cannot change it. It may be virtually an entirely new proposition. Who knows what the conference will agree to. Senators, you are having your last chance here when we vote, eventually, on this bill, if we do. So why, why, why should Senators just roll over and play dead, as it were; perhaps come to the floor, make a short speech—of 10 minutes, 15 minutes—in support of the bill, or a short speech in opposition to it? Why should Senators have to do that within the next week, let's say, or 2 weeks or 3 weeks? Why should Senators have to do that before a new Congress sits in January?

Let me repeat, the Immigration and Naturalization Service, the Customs Service, the Coast Guard, other existing agencies that provide security to our country and to us—all of these agencies currently exist. The agencies have been working around the clock since the terrorist attacks last year. They were on the borders. They were patrolling U.S. waterways.

Whether or not we create a new Department of Homeland Security in September, whether or not we create a new Department of Homeland Security in October, whether or not we create a Department of Homeland Security in November, whether or not we create a Department of Homeland Security in December, these same agencies will continue to exist. They were on the borders. They were patrolling U.S. waterways.

Now, back to my amendment, and then, shortly, I will yield to the Senator for a question.

What is the difference between the bill, then, and my amendment? I have already mentioned. Thirteen months—Thirteen months—that occurs with respect to the Lieberman bill and with respect to my amendment, if my amendment is adopted—the same time period, 13 months.

Now, here is the difference. Here comes the difference: Remember, this is all to be done within 13 months. Under the Lieberman committee proposal, once this bill that is before the Senate—once whatever the Senate passes, and it is concurred in by both Houses—whatever package is sent to the President, and he signs it, these things are going to take place.

We are going to do it in the same period of time, but under the Byrd amendment, all of this chaotic happenings are not going to occur at once. We are not going to pass the bill and send it to the President and say: Now, Mr. President, it’s all yours. We’re going to step off to the sideline. Congress is not going to have any more part in it. We have passed the bill. It sets up the new Department by legislation. It deals with 22 or 28 or 30—that many—agencies and offices. So here it is. Here is the bill. Here is our bill. It’s yours. Under the Lieberman approach, it’s yours. You have 13 months in 2003. Have a good time. Good luck, Mr. President. Here’s the package. It’s all yours.

Can Senators imagine the chaos that will occur in trying to do all of this in a way that is other than systematic and orderly?

My amendment provides an orderly process whereby on February 3—on February 3, Mr. Secretary of Homeland Defense send up his policy recommendations to the House and Senate. They will be referred to the committees of jurisdiction, Mr. LIEBERMAN’s committee in the Senate, and his counterpart committee in the House. And those committees will take these policy recommendations that have been sent up by the Secretary of the Department of Homeland Security, and they will treat those as recommendations for a bill. They will look over those policies. They will debate them in the committee. They will report, ultimately, a bill which accepts the policies or which amends those policies.

In any concept, an expedited procedure where that bill does not just go through the committee and lie there. But within 120 days after the policies have been sent to the Congress by the Secretary, the Secretary then, 120 days later, or on June 3, would be required to send up his recommendations for fleshing out the next two directorates which are named in Mr. LIEBERMAN’s bill also.

The second proposal, there will be the Directorate of Border and Transportation Protection. Those directorates are named in the LIEBERMAN bill also.

But we say, now, the first directorate that we will deal with will be the Directorate of Border and Transportation Protection. All of these directorates are the same directorates as are provided for in the LIEBERMAN bill. But we are saying that the first directorate to be decided upon and to be fleshed out will be the Directorate of Border Transportation and Protection. That is February 3. So there is 120 days for action to be taken in moving those agencies that are involved in the
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Directorate of Border and Transportation Protection into the Department. One hundred twenty days later, June 3, the Secretary will send up his recommendations for the Directorate of Intelligence and for the Directorate of Critical Infrastructure Protection; 120 days from 1. One hundred twenty days later, the Secretary would send up his recommendations. And in each of these three phases, Mr. LIEBERMAN’s committee would take the recommendations of the Secretary. And in each, the Lieberman committee will require the Senate to report out under expedited procedures, the number of assistant secretaries—all of it.

We take Mr. LIEBERMAN’s proposal, but we say we won’t just turn it over to the administration the day after it is passed. We will go off fishing, if it is Saturday; go play golf. We will just quit. That is the responsibility of the administration, his bill says.

Mine says, oh, no. No. That is the responsibility of Congress and the administration—Congress working with the administration; the administration working with Congress in an orderly process. The people in 28 agencies won’t have to be moving their desks all at once. It will be some now; 4 months later, some more; 4 months later, the rest.

What’s wrong with that? That provides an orderly process. Madam President, I think at this point I have explained enough of what my amendment does. I don’t claim to be a medicine man. I don’t claim to be a magician. I don’t say watch what is in my right hand and don’t watch what the left hand is doing. It is there. This is it.

Mr. DAYTON. Mr. President, I thank the distinguished Senator for the diligence with which he pursues his responsibilities as a U.S. Senator. I appreciate very much what he has said with reference to me. Those remarks are very flattering. They might, if left alone, appear to be more than exactly the fact. I don’t have a lot of experience, but I have seen some departments created during my tenure. I remember the new Department of Health, Education and Welfare, I believe it. I remember I was here and voted for that Department; the new Department of Energy. I voted for that; the new Department of Education. I voted for that; the new Department of Veterans Affairs. I voted for that.

Now, as to reorganizations, I can take a look at recent experience as to reorganizations. The administration, since the September 11 attacks, has announced at least 3 major governmental reorganizations. Numerous media reports criticizing the FBI, the Customs Service and the Immigration and Naturalization Service within the Justice Department. Last March, following the mailing of two student visas by the INS to two of the September 11 hijackers 6 months after they crashed planes into the World Trade Center Towers, the administration announced that the INS, the Immigration and Naturalization Service, would be reorganized—split into a services bureau and a separate enforcement bureau.

Last May, following the reports about intelligence failures by the FBI, the administration announced a reorganization of the FBI. These reorganizations have either produced very little, or they have been replaced by subsequent additional reorganization proposals. It is as if we are spinning around in circles, with little left to show for all of the energy that we have expended, little left but dizziness. To avoid a parallel fate of this new department, which I support—I am not opposed to creating a new Department of Homeland Security. As a matter of fact, I urged that months ago.

The story behind that, which I recited to you about the efforts of Senator STEVENS and myself to have Tom Ridge, the Director of Homeland Security, which was created by
President of Executive order—not by statute—come up and testify before the Senate Appropriations Committee on the budget, on the homeland security agency’s budget, he would not come. I have gone through that ad nauseam, time and time again. I may go through it again.

Right now, it is sufficient to say that we had an unfortunate experience there. So I suggested that we have the Homeland Security Director be a person appointed by the President, and with the consent of the Senate, requiring Senate confirmation of that position, that officer. I recommended that, and we could not get him to come by invitation, the President having put his foot down hard and in concrete, being immovable, claiming that “this is my staff person, this is my adviser. He is not required to go up there.”

Well, with all of the responsibilities and the authorities that were being assumed or carried out by the new Homeland Security Director, Mr. Ridge was going all over the country speaking to chambers of commerce, explaining his work and the things we were doing and the things we needed to do to secure our homeland—he would appear anywhere and everywhere, apparently, because I read of many of his appearances around the country.

Each time I read about his being here, there, or out in Montana, or wherever, I thought: Why can’t he come up before the people’s branch? Mr. Ridge is apparently, because I read of many of his appearances around the country.

I know the President has to have advisers to whom he can talk. They do not need to come before Congress. I told the administration: Look, we are not going to ask Mr. Ridge, your Homeland Security Director, who was appointed pursuant to a Presidential order—we are not going to ask him about his private conversations with the President. We are not interested.

We are interested in this man, who is the point man for the administration on homeland security—he is the person who is running around telling everybody what it is. He is the man running around all over the country spilling his beans to this agency, that agency, whatever agency, whatever committee or whatever group of people, fraternal order or civic order, whatever it might be—he is the man running all over the country talking to the people everywhere and going up to Canada. He is the man running around, and talked about various and sundry subjects pertaining to border controls, surely, and so on.

Why can’t he come to Jenkins Hill, on which this great architectural structure has been for 200 years or thereabouts? Why can’t he come here and answer questions by the people’s elected representatives in the Congress, in the Senate, with the people’s money. He is being paid out of the pockets of the American people, this Mr. Ridge is. Pennies do not fall from heaven. He is being paid by the taxpayers, and the President is being paid by the taxpayers.

He says this man cannot come up, this man does not have to go up to Congress. That is the President talking. Who pays him? The people. Who pays us? The people. So the people are entitled to know a little about this, about how their moneys are being spent.

That is why we have public hearings in a man who knows we have great dealing by the subcommittees of the Appropriations Committee. The hearings are in public. The hearings are open. There can be a huge audience out there in some of those massive, handsome rooms or office buildings. People can hear. They can see on television. They can hear over the radio. They can hear their people, their representatives, and they can hear the President’s man, all of us being paid by the people, some of us being elected by the people.

But some of those who testify are not elected by the people. Tom Ridge is not elected by the people; he has not been elected to run as Governor of Pennsylvania and run for membership in the other body, which he has done. He has been Governor of Pennsylvania. He has been a Member of the other body of the Congress. So he is an adviser to the President, but the people need to know what answers are being given. The people need to know what answers are being given. The people need to know what answers are being given.

Why shouldn’t the Congress hear him? They said: We will be happy to send him up for briefings. He can meet with Senators and House Members and have little briefings, and we can tell you all about it. That is not the point. His portfolio is much greater than the portfolio of an average staff person of the President or an “adviser” to the President.

He is dealing with a subject that is virtually brand new to the American people. Last September 11 brought to the view of the American people something we had not seen before, something we had not experienced before. After all it is the people of the world, and the world is changed forever. Our country in some ways is changed forever. Every person in this country—man, woman, boy, or girl—their life is changed forever. It is not going to be a short time. The President has to call it a war; it is a different kind of war—this war is going to last a long time. It is going to take us a long time.

Does anyone think we are going to get all the terrorists ever? No. We have not even gotten Bin Laden yet. We do not know where he is. He may be alive; he may not be alive. But whether he is alive or not, his agents are spread, we hear, in 60 countries or more. This is an ongoing business ever since. It affects our work in the Senate.

Why shouldn’t the person who is the top man in the United States with reference to homeland security appear before a Senate committee, the Appropriations Committee? We are just seeking to put him on the spot or to embarrass the President by some question, such as: Tell me about your private conversations with your President. We are not going to do that.

The Senate Appropriations Committee has been in business for 135 years. This committee was established in 1867. Think of that. Two years after the Civil War ended—1867. Fifty percent, or more—a very high percentage of our students in the polls do not know when the Civil War ended; they do not know that it even occurred in this country.

But we know that in 1867 this Appropriations Committee in the Senate was established. Before the Finance Committee in the Senate, which had been established in 1816, did the appropriations work, as well as raising taxes, and so on. In 1867, the Finance Committee did that work no longer. Seven Members of the Senate were appointed to this new Appropriations Committee. I believe it was seven Members. In any event, the Appropriations Committee has been doing business ever since.

The way we have done business is the right way. We get testimony; we get people to appear before the subcommittees. There are 13 subcommittees of the Senate Appropriations Committee, and every one of those subcommittees has the subpoena power that in Appropriations Committee. They have the subpoena power—the Appropriations Committee. No wonder everyone wants on the Appropriations Committee.

That Appropriations Committee deals with the public purse, and by virtue of this Constitution, the power of the purse is vested in the legislative branch. Article I, section 9, of this Constitution, which I hold in my hand, vests the power of the purse in this body. So the right way to do it is to have public hearings.

The people need to know what questions are asked. The people need to know what answers are being given. It is out there. Everybody can see it. Everybody can hear it. There is a record of it.

When we do the appropriations bill is put together, the testimony of these witnesses is read again. There are hearings printed. Hearings will be available to members of the Appropriations Committee. That was said during the testimony by Mr. Ridge, if he had come before the committee. And when the bill is taken up on the floor, there are
the printed hearings. They are available. There is a committee report—aha, a committee report on that bill—for the benefit of the Senators who are to vote on the bill.

That committee report is important. It is on its way to conference, Mr. Gonzalez, I believe he is the President’s counsel, and Mr. Card, I believe, I hope I am right, I believe I remember him in the affirmative to me and so I am. There it was in the newspapers. Those four gentlemen, very reputable persons, people of high caliber and unblemished reputations, as far as I know, and this was in the affirmative to me and so I am.

Now compare that group of four, working in the shadows, the dim light. The lights may have gone out, but I expect there might have been candles or perhaps there were lamps, I can just see the shadows, the figures of the shadows moving back and forth in those caverns, on the walls of those caverns, as the men remonstrated, and said this: We ought to have this, we ought to have this. We ought to have that. We ought to have this. Anyhow, that was hatched down there.

Now that was a different committee. Four individuals, from the committee that wrote the Declaration of Independence. By the way, I carry that Declaration of Independence right here in my shirt pocket. Who was on the committee that wrote the Declaration of Independence? Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Livingston. So now, the President and all the people in his administration, the King’s men and women, have been out there saying: Pass this bill, pass this bill, which was hatched by four individuals. Let me see if I can remember the names. Mr. Ridge was one. Mr. Mitch Daniels was another. He is the Director of the Office of Management and Budget. Mr. Gonzalez, I believe he is the President’s counsel, and Mr. Card, I believe, I hope I am right, I believe I remember him in the affirmative to me and so I am.

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Mr. BYRD. Yes, Mr. President, I thank the distinguished Senator from West Virginia. In the 200-year history of this body, there has never been a more vigilant defender.

Mr. BYRD. Would the Senator mind repeating that and addressing his remarks to the Senator from West Virginia and the Senator—

Mr. JEFFORDS. Yes, right. I also thank my friend from Virginia. In the 200-year history of this body, there has never been a more vigilant defender of the legislative branch than the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I didn’t want him to repeat what was said for that part. But I wanted him just—

Mr. JEFFORDS. I wanted to repeat it for that part.
Mr. BYRD. I thank the Senator. He referred to this Senator as the Senator from Virginia. That was inadvertent and it was pretty much out of levity, in a way, that I wanted him to get the States right and recognize me as a Senator from West Virginia, which he knows we have all your, that is the tip of the tongue. It happens many times.

But what the Senator said—putting that entirely aside—is what I have been saying. We need to take the time and not act in haste. That is what we are being urged to do. We are being urged by the media has not paid enough attention, in my judgment, overall, to this bill and to the Lieberman substitute. Somebody hasn’t been listening.

My colleagues, I do not believe, have been listening. That is why I said slow down a little bit here.

I am grateful to the divine hand that brought these Senators to the floor. At least this Senator from West Virginia is getting a little attention. It is not that much attention, but the Senator from West Virginia is getting a little attention as to what he is saying, why this stubborn guy from West Virginia—I will call him a guy—this stubborn upstart from West Virginia is trying to stop the Administration from hurrying forth, acting in the least amount of time, acting almost immediately to give to the President this legislation creating a Department of Homeland Security.

At last, at last, at last two of my colleagues have asked questions today. I am sure there will be other Senators who will do the same, now that I am beginning to break through, get through the ice, get through the veil that this is a measure that is vitally important to every individual in this country today, every man, woman, boy, and girl. It goes beyond just creating a Department of Homeland Security.

That is what the distinguished Senator said. He is talking about intelligence. He is getting into the intelligence area of what is involved here. It is much more involved than just creating a Department of Homeland Security. I am for that. I have been for it. But I am glad, I am grateful to the distinguished Senator for what he has said here. He has capsuled this very large subject with respect to the National Security Act, how time passed, the steps that were taken, the pauses that were necessary, the scrutiny that was given, and the fact that the heads of the military branches—the Navy and the Army and others—their thoughts were acquired, their recommendations were acquired, their advice was sought as to the creation of this new department of defense. So they had input into it.

It wasn’t done overnight. It didn’t grow up like the prophet’s gourd, overnight. It took time and that was a wise move.

I thank the Senator for going into that particular aspect of this in depth. He has been thorough in what he has said with respect to the creation of the department of defense. I am grateful and the American people can be grateful to the Senator for what he has said, what he has contributed here today in just the few minutes he held the floor and he zeroed right in on one of the things that I have wanted to get to, and there are others.

I am not going to say anything further now, if the Senator wants to ask a further question.

Mr. JEFFORDS. No. I am very pleased to have been able to have this time with the Senator, and I look forward to working with him.

Mr. BYRD. I thank the Senator. I am delighted. I am just delighted that he came to the floor and made this statement. I am delighted that he believes we should take our time. Not an exorbitant amount of time, not an inordinate amount of time, but take time, the necessary time to scrutinize this proposal and act. It is not so important that we pass this legislation as to make it important that we do it right. That is all I have been saying. Let’s do this right.

Mr. DAYTON. Will the Senator yield for a question?

Mr. BYRD. I again thank the Senator from Vermont.

Mr. DAYTON. I think the Senator from Vermont is very enlightening as to how that experience should be instructive to the Senator’s amendment. It seems the Senator has foreseen the necessary time to scrutinize this from these various directorates their preliminary plans that would lead to a far more insightful and, I think, constructive reorganization than the one that is contemplated by the proposal of the administration.

Mr. BYRD. Mr. President, I think I grasped the question that was asked. It was well put. I think I have a problem with the Senator’s microphone and where he is standing. Would he shorten his question?

shall develop the National Strategy for Combating Terrorism and Homeland Security Response—

They shall do this. I will read it—
for detection, prevention, protection, re-
response and recovery to counterterrorism threats, including threats, vulnerability and risk assessment and analysis, and the plans, policies, training exercises, evaluation, and interagency cooperation addresses each such action relating to such threats.

Responsibilities Of The Secretary.
The Secretary shall have responsibility for portions of the Strategy—

Strategy with a capital S—
 addressing border security, critical infra-
structure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

Next paragraph:
Responsibilities Of The Director.
The Director shall have overall responsi-
ability for development of the Strategy—

Again, with a capital S—
and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement and diplomacy.

Next paragraph:
Contents.
The contents of the Strategy—
Strategy with a capital S—
shall include—

Get that: The contents of the Strategy
which will be developed by the Sec-
retary of the Department and the Di-
rector—
shall include:
(1) a comprehensive statement of mission, goals, objectives, desired end-state priorities and required strategies;
(2) policies and procedures to maximize the collection, translation, analysis, exploi-
tation, and dissemination of information re-
lating to combating terrorism and the home-
land security response throughout the Fed-
eral Government and with State and local authorities;
(3) plans for countering chemical, bio-
logical radiological, nuclear and explo-
sives and cyber threats.

Now get this. Paragraph 4 is one of the
items that will make up the contents of the Strategy with a capital S—
strategy that is developed by the Sec-
retary of the Department of Homeland Security and the Director of Homeland Security—the Director. Here is some-
one I want the Senate to be required to
confirm—this Director. We will provide
for the confirmation of the Secretary.
But I want the Director confirmed, too.
Get this. This is paragraph 4 of the
Strategy with a capital S. There is much more to be said about this Strategy set forth in title III. But listen to this. This is part of the plan, part of the Strategy.

(4) plans for integrating the capabilities—
My—
And assets of the United States military
into all aspects of the Strategy. . . .

Now, does that get the attention of
any Senator? We have something we
call posses comitatus some would say
comitatus, which would be correct, too—both. But there are laws, there are statutes, that have to do with posses comitatus. And I shall have a speech to
make on posses comitatus, or comi-

tatus, at some point, hopefully, or
likely, if we continue.

But forgetting the statute for a mo-
ment, listen to this, The Secretary and
the Director are going to draw up a strategy with this home-
land security. And what is part of
something that this bill is requiring that they include in their plans, and that they have the authority to de-
velop and include in its strategy? Let me read this. It says:

The contents of the Strategy shall in-
clude—

And we jump down to (4): plans for integrating—

What does that mean? Integrating the capabilities—

My, “the capabilities.” What are they talking about, “capabilities”? . . . include . . . integrating the capabilities and assets—

What does that mean, “assets”? of the United States military into all aspects of the Strategy.

Now, what do we have here? What are we dragging into this legislation? Why, that should cause every Senator in this
body to raise an eyebrow. What are we talking about here? What are we voting for? I will have more to say on this.

I believe that at last I am getting a little attention to what I say about this homeland security.

Let me read that again so it will be
in the RECORD for the weekend, and
Senators can think about it a little bit.

And the media may have had their at-
tention, there may still be unintended,
unforeseen consequences that will flow
from that act that we passed.

How much more so might that hap-
pen if we pass an act in a hurry and
don’t apply the full focus of our fac-
ulties in addressing that legislative matter? The question answers itself.

Finally, let me just read, once more, item No. (4) in “The contents of the Strategy”:

(4) plans for integrating—

“Integrating,” what does that mean?
integrating the capabilities and assets of the United States military—

We all know what that means when
we talk about the military and the cap-
abilities of the U.S. military—

plans for integrating the capabilities and as-
sets of the United States military into all—

Not just a few, all—

aspects of the Strategy.

Well, I just wanted to read into the
RECORD that excerpt from the com-
mittee bill.

Now, perhaps by the fact that these
two distinguished Senators asked me
questions today about it—a relative of
the Senator from Minnesota was a
signer of the Constitution of the United States, signing from the State of New Jersey on that occasion. So this
fine Senator is here on the floor today
and has asked me questions. And the
equally fine and good and able Senator
from Vermont has asked some ques-
tions.

So at last—at last—halloolala, we
are getting some questions. Somebody
is beginning to pay attention to what
is in this measure.

Perhaps the greatest and the gravi-
est defect of the National Security Act to reorganize the Armed Forces, con-
tinuing in this vein, was the failure of Congress to provide oversight of the CIA. When the Central Intelligence Agency was established, there was no congressional oversight. It was respon-
sible only to the National Security Council and the President, and what a mistake that turned out to be.
As a result, the late Clark Clifford wrote: "The CIA became a government within a government."

Listen to that—became a government within a government. That is exactly what we have here. We have the makings of a government within a government if the administration were to have its way, we would have a government within a government. We would have a government that is run out of the White House, and the Cabinet officers would be put to one side. The Secretary of Defense, the Secretary of State, the Secretary of Justice, they would all be put aside. Put the Congress of limits, forget it. We will run things from this White House. That is what I am concerned about, as I see here.

As the late Clark Clifford wrote:
The CIA became a government within a government which could evade oversight of its activities by drawing the cloak of secrecy around it.

(Mr. WYDEN assumed the Chair.)

Mr. BYRD. There you have it in a nutshell. The CIA became a government within a government which could evade oversight of its activities by drawing the cloak of secrecy around it.

For years my immediate predecessor as majority leader was Senator Mike Mansfield. There has been presiding in the chair up until a moment ago the Senator from Montana, Max Baucus, but now we have another Senator in the chair. That majority leader from the State of Montana—at the time, Senator Mike Mansfield—argued for the CIA to be subject to congressional supervision. There was Mike Mansfield. There was my predecessor as majority leader of the Senate. He was majority leader many years. I was his successor.

The late Senator Mansfield pointed out:

What I am concerned with is the CIA's position of responsibility to no one but the National Security Council.

He continued:

The CIA is free from practically every form of congressional check.

That was his caution. He said:

There is no regular methodical review of this agency.

Now hear the voice of the late Mike Mansfield coming down through the years. Listen to him. Listen to the late Mike Mansfield:

What I am concerned with is the CIA's position of responsibility to no one but the National Security Council. The CIA is free from practically every form of congressional check.

The late Senator Mike Mansfield cautioned:

There is no regular methodical review of this agency.

The CIA is free from practically every form of congressional check. There is no regular methodical review of this agency.

Senator Mansfield pointed out:

Our form of government is based on a system of checks and balances.

Hear that. Hear the voice of Mike Mansfield—his words coming down through the years, reverberating in this Chamber. I hope they will be reverberating in the hearts and minds of the men and women who sit today in this great body, the August 100, the special 100 who have been elected by 280 million people in phases; according to our illustrious Framers, three classes—so that there would be a staged rotation of this body, with the Senate in transition all the time so there would be three elections every 2 years, so there would never be a new complete turnover of the Senators. Today they number 100.

The House, theoretically, can turn over in 2 years. We could have a completely new body change, practically, in 2 years under the Constitution. But not here. One-third of the Senate only every 2 years, one-third of the Senate only; and then another third for 2 years; and then the third third for 2 years. That was the genius of the Framers.

Here we have a continuing body, and we have checks and balances written into this Constitution. And there was Senator Mansfield pointing it out:

Our form of government is based on a system of checks and balances.

They are written into this Constitution which I hold in my hand.

I saw some of the greatest of the figures in our Government last Sunday on television. There was the Secretary of State. There was the Vice President of the United States, who is the President of the Senate but who cannot address the Senate except by unanimous consent. There was Dr. Condoleezza Rice, a very able person who is not confirmed by the Senate. She was on television. And there was the Secretary of Defense, Donald Rumsfeld, on television. There were others. I listened to all of them.

I don't often listen to television, even on Sundays, when more of the people who are most often seen and heard and read about in the media are on the Sunday shows. But I listened to them all last week because I expected them to say something about this subject of the war, the subject of an attack, an attack on a sovereign state.

Mrs. CLINTON. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Let me finish this thought, and I will be happy to yield.

I saw all those on television. They were talking about the President launching an attack on Iraq. I have no brief for the Government of Iraq. I have no brief for Mr. Ritter. I know nothing about Mr. Ritter. I think Iraq under the current regime is a threat. But not one of those individuals who are high in the Government of this country—not one—mentioned the Constitution of the United States. Every one of them had to swear an oath to protect the Constitution, but not one mentioned this Constitution. And to hear them talk, we were ready to go to war. We were prepared to go to war. The President had the authority—I am putting new words into the President's mouth, theoretically. The President had the authority to go to war, to launch an unprompted military attack on a sovereign state. He has just assumed that he has that power under the Constitution. No, not under the Constitution. It is assumed that the President of the United States has that power. There are smart lawyers around, and they can take either side of the case and come up with a good argument. They can say they can take either side. But not Senators who have sworn to support and defend this Constitution and who are here in this August 100-Member body. And I have seen this week a whole body change, with a fourth person. I have seen the whole body—300 Members of the whole body—change three times in my 44 years in the Senate. But not one mentioned the Constitution.

I know what the Constitution says. The Constitution says that Congress shall have power to declare war. We can split hairs all we want, but there are the words. I know there are tradi- tionalists who believe every word of the Constitution, a fundamentalist. So that person I have heard from those who want the Commander in Chief to have that power.

The President in Chief was a title to be given to the civil authority at war—not to the military—and to make sure of that we don't have a four-star general sitting as Commander in Chief: we don't have a three-star general, or a two-star general, or a one-star general. We don't have a military officer sitting in that Oval Office. No, we have a man of the people, who is a civil authority. He is the President of the United States. He is the Commander in Chief.

You fellows with the stars on your shoulders, don't get too heady here. This Constitution says, in essence, a citizen, a civil officer, a civil authority shall sit at the top.

Those revisionists ought to read the "Federalist Papers." Also, what do we have here? Our constitutional government that the Framers gave us in 1787—once the States, in their conventions, had ratified that Constitution—nine of them—said, in essence, the power to declare war and the power to make war shall not be reposed in the same hands.

The person, who is Commander in Chief, is the civil authority down there. He is Commander in Chief, but he cannot declare war, except in a circumstance where this Nation is being subjugated to a sudden attack. The President has inherent power under the Constitution. I don't think anybody disagrees with that. The President has inherent power to use the military forces at his command in order to repel a sudden attack—sudden, unforeseen, where maybe Congress is at home. Congress has gone home for the Christmas holidays, or the Thanksgiving holidays, or the Jewish holidays, or Congress may have
recessed for a month in August and September.

A sovereign state would attack.

We are talking about an unprovoked attack against a sovereign state— in this case, Iraq.

I think Iraq poses a threat under the term Commander in Chief, an unprovoked attack against a sovereign state, and the President launching, through some figment of the imagination, or some resolution which has run its course, and under the term “Commander in Chief,”

nobody argues with that. We have debated here the President launching, through some figment of the imagination, or some resolution which has run its course, and under the term “Commander in Chief,”

an offensive situation in which the President would attack a sovereign state—in this case, Iraq.

I think Iraq poses a threat under the present regime. I don’t argue with that. I don’t have any argument with the fact that Saddam Hussein is an evil man. Of course, we are all evil; everyone is. The Bible says no man is good.

If we look at the programming that appears on our television stations, we will probably conclude that this country is not exactly a nation that is not evil. It is an evil nation in some respects. So let’s be careful. I would be careful throwing that word around— “evil” that this man is. We are not necessarily between good and evil. It may be a war against evil, but it is not necessarily between a good nation and an evil nation, but that is off on another track.

The power to declare war and the power to make war are under different hands. Those powers are reposed in different entities. Our Constitution reposes the power to declare war in Congress, the duly elected, directly elected Representatives of the American people. Of course, the Members of the Senate were not directly elected by the people back in those days, but there was a requirement that the power to declare war was in Congress. Congress is made up of two bodies. At one time it was elected by the respective State legislatures, but no more. That has been changed by constitutional amendment, as we all know.

Today, the points are still there. The basis is still there. Declaring war and making war are two different things, and the Framers saw to it that the Commander in Chief would be not a person who would declare war. That is the person who will make war. That was discussed in the Constitutional Convention and that is the way we have it today.

Now, I, therefore, say that this President is not authorized to declare war. Why? Because there has not been a sudden, unforeseen attack on the United States.

Iraq is not attacking the United States at the moment. If the President were to launch a sudden offensive on Iraq, where is his authority to do so? He is not doing it because he knows, as I know, that Saddam Hussein is a threat to us all, to the safety of the people in this area, his own people, and the people in the region, and a threat, if you carry it far enough, to us. It is not all that sudden, and who should declare war in that event? Congress, not the U.N.

I applaud the President for going to the United Nations—his case at N.Y.C.C., why the U.N. had its chances, had failed, had not lived up to its responsibilities, and he made that case well. But the case has not been made. It will be talked about eventually; it is being talked about at a great deal now. I read all about it in the newspapers, I see it on television and hear it on the radio. The case is now being made for an attack unilaterally by this country against a sovereign state when this country has not been attacked.

The purpose is not to repel a sudden invasion of the United States or a sudden attack. If the President were to do this, it would be unprovoked at this moment. Where is the President’s authority? They say it is in the resolution adopted by Congress in 1991. It is not there. The authority is not there for the President today to launch an unprovoked attack against Iraq. They said it was in the resolution last year. I say the authorization is not there. It is not there. We can argue and talk all night about that, but it is not there. Show me; anyone, show me. It is not there.

They say he is the Commander in Chief. Well, so what; he is the Commander in Chief. Once war is declared or authorized by the Congress, then the Commander in Chief will make the war. We will have one head at the military and that was the right thing to do. Then an attack, if it is authorized by Congress, can go forward.

Let’s not meddle with this Constitution. There will always be defenders of this Constitution, and there are some who will remind the country of the Constitution when they are on television. So do not assume or take for granted that the President has that power. It is this Constitution, the Constitution of the United States, with 39 names attached to it.

Not one word do I hear by those who appear on television, not one word about the Constitution. I said that yesterday. I am going to say it again today. Not one word did I hear. Perhaps I missed something, but I do not think I did. Not one word. They all just assume. Come to think of it, my take on it, he has a right to do it, he has an authority to do it. If our administration has its way, we will take this fellow out, and we will take him out unilaterally; we are not going to wait on anything.

Wait a minute, there came a second thought. Some people began to ask questions. Other nations began to ask questions. Our friends began to ask questions. Our friends in the region began to ask questions, and a decision was made. And so, we will hold up a little bit here. We will go to the U.N. That is right. That is good. Go to the U.N.

The U.N. should face up to its responsibilities and should lay down the precepts as to why this regime must go. The U.N. should express a world view to get the other nations of the world to see it is in their interest that there be a regime change or that there be interference. Why not like the inspections that were going on up until a few years back, in 1998, I believe.

The President has done that. I say let’s not close our eyes to the fact that this Constitution, this Constitution of the United States, is still there. Mr. President, I apologize to the Senator from New York. I did not really intend to talk that long. I intended to yield the floor for a question from her, and I intended to do it earlier. I am very happy, with my apologies, to yield to the distinguished Senator. She is a very distinguished Senator from the State of New York; she is a former First Lady of this Nation. I yield to her.

I am grateful that she has a question, that she has perhaps some questions. I am glad somebody is beginning to listen. So I yield to the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRD. The Chair does not recognize the Senator from New York. The Senator from West Virginia has the floor. I yield to the Senator from New York, Mrs. CLINTON, for a question.

Mrs. CLINTON. Mr. President, I thank the Senator from West Virginia. I thank him for the courtesy of yielding to me for a question, but I thank him even more for his stalwart defense of the Constitution and his constant reminder of our founding document and the principles that it contains.

I ask the Senator from West Virginia, is it not also the case that under the Constitution, this issue about congressional power was very well debated, thought through, written about by our Founders, and that among the powers that were granted to the Congress was the power of the purse, the power to make the decisions about how the people’s money was or was not used? Is that the responsibility of the Constitution that we cherish so greatly?

Mr. BYRD. Mr. President, the distinguished Senator from New York, Mrs.
CLINTON, is preeminently correct. That authorization for power of the purse is found in section 9 of article I of the Constitution.

Tie that together with the first section of article I and we find where laws are made that appropriations may be withdrawn from the Treasury in consequence only of an appropriation by law. Congress has to pay and pass the laws. The Senator is preeminently correct.

Mr. BYRD. Again, the Senator is correct.

Mrs. CLINTON. Is it further the case that in the Senator’s capacity as the chairman of the Senate Appropriations Committee that the committee, under the Senator’s leadership, has held a number of hearings about the various needs that our country faces with respect to both military and homeland security?

Mr. BYRD. Mr. President, in response to the question, that has certainly been the intention of the Senator from West Virginia who currently is the chairman of the Appropriations Committee in the Senate. That is the intention, and I believe I am beginning to be successful in getting some ears attuned. The Senator is correct.

Mrs. CLINTON. Further to that point, I believe it is the fact, is it not, that in the course of examining the many needs which our country has, in order to deal with the vulnerabilities we currently experience, the Senator has come up with a number of items that the Appropriations Committee has determined would further our security, fulfilling the responsibility that the Congress is given under our Constitution?

Mr. BYRD. In response to the question from the distinguished Senator from New York, Mrs. CLINTON, that is absolutely correct. Senator STEVENS, as the ranking member of the Appropriations Committee, and I—and the full committee of 29 members made up of 15 Democrats and 14 Republicans—have responded in that spirit, and we have done so in consideration of the Senate and ultimately the entire Congress our views as to the appropriations that are needed.

Mrs. CLINTON. Is it further correct that among those items the Senator has reviewed, studied, and analyzed for the validity of their claims and the importance of their priorities, was a recognition we had some unfinished business that we learned about because of those horrific attacks on September 11, which the Senator from West Virginia is attempting to address.

Mr. BYRD. Mr. President, in response to the question from the distinguished Senator from New York, Mrs. CLINTON, I respond in the affirmative with a resounding “yes.”

The Senator from New York has written me on two occasions about the need for homeland security. And without losing my right to the floor, I ask unanimous consent that—I believe the Senator has sent me one or two letters. She has spoken to me a number of times off the floor and on the floor in this regard. My memory is not infallible, but she sent me one or two letters. I do not have them right now, but I ask unanimous consent to have printed in the RECORD, at the conclusion of our remarks that are taking place in this colloquy, those two letters. The PRIVILEGE OF THE FLOOR. Without objection, it is so ordered.

(See exhibit No. 1)

Mrs. CLINTON. I thank the Senator from West Virginia because these are matters of great importance to my constituents. Beyond that, they are of great importance to all Americans. I very much appreciate the Senator’s attention because he has studied these issues, he understands how we have to demonstrate clearly our resolve and our preparedness.

I ask the Senator from West Virginia, as he has moved forward with his work on behalf of the Appropriations Committee, and very importantly the work of homeland security, if he has determined there is a need for additional money to be sent to our front-line responders, our front-line soldiers, our firefighters, our police officers, our emergency workers, they may do the important job of protecting us as we expect them to?

Mr. BYRD. Mr. President, I thank the distinguished Senator for stating so lucidly and so articularly a reference to the needs of the people of her State, in reference to the needs of the people who are on the ground, in reference to the needs of the first responders, in reference to the needs of the firefighters. She is preeminently correct in her summation of what has happened in that Mr. STEVENS and I—and Appropriations Committee, Republican and Democratic—acted in a very bipartisan way, have time and again responded affirmatively and effectively to the needs of the people of New York and the people of the Nation.

New York was attacked, and within 3 days my committee, the committee of Mr. STEVENS, the Appropriations Committee, appropriated $30 billion.

Time and again, we have responded, and time and again the distinguished Senator from New York, the Senator who is now at her desk and the senior Senator from New York who talked with me before having to catch an airplane today and had to leave. He could not be on the floor today because he had something else he was required to do and was expected to do. So he is not present now, but he talked with me today on the floor when the day began. Within this last week it was, the Senator from New York came to see me in my office. It was not the first time she had come to me to talk about the needs of that great city, the city of New York, and its great people. Many times, she and the senior Senator, Mr. SCHUMER, have come to my office.

Last week, she came to my office in the early evening hours of the day and expressed to me the need for three items especially. She wanted those items in the appropriations bill. We are debating an appropriations bill and it is taking a long time. It should not take this long. We ought to have had this bill passed and sent to the President.

In this Appropriations Committee which I chair and which Mr. STEVENS, I will say, cochair realistically, that committee has reported all 13 appropriations bills several weeks ago which have to be passed this year. They have been reported from the committee. They have been sent to the Senate and they appear on the Senate calendar.

Those 13 appropriations bills are very slow in getting to the President. Not one has gone to the President. The House Appropriations Committee—and I do not speak with disrespect there; they have a wonderful chairman over there in Congressman YOUNG and a wonderful ranking member over there in Congressman DAVIS. They have done their work. They speak their hearts. But that chairman over there has some people, other high offices he has to deal with in that body. He cannot always do what he may wish to do. The House is a little different from the Senate. In the Senate, of course, we can talk and kind of speak our minds, and we can take independent actions here.

That Senator from New York who holds the floor over there at this moment has full Appropriations Committee. She has it exactly right by her desk. She came to my office last week and importuned me to find a way at some point that she would like to introduce an amendment or she wanted an amendment introduced or wanted to amend one of those bills, take care of those three items in particular that she addressed to me. And then, lo and behold, earlier this week I held up a letter brought to me, delivered to me, not by the U.S. Mail but by someone from the Senator’s office. I believe she had written to me, placed me in her office at that time, so she left a letter, which I have already gotten consent to have printed in the RECORD.
She wrote me a letter. She was not just saying, I want mine. She was saying, these are needed, also by the people in the other States of this Union.

So yesterday Senator STEVENS and I joined in an amendment to the Interior appropriations bill which comes out of the Appropriations subcommittee that I chair, the subcommittee on the Department of the Interior. In that amendment, Senator STEVENS and I have entered and offered, we have attempted to address the needs of the firemen and the security of our nuclear plants, and other pressing homeland security needs among which are the three items in which the Senator expressed interest.

So, time and again we have done this. Time and again, the Republicans and Democrats on that subcommittee have joined to deal with the home security needs.

The answer is, yes, those needs have been expressed by the Senator. Those needs have been addressed by the Appropriations Committee, and even now, or when the Senate gets back on the Interior appropriations bill, there is the amendment by Senator STEVENS and myself which will address some remaining needs in the amount of over $900 million in that amendment.

So it is national in scope, but within that national-in-scope measure is the State of New York.

Mrs. CLINTON. I thank the Senator for his understanding and compassion and his leadership.

As I yield back the floor because of a courtesy that was extended to me by the Senator to be part of this colloquy, I point out that dealing with homeland security is a very heavy responsibility.

Mr. BYRD. Mr. President, I yield for the purpose without losing my right to the floor.

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

Mr. WYDEN. Mr. President, I thank the Senator because he has shouldered this heavy responsibility.

We have a process that we have had for many decades about the money we appropriate for our military, and the needs are discussed within the civilian and military leadership of the Department of Defense. It comes to the Congress, and there is a process.

But we are faced with new challenges. It is my observation and opinion that the Senator from West Virginia and his very worthy colleague, the Senator from Alaska, have taken it upon their shoulders to create a process where none was before so we could begin to address these very serious issues—not wait for a Department to get set up, not wait for it to get organized or get its first budget.

But right now, in the face of the ongoing threats, of having an orange-level threat just a few days ago, it brings home how important the work is that the Senator is doing. I express my gratitude to him. I thank him for the courtesy of yielding to me for these questions.

Mr. President, I have been informed that the distinguished Senator from New York for her questions and her comments.

Mr. President, I have been informed that the distinguished occupant of the chair, Mr. Wyden, has to leave soon, has to depart the chair; is that correct?

The PRESIDING OFFICER. The Senator from West Virginia is correct, but given the importance of the matters of the Senator from West Virginia, I want to be sure the Senator from West Virginia gets all the time he needs to complete his remarks, and I will stay for this.

Mr. BYRD. Mr. President, I thank the Senator. I have been a Member of this body 44 years. I don’t think I have ever seen a time when I was pressed to complete my statement on the premise that there were no other Senators available to preside over this body and that the occupant of the chair would have to leave soon, thus forcing me to end my statement before I intended to complete it.

This comes down to a pretty serious juncture. I will not go any further than...
to say that in this body no Senator should be required to end his statement on the basis that after a certain hour there will be no further Senators available to preside. Now, Mr. President, that is pretty serious.

I have been a Senator for a long time, 44 years come next January 3. I have been a Member of the Congress for 50 years come next January 3. Never have I had it put to me that at a certain hour we will have no more Senators available to preside. Something is wrong with the Senate if it has come to that. Suppose I want to speak until 6 o'clock this evening. Suppose I want to deliver a speech that I consider very, very important.

I am not here addressing a Mother's Day speech, making one of my holiday speeches. I am not here talking about speeches elected by the Senate in March. I am here talking about a constitutional officer, the President pro tempore, he is the first constitutional officer, who is the President of the Senate. The President pro tempore is the President of the Senate. The President pro tempore is the President of the Senate for a time being, temporarily, while the Vice President, who is the President of the Senate, is away, is not presiding, or is assuming the responsibilities of the Presidency in the event, a very unfortunate event that that should happen. The President pro tempore, he is the first constitutional officer elected by the Senate in March 1789. He is a constitutional officer, unlike the office of, say, the majority leader, minority leader, majority whip, or minority whip. These are offices and officers who are voted on by this body and elected by this body. But I am President pro tempore of the U.S. Senate. The President pro tempore is the President of the Senate for a time being, temporarily, while the Vice President, who is the President of the Senate, is away, is not presiding, is not outside our system of government.

But now I am going to be required to take the duties of the chair. Mr. President, we ought not in this Senate to have that situation arise, and I am sorry it arose because it kind of takes away from the theme that I was trying to say here. But it is worth bringing out. Certainly, I think it is worth surfacing because, if that is going to be the situation, then we are in bad shape.

The distinguished Democratic whip this afternoon when no other Senators "are available to take the chair," and the Senator in the chair has to leave shortly.

I am very thankful to the Senator in the chair. I asked him a question and he, I am sure, needs to go soon. But he has expressed the viewpoint and the willingness to stay here as long as I want to speak.

I am not going to take advantage of him and carry on. I will yield the floor. But I would put it in these words: It is a dreadful thought to me, when I am told that there are no other Senators available, I don’t say this critically of the individual who carried this message of that individual, that person who is carrying out the duties of that person in doing that, I am sure there must be difficulty in finding Senators.

But what is wrong? What has become of the Senate? What has become of the Constitution? What has become of the Senate? It has been here, now, for 215 years. What has become of the Senate? What has become of the Senate, the greatest deliberative body, we hear so often, a body in which a Senator can stand on his or her feet and speak as long as those feet can carry that Senator?

The floor cannot be taken from a Senator unless he has offended the Senate. Senator Mansfield pointed out that the Senator take his seat and he is required to take his seat. If he speaks in terms that are offensive to another Senator, that person’s character, he might be asked to take his seat. Or if he speaks offensively concerning a State of this Union, he might be required to take his seat.

But now I am going to be required to take my seat because there is no other Senator available, I understand, to take the duties of the chair. Mr. President, we ought not in this Senate to have that situation arise again, and I am sorry it arose because it kind of takes away from the theme that I was trying to say here. But it is worth bringing out. Certainly, I think it is worth surfacing because, if that is going to be the situation, then we are in bad shape.

The distinguished Democratic whip earlier today told me that he had an engagement. He had an appointment, I understand, to be here. He had promised to leave around 3 today and I understood that. That is fine. He told me in plenty of time. He told me this probably before noon today that if I was going to make a lengthy speech, he would have to leave. So I understand that. But there should be some other Senator willing to take the chair, and I have a feeling there are other Senators who would come and preside if need be.

All that aside, now, let me close my remarks. In closing I want to thank the officers of the Senate, the staff members of the Senate who have to perform here. They are here in front of us—the Parliamentarian, the journal clerk, the reading clerk and counting clerk and the people at the desk. They are here. I want to thank them and apologize for my taking the time this afternoon, but we all know what the responsibilities are of officers of the Senate. We know what the responsibilities of clerks and employees of the Senate are when we sign on, and we know what the responsibilities of Senators also are.

Having said that, I offer my apologies to everyone if I imposed on their time. I offer my apologies, most appropriately and more precisely, to the Senator from Oregon, Mr. Wyden, who is giving a speech at this time, who has very graciously indicated his willingness to sit in that chair until I close. The whip asked me to close the Senate. So if the whip or the majority leader had any special requests or any Senator had any special request to make before I close the Senate, I will be very happy if someone would present me with those requests.

In the meantime, let me close my printed remarks. It is only a page and a half, and they will go very fast.

Our form of government—Senator Mansfield pointed out—is based on a system of checks and balances. If this system becomes seriously out of balance at any point, the whole system is jeopardized.

Senator Mansfield noted: There is a profound difference between an essential degree of secrecy to achieve a specific purpose and secrecy for the sake of secrecy. Once secrecy becomes sacrosanct, it invites abuse.

Senator Mansfield recognized, as I do, that the CIA is by nature and necessity a secretive organization, but it is not an organization that should operate outside our constitutional system, not outside our system of government.

With the Senate select committee to study government operations with respect to intelligence agencies—in other words, the Church Committee, named after the chairman of that committee, the late chairman, Frank Church, the Church Committee—we embarrassingly and tragically learned just how “seriously out of balance” that agency was.

The Senate committee discovered that the CIA had been involved in illegal, improper, and unethical activities, including the overthrow of democratically elected governments, attempted assassinations of foreign leaders, and in violation of foreign countries.
In testimony before the Church Committee, the late Clark Clifford acknowledged:

The lack of proper controls has resulted in a free-wheeling course of conduct on the part of operations within the intelligence community that led to spectacular failures and much unfortunate publicity.

That was one of the architects of the National Security Act of 1947 speaking.

Three decades after its enactment, Mr. Clifford was complaining about continuing imperfections and the damage that had been done to our country.

I am very concerned that 30 years from now Congress will be struggling to rectify the problems we will be creating with the hastily considered enactments of this legislation as it is written, creating the Department of Homeland Security, according to the legislation that is written and before the Senate.

How much harm could be done in the meantime cannot be imagined. I am referring to damage to the rights and the liberties that we hold most dear: civil rights, labor rights, labor protections, civil liberties of all Americans.

I will go into those further. I intend to get into some of them this afternoon. I will not do so. I am talking about damage to our constitutional process.

I see one other Senator, the distinguished Senator on the Republican side of the aisle who would like to take the floor, if I give it up. I didn’t intend to give it up until we adjourned.

But if the distinguished Senator wishes me to yield to him 5 minutes before I adjourn the Senate, I will adjourn in the absence of the majority whip and the majority leader. But I will do so by their request.

Does the Senator wish me to yield for a question?

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia.

Mr. BYRD does he wish me to yield for a statement?

Mr. SESSIONS. I would like to make a statement. I had hoped to speak for 10 or 15 minutes. I understand we have a statement to talk about the important department that is written and before the Senate.

In my remarks I may yield to the distinguished Senator from Alabama, Mr. Sessions, for not to exceed 15 minutes.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia. I appreciate his leadership in the Senate, his concern for our constitutional order, and his serious historical understanding of the separation of powers. We might not always agree on where those separations are, but I certainly respect his dedication to preserving those separations.

PRESIDENT BUSH’S ADDRESS TO THE UNITED NATIONS

Mr. SESSIONS, Mr. President, I believe it is important today to talk about the remarks President Bush made at the United Nations. I believe he has made a courageous call on the United Nations to defend its credibility in its dealings with Iraq by ensuring that Iraq does not continue to update its weapons of mass destruction and does not continue to violate with impunity the 16 U.N. resolutions of which he is in violation. I think those remarks were a true example of world leadership.

President Bush spoke as one who knows right from wrong, who has honest convictions, and he has the courage to express and to act on them. In direct words, he detailed the incontrovertible case that Saddam Hussein deliberately used his promises at the time of his defeat in the Gulf War as a considered strategy to cause the allies to stop their hostilities before removing him from power, which has proven to be a trick. Since then, his actions have clearly confirmed his deception and have shown his insincerity, his duplicity, and his complete rejection of the U.N. resolutions—his rejections, indeed, of the United Nations itself and of the United States and the nations that joined together to defeat him in 1991. He rejects them. He does not respect them and his promises made to them.

Those agreements, he has said he will follow, but he has never intended to follow them because he doesn’t give them respect or credibility.

The “Economist” magazine of London said it is well and good to talk about multilateralism, but it asked, “what happens when people agree to things and do not do them?” That brings up a problem, particularly when their failure to do so deals with matters that threaten the peace of the world.

I don’t think anyone can deny that Saddam Hussein’s consistent policy has been to defeat, obstruct, and get around the agreements he has made.

Some tell us that the world—the international community—is all against us. They say we are acting unilaterally. Some leaders around the world have indeed said that. But the truth is that President Bush is consulting regularly with world leaders. His speech to the U.N. struck the right balance. And progress is being made in obtaining support around the world—withequal enough help, I am afraid, from that Congress.

But who would ever deny that Saddam Hussein is a unilateralist? With whom did he consult before he invaded Kuwait in 1991? With whom did he consult before he utilized poison gas to kill thousands of his own citizens, the Kurds, in the 1990s?

Who did he consult with, what other nation did he consult with, when he plotted to assassinate the former President of the United States of America? Who has he consulted with, as he deals to construct, develop, and produce weapons of mass destruction?

So I would like, Mr. President, to just make a few comments here to bring us some perspective that I think is very important at this time on the kind of support we have around the world.

First of all, I think one of the clear-headed nations—a nation that consistently gets it right around the world on matters of foreign policy—the United Kingdom, is in total support of the United States. Indeed, it was reported in the paper today that they were moving troops into the Middle East, and prepared to use them, if necessary, with us.

So the Foreign Minister of the U.K., commenting on President Bush’s speech to the U.N. said it was “tough and effective”, and the speech received quite good remarks from the British leadership.

The Belgian Foreign Minister, here-tofore a critic of the United States action, Louis Michel, said after the speech: “Now we have to press Iraq.” He added, if the U.N. “doesn’t deliver, it will be uncomfortable for some European countries not to support the United States.” That was in today’s Washington Times.

Kofi Annan, the Secretary General of the U.N., who has criticized the United States recently, also “urged Council members yesterday to take action or lose legitimacy.”

Even France, which has been pretty outspoken against the United States actions, accusing the United States of unilateral activities, has said: “We
don’t have sympathy for the Iraq regime.” And their Foreign Minister further added that “he3ies the authority of the Security Council, raises the threat of proliferation of weapons of mass destruction and, therefore, jeopardizes the stability of the region. The Danish Prime Minister’s views were remarkable. A few days ago, on September 11, in an op-ed piece here in the Washington Times, Anders Fogh Rasmussen, the Danish Prime Minister, said, in a strong statement of affection and support for the United States wrote:

"Our common values, shared destiny and visions have been further fortified by the horrors of September 11."

On the first anniversary of that somber date, Danes will think back with sympathy and sorrow on the victims of the terrorist attacks against the United States and their be-reaved families. One year later, our solidarity with America is undiminished.

September 11 was a defining moment calling for determined action in defense of humanity and fundamental freedoms. Acting can entail dangers but the dangers of inaction are far, far greater. In the face of today’s threats in defense of our peace and survival, we have only way to pursue peace is to pursue those who threaten it.

He goes on to add:

"America and Denmark see eye-to-eye on the real challenges facing us today. In the fight against terrorism, Denmark was, is and will be fully behind the United States. Our best soldiers have been in Afghanistan on the ground and in the mountains, fighting alongside U.S. special operations forces. The danger is real and the international community must not waiver now.

So said the Prime Minister of Denmark.

Representatives of the Romanian Government have been in town recently, and they have expressed strong support for the United States position in Iraq.

Norway, the Norwegian Foreign Minister, after the speech by President Bush, made these comments: "We are challenging our NATO allies to do more in support of the United States. We do not believe that this is a case of the Danes being at odds with the alliance. It is a case of the Danes being at odds with the American policy."

And then he said something that I think is true for most of the world leaders: “I guess we’ll have to choose among a lot of bad options, really.”

Nobody wants to choose. Nobody wants to have a war. We wish it were not so. But we have bad options here. And the President is confronting us with the truth, the history of violations by Saddam Hussein. He is forcing us to confront the world with the truth, the history of violations by Saddam Hussein. And, frankly, as I have gone back and studied the history of Saddam Hussein, the violations are more explicit, more repeated, more deliberate than I had remembered actually.

So I think that is where we are today. And one reason it is appropriate for the United States to be most aggressive in leading this effort is that we are the ones—the United States military—that is overwhelmingly enforcing the resolutions of the United Nations in Iraq today.

Many people do not realize that our planes are enforcing a no-fly zone over Iraq today. They fly every day. They attack on a regular basis. And they respond and retaliate on a regular basis, attacking Iraq. And they have surface-to-air missiles that they utilize against our aircraft. So far they have not been able to knock down one of our aircrafts.

I say to the Presiding Officer, I know that is a matter of concern to you as a member of the Armed Services Committee. But it is a real matter of significance that we are carrying this burden. How long do they want us to carry it?

The Economist magazine, in an article on this entire matter, voting in their editorial for war, said that the “box is leaking,” our ability to contain him cannot continue. And who did they suggest are suffering most? The people of Iraq, the children of Iraq, because of this diabolical leader that they have.

So, yes, we have to take action. We cannot continue to delay. We have waited too long. There are specific concerns there to make sure he does not expand again as he did when he attacked Iran. And that war cost 1 million lives in Saddam’s failed attempt to defeat Iran and take that territory from Iran; it is the gulf war.

He moved, after the gulf war, 80,000 troops down on the Kuwait border, causing us to have to respond out of fear he might once again attack Kuwait.

We have Patriot batteries in Saudi Arabia designed to shoot down Saddam’s Scud missiles. I visited a Patriot battery with my legislative assistant, LTC Archie Galloway. And we visited the Alabama National Guard unit that mans a Patriot battery on duty to shoot down Iraqi Scud missiles, if need be at our expense, this very day.

So that is not a problem that has been on the front burner of most of the nations of the world. They are not really challenging us in that matter. They are not paying that cost every day, as we are. They are not confronting the reality of Saddam Hussein’s duplicity.

But the President is leading us to understand. So I think it is now important for this Congress to speak. Are we with the President or are we against him? We don’t need to be brushed, but we need to get busy in discussing this issue. It is not a new issue.

Most of the evidence is there for the world to see, and has been there for many, many years. So we need to make clear whether we will support the President or not. And if we do not, what are we saying? Are we undermining Secretary of State Colin Powell’s ability to negotiate with foreign nations? Are we encouraging the Socialist left in Europe to believe that if they object and fight and complain that they can ultimately prevail, and the United States will fail to act? Are we encouraging radical groups in moderate nations to put more and more pressure on the Arab leaders of those countries who might at least privately be sympathetic to our efforts by failing to support clearly the President of the United States?

I believe we will act to support the President. I believe this Congress will move. We need to do it before we re-divide. If we do not, it will be unhealthy for our country. And I believe we will be supporting the President and his proposals and give him authority to take the action necessary to preserve and protect our security interests? Yes, I am. Let me tell you why.

There are several important factors. In 1998, this Senate detailed, as I indicated on the floor of the Senate earlier in the week, a list of direct violations of United Nations resolutions by Saddam Hussein. On August 14, 1998, the President of the United States, President Clinton, signed Public Law 105-255 which declared that:

The Government of Iraq is in material and unacceptable breach of its international obligations.

It urged the President to “take appropriate action in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with its international obligations.”

The PRESIDING OFFICER. The Senator from West Virginia?

Mr. BYRD. Mr. President, I still have the floor, do I not?

The PRESIDING OFFICER. The Senator from West Virginia?

Mr. BYRD. Mr. President, inasmuch as I still have the floor and the distinguished Democratic whip has asked me to adjourn the Senate in his absence, I will yield to the Senator 1 additional minute. I have a few brief comments with regard to what the Senator has said. I will be glad to yield, if there is no other objection, to the Senator for an additional minute without losing my right to the floor.

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

The Senator from Alabama?

Mr. SESSIONS. I thank the Senator from West Virginia for his courtesy.

It is time for this Congress to relook at our record of involvement with Iraq and study it, to take new testimony, have new hearings, and to stand up, and put up or shut up. We need to be with the President or not with the President. I am convinced this Congress will be with the President. We do not need to undermine his ability to be effective in policies that we support by delaying our support for them. I urge this Senate to move expeditiously, to not wait on the U.N., which is not elected by the people of the United States to decide this issue but to decide ourselves that we support the President’s policies; make that clear, give him the authority he needs to be effective in the United States and this world from a savage and dangerous criminal, Saddam Hussein.
I thank the Senator from West Virginia and yield the floor.

I thank the Senator from Alabama. I have long had as my friends Senators from Alabama. When I was a Senator, there were Senators Sparkman and Lister Hill. There have been a succession of Senators from Alabama. Especially, I want to mention the late Senator James Allen from Alabama. I have had very good relations with the Senators from Alabama.

I consider myself as being on the same footing, same level of good relations with the distinguished Senator from Alabama who has just addressed the Senate.

I do want to comment briefly on two or three things that he said.

He first indicated, when I yielded to him, that he and I had often agreed on matters and that there were times when we might disagree as to our interpretations of the Constitution. That can be very true.

Today, I have been talking about a phrase which, when joined with the preceding language, amounts to a sentence, a clause: The Congress shall have power to declare war. There is no power for anybody to misinterpret that. I hope the Senator from Alabama wouldn’t misinterpret what is in plain view, written in plain English, and has been in that Constitution now for over 200 years. I hope there is no matter of misinterpreting that plainly spoken clause in the United States Constitution: The Congress shall have power to declare war. I hope we have power to declare war.

There is no reason for anybody to misinterpret that. I hope the Senator from Alabama wouldn’t misinterpret what is in plain view, written in plain English, and has been in that Constitution now for over 200 years. I hope there is no matter of misinterpreting that plainly spoken clause in the United States Constitution: The Congress shall have power to declare war. That is what I was talking about.

The distinguished Senator went on to say, we need to be with the President of the United States; we need to support the President of the United States.

I like to be with the President of the United States on most matters. And in the final analysis, I may be with the President on this one. But it is not a matter of following the President or supporting the President. I maintain that we need to be with the Constitution of the United States. We need to support the Constitution of the United States. It is not damn the torpedoes, full speed ahead; it is not damn the Constitution, full speed ahead.

I want to be with the Constitution. Count me on the side of the Constitution. I want to support the Constitution at all the time I say to the Senator. And maybe I will be with the President in due time. But I am not one who says this is a matter that has to be hurried before the election. What is this? Is this the October surprise in August or in September? This is a matter of great moment. And hinging on the decisions of this Senate may be the lives of many citizens.

In the second book of Samuel, I remember the story there which is told of a rich man and a poor man who lived in the same city. The rich man had huge herds of sheep, cattle, and lambs. The poor man had one little lamb. The poor man had one little ewe lamb. Everywhere that poor man went, that little lamb went. That little lamb was the sole possession the poor man had. When he ate, he fed that little lamb from his bowl, from his pot, on whatever it might have been. The poor man cared for that little lamb and it loved him. He shared his food and he shared his shelter with that little lamb.

Presently, a traveler visited the rich man, and, thinking of a feast to present to the traveler. He wanted to show courtesy and all of the niceties of being a man of hospitable nature. He wanted to spread food before the stranger. Did he take from his lambs, his herds? He had huge herds. He had vast possessions. He had barns in which he stored the product of the fields. He had vast lands. He had servants. He was well off. He had many, many lambs.

Did he take one of the lambs from his own herd? No. He took the one little lamb that the poor man had and served it up, and he visited the distinguished Senator from Alabama. He served that little lamb, the only lamb that the poor man had. He didn’t ask for it. He just took it. He took that little lamb from the poor man and served it up to his guest.

Now, why do I say this? Why do I refer to second Samuel today? There are many mothers in this land who won’t get to vote on this matter. There are many mothers in this land who have but one little lamb. I know we have a volunteer military now, and those who volunteer understand what their responsibilities are. They know they may have to sacrifice their lives, and they volunteered to do it. Nevertheless, there are those in the service who are the little lambs of mothers who are at night thinking about their little lambs and praying for their little lambs.

Now, here we are about to be faced with a proposition in which these representatives—these mothers of the sons and daughters who are in the services—will not be asked for their vote. There are those who apparently are under the impression that the Congress doesn’t need to ask for its vote—the Congress, the elected Representatives under this Constitution.

Yet some have suggested that the President has the authority. He can go. Some say he is right and he should attack unilaterally. That is what we have been talking about in the last few weeks. People were under the impression that this might be a unilateral attack by the United States against a sovereign state that was not attacking the United States. Of course, we all agree about this imp who is head of that government. But that is a sovereign state. That state is not attacking us.

I am not arguing that Iraq it is not a threat, but is it such a threat, is it soimpeding, is it so immediate that the Commander in Chief, who is the civil authority over the military in our system of government, can send men and women in the military to war, send them to give their lives, to shed their blood, without asking the Congress? Is he the alpha and the omega, the beginning and the end, of this decision?

The President is the Commander in Chief. He is not a four-star general. Under our system, it is meant to be that way. He is not a four-star general. This is a republic, a constitutional republic, and we have a legislative branch and a judicial branch. These are separate branches. Are we, the Congress, going to stand by and say I am with my President, right or wrong?

No, I don’t subscribe to that. Every Senator in this body knows I have spoken out in opposition to Democratic Presidents—President Clinton being one. I am not speaking from the standpoint of a Democrat. I am speaking from the standpoint of a distinguished Representative of the American people who have sent me here to this body under a constitutional system that observes a separation of power. No, don’t tell me you are either with the President or against the President. That is what I have just heard.

I am with the Constitution. Mark me down for the Constitution.

Now, I will have both ears open and hear the arguments that are made. I have already applauded the President going to the Congress. I think the U.N. has been derelict in its duty. It has stood by supinely while 16 of its resolutions have been ignored. I don’t disagree with that; the President did the right thing in doing that. There should not have been all this talk in the newspaper, on the television, and on the radio, and through the media—the many men and women of the Government taking the attitude, apparently, that the President has the authority to go to war or not to go to war; he has the authority. That is not so.

We are not talking about a mere skirmish. We are not talking about a situation in which another country has attacked our country or launched an attack on our military forces. This is not a skirmish that we have looming out here. This is war. The weapons that may be unleashed in this war will not have been unleashed, perhaps, in previous wars. But we still have a Constitution. I don’t disagree, or how loud they may talk or speak. I am going to be at least a single voice saying that we live, we work, we act by the Constitution of the United States when it comes to declaring war and making war. You can have a thousand voices, but they will not drown out mine.

I am going to be heard, if God gives me the privilege of standing on this floor and speaking. I don’t know how long I may give this Congress. But as long as I can speak, I will. I am not the greatest defender of the Constitution that ever lived. I know a lot
about American history, and I know a lot about the Daniel Websters who spoke in support of the Union that was created by this Constitution, which I hold in my hand.

This is no Johnny-come-lately to this Senate. I have been a Senator 39 years. I have been here for the President. That is not the case. I am with the Constitution of the United States, and I am with the Commander in Chief of the United States when Congress declares war.

I know there have only been five declarations of war. I know there have been seven other wars that have been carried on, not by declaration but by congressional statute. Congress authorized them. There have been many smaller wars, conflicts, military skirmishes, and the like. This is a major question facing this country. It will not be a military skirmish if it happens, and many a mother will cry on her pillow because her lamb, perhaps her only lamb, will have his life taken. My mother knew the need for nothing, had everything. I do not find any fault with people who are born lucky. They never knew the need for a nickel, never had to get their fingernails dirty; never had to go except for one Senator. They have been others in this body who have defended this Constitution as valiantly as any could defend it.

Don't say to me you are either with the President or you are not with the President. That is not the case. I am with the Constitution of the United States. The people who are at the high echelons of Government who do the voting. They are the people who fight in wars. They are the people who are at the high echelons of Government. They are the people who are at the high echelons of Government. They are the people who are at the high echelons of Government. They are the people who are at the high echelons of Government.

In this instance, yes, we are going to have a vote. You can bet on that. We will have one. I said all along we ought to vote. That is what I am saying today. Congress should vote. But I am not for an “October surprise” in August, and I am not for voting on this matter before the election.

Look behind that drapery. Draw aside that curtain. It has to be voted on before the election? Forget it. If circumstances develop that truly can convince, can be persuasive beyond a semblance of doubt that Congress ought to act tomorrow or the day after tomorrow or next week, yes, but not convincing case has not been made.

A convincing case was made to the United Nations yesterday with respect to the failures of the United Nations, the fact that that body has been recalcitrant in carrying out their responsibilities, a very convincing case made by the President of the United States. But no convincing case has been made in the press or in this body that we must act to give the President authority to decide the issue of this country or before the election. That case has not been made.

Make the case and make it here. And believe me, there will be plenty said on both sides. If our Nation is at war with another country, I will do everything I can to support that war.

I helped to build the liberty ships and the victory ships in the shipyards of Baltimore and the shipyards of Tampa, FL during World War II. I was a first-class citizen helping to build ships to carry the food and commerce for the engine of war in World War II. I helped to build the ships to convey to the military in Europe, in northern Africa, in the Pacific. These ships carried the munitions of war. We helped to keep the food lines and the blood lines open with those ships. So there are many ways to serve. But believe you me, this Senator is not now or ever going to be stampeded into voting for or against this President. I am with the Constitution. If that is the argument we are going to hear, it is not going to be a very persuasive argument. You are either going to be with this President or not with him.

Who made this President? He is a very respectable individual who comes from a fine family. I served here with his father who became President. Who made him? How did he become President? Somebody had to cast votes to elect him President. How long will he be President?

The Constitution made this President. The Constitution was here before this President or any other President. Who made the President? Who is going to be with the President? I will first be with the Constitution. I may be with the President later, but first is the Constitution.

Don't come here saying we are either with or without the President. That is not the question. The question is: Are we with the Constitution? Are the people's representatives going to make a decision? When that time comes, then there might be some good arguments to go to war with Iraq, even to stand alone and go to war. Maybe arguments can be presented. There may be evidence by then. Who knows? I do not know, but we have to see it. The evidence is not there yet that we have to act so hastily that we have to act before the election.

What does the election have to do with it? What does the election have within itself to do with it? The election will go forward. What is to keep Congress from voting on this matter after the election? Why does it have to be before the election? Is that the “October surprise” in September or October, before November? Let’s not be too hasty. That is what I have been saying about this legislation with reference to homeland security. Let’s don’t be too hasty. Let’s do it right. Remember that mother’s lamb.

The distinguished Senator asked: With whom did Hussein talk? With whom did he consult? He did have a Senate that could have consulted anybody; that is too bad. Hussein should have had a free and independent Senate. Hussein should have had a Senate where voices could be heard, voices in opposition to Hussein. There are voices of caution freely where all the public could hear. Yes, Hussein should have had that. There was no Senate like this Senate in Hussein’s government. I am talking about a free, separate branch, that is independent, where there is free, unlimited speech—except for unanimous consent or cloture—where there is a Senate that controls the purse strings. Yes, I say Hussein should have had that. He should have had a Senate like this Senate. It is not led around by any President’s chain. No President chains this Senate.

There are no chains on this Senate. It is a free and independent Senate. Yes, Hussein should have had a Senate such as this one, where debate would have been heard. Hussein did not have that. With whom did he consult? Certainly not an Iraqi Senate, like this one.

The same could be said of Emperor Justinian who ruled in Constantinople, on the great golden horn. Justinian sent thousands of people to their deaths in the Nika rebellion. Justinian did not have a Senate.

What about Ivan the Terrible, who had tens of thousands massacred? Ivan the Terrible did not have a Senate. There was no Senate in Muscovy.

Peter the Great sent thousands of men to labor and to die in the swamps to build the city of Petrograd, Lenin-grad. But Peter the Great had no Senate to caution him, no Senate that controlled the purse strings.

Yes, with whom did Hussein consult? That is a good question. But we know that Hussein had no Senate.

Mr. SESSIONS. Will the Senator yield to a question?

Mr. BYRD. Mr. not yet. I will yield maybe later. I will be glad to yield—does the Senator have to leave the
Mr. President, I ask unanimous consent that I be permitted to address the Senate, as if I were reading it naturally.

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floor? I will yield right now. He is about to leave the floor in a huff, I believe. I hope he is not. Maybe I am misinterpreting him.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alabama for a question, without losing my right to the floor.

The PRESIDING OFFICER. The Senator has that right.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia. The Senator is so eloquent in defending the prerogatives of this Senate, and I thank him for that.

We do not need to rush into this. I am of the belief—and I ask the Senator if he would consider the possibility that he would be willing to support the commencement of debate and a vote, if we could do so, before we recess because we may be into January before we return, and I think it could complicate matters.

If it was inarticulate, I apologize, but my request would be that we consider the policies, not the President. It is not a personal thing; the Senator from West Virginia is correct. Let us consider those policies so the world would know we are going to support or not that or not. I know the former Vice Presidential nominee for the Democratic Party, Senator Lieberman, is supporting these policies, and I think there is a majority here. I think the Senator from West Virginia, Mr. Lieberman, Mr. agree at some point, after he has had full time to digest and consider it, but I do believe and I hope the Senator would consider allowing us to have a vigorous debate and a vote as soon as we possibly could.

Mr. BYRD. Mr. President, I will respond to the question that has been addressed to me, and it is a good question, a thoughtful question. May I just say I hope the Senator will join me in insisting that this Senate debate the homeland security legislation and not rush that legislation. That is a part of national defense as much as anything. It is the defense of our homeland. So I hope the Senator will be one of those who will join me in taking our time to thoughtfully debate a very serious matter, namely, the creation of the Department of Homeland Security.

Now, more to the question as it was addressed to me, the answer is I support the question as to whether or not the Congress should authorize the Commander in Chief to make war. I have asked my staff to consider language for such a question to be presented to the Senate. My staff has been working on such a matter. I hear that Mr. Levin is going to hold hearings in the Armed Services Committee, on which the distinguished Senator from Alabama serves so well.

It is good that Senator Levin is going to do that. It is good that the distinguished Senator from Delaware, Mr. Biden, chairman of the Foreign Relations Committee, will hold hearings.

The chairman of the Intelligence Committee, Senator Graham, may hold hearings. So all these things are well and good. They are all necessary under the circumstances. We should understand what the witnesses say in those hearings.

Our three chairmen should not just invite administration witnesses. Apparently they already have their minds made up. Invite them, but don’t just stop at that. Apparently they have their minds made up. I heard three or four of them on Sunday talk shows last Sunday. They all said the same thing. They are all from the same viewpoint, and not one mentioned the Constitution of the United States. Yes, I favor that the Congress vote, up or down. I have said that before today. I have said that many days. I think the Congress should vote up or down on the question.

This is the question as to whether or not Congress will authorize and declare war, if it comes to that. This will be no mere skirmish. This will not be a little group out on a party and they happened to run into some other people, they got mixed up and got to fighting, and two or three were killed. This is not a minor skirmish. I said, yes, this is a problem. This will involve a dictator such as Saddam Hussein, one who has killed his own people, gassed his own people, one who has shown no compunction about using biological or chemical weapons. We know he has done that. We know he can do that.

But the question is, what is it that makes it so urgent that all of a sudden here comes something like a cloud over the western hills and blows into the Capital City, here's a looming storm that just came up. Lord, this may be a storm. It may flood ourselves. It may kill people. We have to do something about it right now. What can we do as mere mortals? It is not quite like that. It is not quite like that. This President has inherent power without asking anybody. If Congress is out of town, he does not have to ask Congress. If this country is attacked, he has the inherent power to repel the attacker. I don’t argue about that. But that is not the situation. What is so new? We have known these things now for months or years.

May I say to the distinguished Senator from Alabama, would the Senator show me the courtesy of just finishing? I know there may be some who think I am long winded.

Mr. SESSIONS. I had something I wanted to say to me. He is talking about an election that will come upon us in November—this coming November. I understand what he is saying. He is saying we ought to take action before the election. Then he says we ought to hear what the U.N. says. And I say, let’s not be in all the hurry. We ought to hear what the United States should do. Let’s see what world opinion is. We ought not go into this alone.

If this man is a threat to world peace, the United States should not have to go it alone. Perhaps he will have to be removed. But we have a little bit of time, surely.

I say to the Senator, let’s take the time. Let’s debate the question. Let’s debate it and reach a decision on the basis of what the Constitution tells us.

Let me just continue. I didn’t want the Senator to leave. I thought he was about to leave.

Let me continue. He said, with whom does he consult? That is a good question. I have already responded. I also talked about Justinian. I talked about Ivan the Terrible. I talked about Peter the Great. Now, let’s go to Stalin. With
It is a cynical lie that the animals that killed our loved ones were motivated by Islam, or because this nation of ours is anti-Islamic. Enshrined in the First Amendment to our Constitution is the right of free speech and the free exercise of religion. This continent was populated by people who crossed a terrifying ocean to reach a rugged and inhospitable frontier to escape religious persecution. From its birth, this nation and the American people have offered sanctuary and shelter to all who came in peace and with the support of our people—has extended its embrace to the unpopular, the unusual, the unconventional. We protect not only those who will not salute our flag, but those who would spit upon it or burn it. We pledge our allegiance to a Constitution that shelters those who refuse to pledge their allegiance to it. It is true, I suppose, that there are many in the Middle East who hate this country for its support of Israel. But how tragic and misguided to despise us for extending comfort and defense to a people who have so long, and so recently, been the victims of indecent barbarism. Constitutionally, America’s support for Israel ever been rooted in or manifested by hostility to the Muslim faith or those who practice it. The terrorists and their apologists have lied to us, but what is another lie when their goals and tactics are so vastly more evil? The terrorists can succeed only through corruption and brutality. Thus they must tear down America and its system of laws which shields its people from those malevolent acts. They can enslave the people they wish to liberate only by keeping them poor and destitute, so they must undermine and discredit the one place in all the world that stands the most for the rule of law and allows its people an opportunity to rise above all those conditions.

Abraham Lincoln was paraphrasing our Declaration of Independence when he characterized our nation as having been “conceived in liberty and dedicated to the proposition that all men are created equal.” That revolutionary document set down our collective belief in inalienable human rights, the proposition that governments derive their powers from the consent of the governed, the principle that压迫 our people are unfit to rule of a free people, and the right to the pursuit of happiness. The terrorists of Sept. 11 cannot prevail in a world of self-evident truth. The Constitution and its Bill of Rights, the Emancipation Proclamation, the Gettysburg Address, the Statue of Liberty, the World Trade Center, the Pentagon, the Capitol, the Supreme Court and the White House. They cannot co-exist with these ideals, these principles, these institutions and these symbols that have made America the most prosperous and free, yet that fight or tire of it. Americans will fight, they will sacrifice, and they will not give up the job unfinished. This war is for all Americans; we are all Americans, and we must sacrifice and fight to maintain what we hold dear.

America is not today, or ever, without imperfections and shortcomings. Implementation of our lofty ideals has never been without error, and some of our mistakes have been shameful. But the course of our history has been constant, if occasionally erratic, progress from the articulation of those lofty ideals to the extension of their reality to all our people—those born here and those, from hundreds of diverse cultures, who flock here.

There is no segment or class of the world’s people that does not benefit from the term “American,” and no segment of the world’s population to whom that claim has been denied. We welcome 100,000 refugees per year because the American people have been steadfast in welcoming anyone seeking the freedom and opportunity that America offers. We have now been reminded, in the most horrible way, that there are those who not only hate our principles, but who would dedicate their lives—and surrender their lives—to those ideals. They could be tyrants, they could be terrorists, they could be dictators, they could be thugs, they could be any of the unconventional and the unorthodox. We, the American people, will not accommodate them, and we will not satisfy them, and we will not allow them to take us for granted. We will stand up for what we believe. We will embrace and defend the democratic freedoms and the democratic system. We will not allow the terrorists to take the American people hostage.

And now the rest of the world is learning that America is not only the strongest country in the world, America is also the most moral country in the world. A country that fights against terrorism and for the destruction of terrorism.

America and the American people are in a war to defend what is best about America, about the American people, about the American culture. America and the American people are in a war to defend what is best about America, about the American people, about the American culture. America will not lose this war because we can never consider what centuries of Americans fought to create, to improve and maintain. We cannot, and we will not, betray the people who gave us this glorious heritage. We cannot, and we will not, honor or wash away the memories of those who somehow clawed their way out of poverty, tyranny and persecution to come to America, and who came to America because they were willing to risk death to become Americans, and to give their children
and grandchildren the opportunity and freedom and inspiration that makes this place America. Americans could no longer call themselves Americans if they could walk away from that.

People who write for newspapers and who opine on television, or who send advice to us from other parts of the world, sometimes tell us America is too rich, lazy, complacent, frightened, soft and energetized to fight this fight. That we have no stamina, strength, will, patience, or steel. That we will collapse.

They are so wrong. We will prevail for the very reason that we have been attacked. Because we are Americans. Because the values that we hold dear will enable us to see through the principles that made us prosperous, make us creative, resourceful, innovative, determined and fiercely protective of our freedoms, our liberties and our rights to be individuals and to aspire to whatever we choose to be. Those values and those characteristics will lift us and will defeat the black forces who have assaulted our ideals, our country and our people.

The very qualities that bring immigrants and refugees to this country in the thousands as we mourn the victims of the attack of Sept. 11, but those are also the qualities that will make us victorious and unvanquished in the end.

FOOD FOR GUNS PROGRAM

Mr. LEVIN. Mr. President, this Saturday the Detroit Police Department will begin a new gun buyback program offering a $25 gift certificate for gas and a $25 gift certificate for food to anyone who brings in an unloaded gun. Last year, a very successful similar effort took more than 600 guns off the streets of Detroit.

During the past week, volunteers from the Youth Initiative Project, an organization dedicated to drug prevention and stopping youth violence, have gone door-to-door informing people throughout the community of the program. In addition, the Youth Initiative Project is a planning a Family Safety Fun Day to coincide with the gun buyback program that will distribute trigger locks and information on gun safety.

There have been 14 young people killed by guns this year in metro Detroit. In response to these tragic shootings, the Youth Initiative Project held a town hall meeting at the Redford Branch of the Detroit Public Library on how to prevent gun violence. Some of the organizers were trained this summer at the Youth Action Institute, a three day convention in Washington, D.C. sponsored by the Alliance for Justice. These same volunteers are planning three town hall meetings in Detroit and then will move their program into local schools.

I hope my colleagues will join me in commending the Detroit Police Department for this positive approach to getting guns off the streets and the Youth Initiative Project for their efforts to make the day a success and their commitment to educating their peers on gun safety.

NEEDED: REGIME CHANGES IN BURMA AND CAMBODIA

Mr. MCCONNELL. Mr. President, on August 1, 2002 the United States and the Association for Southeast Asian Nations, ASEAN, signed a “Joint Declaration for Cooperation To Combat International Terrorism.” Through this Declaration, both Burma and Cambodia affirmed commitments “to counter, prevent, and suppress all forms of terrorist acts . . .” and pledged to view “acts of terrorism in all its forms and manifestations, committed by individuals and by whomsoever, as a profound threat to international peace and security. . . .”

Lest the irony of these commitments be lost on my colleagues, let me say a word or two about each country.

For over a decade, the people of Burma have been under the repressive misrule of military thugs who have systematically ruined the economy, while profiting from illicit activities, which include drug trafficking and arms trade. (Including those legitimately elected by the people of Burma), raped ethnic girls and women, forced into labor children and villagers, and squandered scarce financial resources on military weapons and nuclear technology, at the expense of the welfare of their compatriots.

Just last week, two members of the youth wing of the National League for Democracy—the legitimately elected representatives of the people of Burma—were arrested and sentenced to three years in prison for possessing a journal published by exiled dissidents. By any definition, the State Peace and Development Council’s rule in Burma has been a reign of terror.

In neighboring Cambodia, the ruling party is led by a former Khmer Rouge guerilla whose penchant for violence is well known, and documented, throughout the region. In July 1997, Prime Minister Hun Sen staged a bloody coup d’état against his well-estabished rival, and he is the prime suspect in a brutal assassination attempt on the country’s sole opposition leader, Sam Rainsy.

That attempt, which occurred during a political rally on Easter Sunday in 1997, failed, but killed and injured scores of Cambodians. American democracy worker Ron Abney was injured in the terrorist attack, and has long suspected that Hun Sen was the devious mastermind. To this day, Ron and all victims of Hun Sen’s terror are awaiting justice.

I am also troubled by news reports that Heng Sean, an opposition activist, was murdered in Kampong Cham over the weekend. It appears that Mr. Rainsy and his agenda for reform.

For my colleagues less familiar with Cambodian affairs, I recommend reading “The Cambodian Conundrum” by veteran journalist Nate Thayer. Forging through March 2002, which provides keen insights into the previous Administration’s “blind eye” foreign policy in Cambodia.

Given the actions of Southeast Asian hardliners in Rangoon and Phnom Penh, last month’s pledge to combat terrorism ring hollow. It would serve American interests in the war on terrorism—as well as benefit the welfare of the people of Burma and Cambodia—for regime changes to occur in those countries.

UNITED STATES POLICY ON SUDAN

Mr. FEINGOLD. Mr. President, I rise today to comment on the situation in Sudan, a country characterized by brutal fighting and tremendous suffering, a country in which an estimated two million people have died in just the past decade from war-related causes, and where millions more have been displaced.

In July, I held a hearing on U.S. Policy in Sudan in my capacity as chair of the Africa Subcommittee of the Senate Foreign Relations Committee. At that time, I praised the administration for devoting high-level attention to the plight of the Sudanese people. As I noted then, the President and Secretary of State have spoken out about Sudan. The President appointed Senator John Danforth to be his Special Envoy for Peace in Sudan. USAID Administrator Andrew Natsios was named Special Humanitarian Coordinator for Sudan. As a result of those efforts, the International Emergent Persons Group has investigated means for preventing abductions and slavery and has reported on its findings. And in July, negotiations between the Government of Sudan and the Sudan People’s Liberation Army, or SPLA, in Machakos, Kenya produced a broad framework for ending the civil war and providing the people of the south with the means to exercise their right to self-determination.

But currently, the negotiations are troubled. The Government of Sudan pulled its negotiators out of Machakos in response to the SPA’s capturing the strategic garrison town of Torit on September 1. Many observers, including key American officials, believe that the process is not permanently derailed but merely disrupted. Still, this disruption calls the world’s attention to a rather telling point. There is no progress on the ground, and not only do military engagements continue, so too do attacks on civilians and the manipulation of humanitarian assistance. The situation of the Sudanese people has not improved despite the developments at the negotiating table.

I continue to support the administration’s efforts to work with Inter-governmental Authority on Development, IGAD, to facilitate the peace process. But given this disconcerting pattern regarding the ground and the government’s efforts, given the troubled recent history of United States-Sudanese relations, given the scale and scope of the
abuses committed against civilians regularly in that troubled country, this effort requires something of a leap of faith. I do not criticize the administration for taking the leap, I believe that it was a correct and courageous decision. The Government and the SPLA have made great strides in Khartoum and with the SPLA to try to find a path to peace in Sudan. But I do criticize the administration for not taking the confidence-building measures, including those identified by Senator Danforth to adequately arm and reorganize us with little in the way of concrete reassurances that our leap was a wise one.

Specifically, I am referring to issue of the civilian bombing monitoring team. In the July hearing, I asked Assistant Secretary of State for African Affairs Walter Kansteiner about the bombing of civilian targets. Senator Danforth succeeded in getting both the Government of Sudan and the Sudanese People’s Liberation Army to agree to allow the reconstituted team to monitor their stated commitment not to intentionally attack civilian targets. That happened in spring. But at the time of the hearing, we still had no monitors on the ground. Meanwhile, reports of attacks persist. What are we waiting for, I asked. When will the team be functioning on the ground?

I was told that this effort was taking shape, and that the team would be functioning by the end of August. But today, the team is still not in place. We cannot even move to the very important work of trying to link documented incidents of attacks on civilians to clear consequences, because we remain, apparently, incapable of deploying a qualified and appropriately equipped team of people with experience in Sudan and in human rights monitoring.

I spend a great deal of time trying to call the administration’s attention to very serious issues in sub-Saharan Africa that are deserving of more American time and interest. I do not have to do that when it comes to Sudan. Bringing peace to Sudan appears to me to be this administration’s most significant policy initiative in the region, and I commend the administration for its efforts. That said, this element of the effort, following up on the commitments obtained by Senator Danforth relating to the bombing of civilian targets, this element of the effort is quite plainly falling short.

If the administration needs additional resources, personnel, or logistical capacity to make this happen efficiently and effectively, I know that many in Congress stand ready to help. Many of my colleagues have long history of working to address the crisis in Sudan, notably my partner in on the African Affairs Subcommittee, Senator Feinstein, and I admire their commitment and their work. In calling attention to this issue and in criticizing the administration for its failure to move forward on the civilian bombing monitoring issue, I do not seek to inject partisanship into the Sudan policy debate. But I do want to make it clear that this is not a small thing and not a secondary priority. The administration’s capacity to help bring peace to Sudan is strongest when the diverse community of Sudan advocates and the entire Congress is united in support for that effort. We need to sustain our faith in this endeavor with concrete steps even as our country continues to facilitate big-picture negotiations. And so I encourage the administration to make deploying a qualified and well-organized monitoring team at the earliest possible date a real priority.

ADDITIONAL STATEMENTS

IN RECOGNITION OF BISHOP WILLIAM T. CAHOON

• Mr. TORRICELLI. Mr. President, I rise today to recognize the work of Bishop William T. Ca$hon on the recent Holy Convocation in New Jersey.

For more than a quarter century, Bishop Ca$hon has dedicated himself to bringing together the ministry and local communities. He currently serves as the Jurisdictional Prelate for the Garden State Jurisdiction, Church of God in Christ, and in 1984 was elected and served as Secretary of the National Board of Trustees. During this time, he has championed issues which empower the family, church and community, and is the founder of the Community Development Corporation, known as the New Garden State Caring Families and Neighborhoods, Inc. In 1997, he was recognized as one of the 100 Most Influential Persons in the State of New Jersey and was given the Man of Distinction Award of his Jurisdictional efforts in 1998.

Bishop Ca$hon has always believed that “We must minister to the realities of our unique communities through whatever social, economic, political and spiritual means necessary.” It is this openness to new ideas of ministering to the people of New Jersey that inspired the recent Holy Convocation, the goal of which was to the paradigm shift to ministering in the 21st century.

It was an honor to see Bishop Ca$hon at work during the recent Holy Convocation and I wish him the best in his mission.

THE 100TH ANNIVERSARY OF THE JEWISH NATIONAL FUND

• Mr. CORZINE. Mr. President, I rise to congratulate the Jewish National Fund as the group celebrates its 100th anniversary on October 6, 2002. Without the efforts of the Jewish National Fund, the nation of Israel might very well not exist. Today, through the efforts of the JNF, Israel not only exists as a Jewish State, but flourishes despite numerous geographic and political changes.

The Jewish National Fund was established at the Fifth Zionist Congress in 1901 with the express purpose of allowing Jews from around the world to join together and make the Zionist dream a reality. Jewish communities from around the world participated by collecting donations in signature “Blue Boxes.” These donations were used to purchase the land, which would one day become the state of Israel. Jews disunited could not achieve their nationalist dream and create a Jewish state in the land of Israel, but together, through the work of the Jewish National Fund, they began to build a nation. JNF purchased the land, developed and built the infrastructure, and planted the forests that made the country green. I am confident that through the dedication and hard work of the Jewish National Fund, Israel will continue to thrive for the next 100 years and beyond.

Since 1901, the Jewish National Fund has planted over 220 million trees, built over 120 dams and reservoirs, developed over 400 acres of farmland, and created more than 400 parks throughout Israel and educated students around the world about Israel and the environment. The Jewish National Fund is also active in funding arid land research and has partnered with the USDA Forest Service and the International Arid Lands Consortium.

This past year marked a great milestone for the Jewish National Fund. The group celebrated a great century and witnessed the birth of their dream: a thriving Jewish homeland. I wish the Jewish National Fund the best of luck as they embark on their second century of service.

TRIBUTE TO ALBERT GREENE CLAY

• Mr. McCONNELL. Mr. President, I wish to pay tribute to the late Albert Greene Clay, a man whose contributions were instrumental to the tobacco and horse industries, and whose presence was well-known at the University of Kentucky.

A native of Mount Sterling, KY, Albert received a bachelor’s degree from Duke University in 1938, and attended Harvard Business School in 1939. On October 26, 1939, Albert married his college sweetheart, Lorraine Case Newlin. I would like to take this opportunity to express my sincerest condolences to his family, especially his wife Lor- raine, his sons Robert and John, his daughter Charlotte Clay Buxton, and seven grandchildren.

Albert left behind a legacy as an individual whose contributions to the tobacco industry are far-reaching and long-lasting. He played a key role in the establishment of the Burley Auction Warehouse Association in the 1940s, and continued his involvement by serving as chairman and president of the organization’s board for 25 years. Albert’s leadership extended to the national level, where he served as di- rector of the National Tobacco Tax Council, Burley and Dark Leaf Tobacco
-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 July 20, 2001, in Cullman, AL. Two black men were attacked inside their car after arriving at a party. The assailants, three white men, smashed the car with baseball bats and cut a racial slur into the side of the car. Authorities investigated the incident as a possible hate crime.

The assailants, three white men, smashed the car with baseball bats and cut a racial slur into the side of the car. Authorities investigated the incident as a possible hate crime.

Due to the tragic incidents of September 13, 2002, the 100th anniversary of its founding.

HONORING WALTER J. SCHRAMM THE OUTSTANDING OLDER WORKER OF SOUTH DAKOTA FOR 2001

Mr. JOHNSON. Mr. President, I wish to publicly commend Walter Schramm, a resident of Winner, SD, on his selection as last year's Outstanding Older Worker of South Dakota.

The Outstanding Older Worker award is sponsored by Experience Works, a national, nonprofit organization that provides training and employment services for mature workers. Walter will be honored in Washington, D.C., September 17-21, at the annual Experience Works Prime Time Awards Program. He will join 51 other outstanding older workers representing each State, the District of Columbia, and Puerto Rico. Due to the tragic incidents of September 11, 2001, and the subsequent cancellation of the Experience Works Prime Time Awards Program, Walter will be recognized at this year's event.

After serving in the Pacific theater of World War II as a Marine Air Corps pilot, Walter returned to the United States to complete his military service and start a career. With little money, and no retail experience, he opened the Schramm Furniture store in Winner.

For the past 56 years Walter has been the owner/president of Schramm Furniture, Inc. At age 85, he continues to work six days a week, nine hours a day. Walter opened his business with the motto: "Provide good service to the customer and they will come back.

Though times have changed, Walter's motto has remained the same, and today, just as 56 years ago, customers continue to return to Schramm Furniture for its reliable customer service.

Walter's tremendous contributions to the community, and civic/business leadership have set him apart from other outstanding senior workers. He is a member of the Chamber of Commerce and Rotary International, Trinity Lutheran Church, the SD Retailers Association, the Winner Athletic Association, and a lifetime member of the American Legion and VFW.

This prestigious honor is a reflection of his extraordinary service and commitment to the Winner community. Through his outstanding community involvement and dedication to service, the lives of countless South Dakotans have been enormously enhanced. His example is one that can serve as a model for other hard working and dedicated individuals throughout South Dakota to emulate.

Walter Schramm is an extraordinary person who richly deserves this distinguished recognition. I strongly commend his years of hard work and dedication, and I am very pleased that his substantial efforts are being publicly honored and celebrated. It is with great honor that I share his impressive accomplishments with my colleagues.

HONORING RUSSELL WYATT THE OUTSTANDING OLDER WORKER OF SOUTH DAKOTA FOR 2002

Mr. JOHNSON. Mr. President, I wish to publicly commend Russell Wyatt, a resident of Hot Springs, on his selection as this year's Outstanding Older Worker of South Dakota.

The Outstanding Older Worker award is sponsored by Experience Works, a national, nonprofit organization that provides training and employment services for mature workers. Russell will be honored in Washington, D.C., September 17-21, at the annual Experience Works Prime Time Awards Program. He will join 51 other outstanding older workers representing each State, the District of Columbia, and Puerto Rico.

At age 76, Russell Wyatt continues to own and operate Wyatt's Real Estate and Produce Co. in Hot Springs. Russell's hard work and dedication over the years has helped him succeed and grow as a small business owner.
His entrepreneurial spirit has led to many tremendous accomplishments, and helped him adapt to a rapidly changing workplace.

However, it is Russell's tremendous contributions to the community, civic leadership, and volunteer work that set him apart from other outstanding senior workers. He helped organize the Oral Volunteer Fire Department and Southern Hill's Real Estate Board, promote the Miss South Dakota Pagaent, and create a Pamida Store and Civic Center to Hot Springs. Hot Springs residents have come to count on his hard work and dependability.

This prestigious honor is a reflection of his extraordinary service and commitment to the Hot Springs community. Through his outstanding community involvement and dedication to service, the lives of countless South Dakotans have been enormously enhanced. His wonderful example serves as a beacon to all of us.

Ira Yellin was a true visionary, a man who richly deserves this distinguished recognition. I strongly commend his years of hard work and dedication, and I am very pleased that his services were acknowledged. His wonderful example serves as an inspiration to us all.

IRA YELLIN: IN MEMORIAM

Mrs. FEINSTEIN. Mr. President, I wish to announce the passing of Mr. Ira Yellin, who passed away on September 10. He was only 62 years old.

My heart goes out to his wife, Adele, to his daughter Jessica and his son Seth, to his mother Dorothy and his two brothers, Marc and Albert.

Ira was a true visionary, a man who championed the restoration of downtown Los Angeles long before it was popular.

His own restoration of the Grand Central Market, an enduring emblem of the ethnic diversity that is Los Angeles, is perhaps the greatest of his many accomplishments as a real estate developer.

Yet Ira was involved in so much more than real estate. He was a civic and community leader, and served as a past president of the California Jewish Committee and a member of the board of the Skirball Cultural Center and the J. Paul Getty Trust.

The son of a Talmudic scholar, an ex-Marine, an urban pioneer, a political and social activist, Ira was an optimistic man of boundless energy. Not even the lung cancer that he battled so bravely over the last year could slow him down.

Until the very end of his life he maintained his commitment to his work, to his community and, above all, to his loving family, in a way which has earned my highest admiration and my deepest affection.

Ira Yellin was a wonderful man who will be sorely missed, yet both his notable achievements and his engaging personality have made a lasting impact on all of us. He will not be soon forgotten.

EXECUTIVE AND OTHER COMMUNICATIONS

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

S. 907. A communication from the Department of the Interior to the Senate, pursuant to law, the report of a rule entitled "Amendment to Section 209 of the Organic Act of Guam" (Doc. No. 107-129) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1863: A bill to authorize the Secretary of the Interior to study the feasibility of the development of certain geothermal energy resources in the State of California and to make such a study part of the National Park System, and for other purposes. (Rept. No. 107-279).

S. 2222: A bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes. (Rept. No. 107-290).

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. 2320. A bill to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

By Mr. LANDRIEU:
S. 2935. A bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:
S. 2396. A bill to amend chapter 44 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments; and for other purposes; to the Committee on Governmental Affairs.

By Mr. EDWARDS:
S. 2397. A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. LIVNIN):
S. Res. 627. A resolution honoring Ernie Harwell; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mr. TORICELLI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 907, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1103, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition, and for other purposes.

At the request of Mr. MCCAUL, the name of the Senator from California (Mr. SCHUMER) was added as a cosponsor of S. 1129, a resolution to recognize the importance of the SITI Network for the 21st Century, and for other purposes.

At the request of Mrs. CARNAHAN, the name of the Senator from Washington (Ms. MURRAY) and the name of the Senator from New Jersey (Mr. ROCKEFELLER) were
added as cosponsors of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2184

At the request of Mr. Breaux, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2633

At the request of Mr. Leahy, his name was withdrawn as a cosponsor of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

S. 2734

At the request of Mr. Kerry, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2734, a bill to modify the emergency response plan for non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2816

At the request of Mr. Baucus, the names of the Senator from Arkansas (Mr. Hutchinson) and the Senator from Washington (Ms. Cantwell) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. Johnson, his name was added as a cosponsor 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.

S. 2869

At the request of Mr. Kerry, the names of the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Breaux), the Senator from New York (Mr. Schumer) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 2869, supra.

S. J. RES. 35

At the request of Mrs. Feinstein, the name of the Senator from Georgia (Mr. Miller) was added as a cosponsor of S. J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 326

At the request of Mr. Biden, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from New York (Mr. Schumer) were added as cosponsors of S. Res. 326. A resolution designating October 18, 2002, as "National Mammography Day".

S. CON. RES. 13

At the request of Mrs. Feinstein, the names of the Senator from Vermont (Mr. Leahy) and the Senator from Utah (Mr. Bennett) were added as cosponsors of S. Con. Res. 11. A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle and wellness programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 107

At the request of Mr. Craig, the name of the Senator from Nevada (Mr. Ensign) was added as a cosponsor of S. Con. Res. 107. A concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-Year Strategy for Reducing Wildland Fire Risks to Communities and the Environment", as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 129

At the request of Mr. Craig, the names of the Senator from South Dakota (Mr. Daschle) and the Senator from Nevada (Mr. Reid) were added as cosponsors of S. Con. Res. 129. A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

S. CON. RES. 136

At the request of Mr. Baucus, the names of the Senator from Maine (Ms. Collins) and the Senator from Georgia (Mr. Miller) were added as cosponsors of S. Con. Res. 136. A concurrent resolution requiring the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

AMENDMENT NO. 410

At the request of Mr. Bayh, the name of the Senators (Mr. Durbin) was added as a cosponsor of amendment No. 410 intended to be proposed to H.R. 5093, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 418

At the request of Mr. Craig, the names of the Senator from Idaho (Mr. Crapo), the Senator from Nebraska (Mr. Hagel), the Senator from Colorado (Mr. Campbell), the Senator from Utah (Mr. Hatch), the Senator from Nevada (Mr. Ensign), the Senator from Oregon (Ms. Brown) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of amendment No. 418 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Johnson:

S. 2934. A bill to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

Mr. Johnson. Mr. President, I rise today to introduce the American Legion Amendment Act to make technical changes to the membership qualifications in the Federal charter of the American Legion.

Under the American Legion’s current charter, a veteran who leaves the Armed Services may become a member of the American Legion if he or she served since “August 2, 1990 through the date of cessation of hostilities, as decided by the United States Government” and “was honorably discharged or separated from the Service or continues to serve honorably after that period.” At this point, the United States Government has not issued a cessation of hostilities decision for U.S. military operations during this period. For those military men and women who are no longer serving, they have discharge papers stating they served honorably during that period which makes them qualified for American Legion membership. Yet, servicemembers who served since August 2, 1990, and are still on active duty, have no discharge papers for the period, and are not officially serving after the cessation of hostilities. Therefore, they are not eligible for membership in the American Legion despite their dedicated service in our nation’s Armed Forces.

The bill that I am introducing today would change the standard for a veteran to qualify for membership in the American Legion to “continues to serve honorably after the cessation of hostilities.” This change would make it clear that membership is open to the thousands of active duty personnel who served during operations Desert Shield and Desert Storm, in addition to the operations that followed in Iraq, Bosnia, Kosovo, and Afghanistan.

As my colleagues in the Senate know, the American Legion continues to be one of our Nation’s most effective advocates on behalf of America’s veterans, as well as a pre-eminent service organization. The American Legion has grown to nearly 3 million members whose efforts are truly making a difference in communities throughout our country.

As the country who served in Bosnia, Kosovo, and Afghanistan, I am pleased to offer the American Legion Amendment Act that will offer him and his military colleagues the opportunity and the honor to join the American Legion.

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

S. 2934
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF REQUIREMENTS FOR ELIGIBILITY IN THE AMERICAN EMERGENCY RESPONSE ACT.

Section 217(b)(2) of title 36, United States Code, is amended by inserting “during or after” “continues to serve honorably”.

By Ms. LANDRIEU: S. 2935. A bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, as you know, the State of Louisiana, along with many other States, has for the past several months been under siege. The enemy is small, but powerful, and great in number. Hard to detect, they sneak up on you and with one attack, they can change your life forever. To date, 10 Louisianans have lost their lives from our war against mosquitoes and the West Nile virus that they carry and 222 more have been injured. In Baton Rouge, our State capital, 42 people have been reported to have been infected with the disease and three have died. Only Illinois, with 292 human deaths, has experienced more casualties from the virus than Louisiana.

I am here this morning to introduce legislation that asks for Federal assistance for States to “M.A.S.H.” out this predator and stop the spread of this disease. Throughout the history of Louisiana, spraying for mosquitoes and dredging the water they breed in has been a common occurrence. Until now, however, it was done because mosquitoes were pests and they could carry deadly germs. Now, our State and local officials are spraying around the clock in a desperate race to control the worst outbreak of West Nile the Western hemisphere has ever seen. There is no specific treatment for West Nile, nor a vaccine. The most effective way to protect our citizens against this deadly virus is to stop it before it happens.

I think that is clear that there is an urgent need for this bill to become law. If passed, it can have an immediate effect in saving on the lives of people in my State and throughout the nation. I want to be clear, however, that this is not an effort to supplant state’s responsibility in this area, but to supplement it. Our State has and will continue to dedicate a great deal of State and local resources toward “Fighting the Bite.” On September 5, 2002, the State of Louisiana began distributing $3.4 million in state funds to support the local governments in their efforts to combat West Nile. The Department of Health and Hospitals is spending over $200,000 on a public education campaign asking people to do their share to avoid leaving standing water and other mosquito havens. Two-thirds of Louisiana’s population is covered by an active mosquito control program and those without mosquito control programs are using spray trucks provided by the Louisiana Department of Agriculture.

One might think that given the national public health threat imposed by the spread of West Nile that there would already be Federal funding of this type available. Natural disasters such as this require the Federal, State, and local governments to work together in a coordinated fashion to bring immediate relief to affected citizens, to educate the public, and to prevent the disease from inflicting further harm. Our Nation’s first experience with the West Nile Virus taught us that effective treatment and prevention of this deadly disease also requires coordination among the many Federal agencies with expertise and jurisdiction. The formation of a West Nile Virus Coordinating Committee, chaired by CDC and composed of representatives from USDA, the United States Geological Survey’s National Wildlife Health Center, the Environmental Protection Agency, and the Defense Department was the first step in this direction.

Louisiana’s experience, thus far, has proven the necessity of this coordinated approach. However, Federal leadership must continue to be strengthened, and coordination must continue to be improved between Federal agencies involved in West Nile. One of the shortfalls, and perhaps the easiest to address, is the lack of an effective funding source for mosquito control. In August of this year, the CDC endowed the state of Louisiana with $3.4 million to use in the fight against West Nile. The CDC money, however, cannot be spent on chemicals or spraying, rather it must be spent on surveillance, education and testing. It is for this reason that our Governor, and the Governor of Mississippi, Senator Breaux, and I, have worked to develop a plan for carrying out such a program.

West Nile is one of many vector borne diseases spread from birds to humans by mosquitoes. If our Nation’s public health system is to respond accordingly, then they must have the aid of effective mosquito abatement programs. This bill puts that system in place. I am pleased to be joined by my senior Senator from Louisiana, as well as Senators Craig and Hutchinson, that we are hopeful that before long this bill will be supported by the majority of the Senate. I ask the majority leader for his help in seeing to it that this bill is passed as soon as possible.

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

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

S. 2935
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 “Mosquito Abatement for Safety and Health Act”.

SECTION 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES. Part B of title III of the Public Health Service Act (42 U.S.C. 245 et seq.), as amended by section 4 of Public Law 107–84 and section 312 of Public Law 107–188, is amended—

(A) by transferring section 317R so as to appear after section 317Q; and

(B) by inserting after section 317R (as so transferred) the following:

SEC. 317S. MOSQUITO-BORNE DISEASES: ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS, COORDINATION GRANTS TO STATES.

(a) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as ‘control programs’).

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to political subdivisions that—

(A) have an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to other political subdivisions;

(B) demonstrate to the Secretary that the political subdivisions with, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions; and

(C) demonstrate to the Secretary (directly or through State officials) that the State in which the political subdivision is located has identified or will identify geographic areas in the State that have a significant need for control programs and will effectively coordinate such programs in such areas.

(3) REQUIREMENT OF ASSESSMENT AND PLAN.—A grant may be made under paragraph (1) only if the political subdivision involved—

(A) has conducted an assessment to determine the immediate needs in such subdivision for a control program, including an entomological survey of potential mosquito breeding areas; and

(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

(4) REQUIREMENT OF MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of a control program to be carried out pursuant to a grant under subsection (b), a grant under such paragraph may be made only if the subdivision agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than ¼ of such costs ($1 for each $2 of Federal funds provided in that grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, or in such other forms as the Secretary determines are appropriate, and may be contributed by public or private entities non-Federal contributions toward such costs in an amount that is not less than ¼ of such costs ($1 for each $2 of Federal funds provided in that grant).
“(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision justify the waiver.

“(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision will submit to the Secretary, and to the State within which the subdivision is located, a report on the control program conducted and contains an evaluation of whether the program was effective.

“(6) COORDINATION GRANTS TO POLITICAL SUBDIVISIONS.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States to conduct the assessments and to develop the plans that are required in paragraph (3) of subsection (a) as a condition of receiving a grant under paragraph (1) of such subsection.

“(2) GRANT NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $25,000. A political subdivision may not receive more than one grant under such paragraph.

“(b) ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States to conduct the assessments and to develop the plans that are required in paragraph (3) of subsection (a) as a condition of receiving a grant under paragraph (1) of such subsection.

“(2) GRANT NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A political subdivision may not receive more than one grant under such paragraph.

“(c) COORDINATION GRANTS TO STATES.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of coordinating control programs in the State.

“(2) IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

“(3) REQUIREMENTS.—A grant may be made under paragraph (1) only if—

“(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and that plan takes into account any assessments or plans described in subsection (a)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

“(B) in developing such plan, the State consulted or consult (as the case may be) under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs; and

“(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions as described in paragraph (2) that are contiguous.

“(4) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

“(A) describes the activities of the State under the grant; and

“(B) contains an evaluation of whether the control programs of political subdivisions in the State, that were specifically coordinated, are effective and efficient, and, if not, each other, which evaluation takes into account any reports that the State received under subsection (a)(5) from such subdivisions.

“(5) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A State may not receive more than one grant under such paragraph.

“(d) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a), (b), or (c) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such information as the Secretary determines to be necessary to carry out this section.

“(e) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of control programs, and the plans under subsection (b). The Secretary may provide such technical assistance directly or through grants of contracts to public and private entities.

“(f) DEFINITIONS.—For purposes of this section:

“(1) CONTROL PROGRAM.—The term ‘control program’ has the meaning indicated for such term in subsection (a)(1).

“(2) POLITICAL SUBDIVISION.—The term ‘political subdivision’ means the local political jurisdiction of the State within which the subdivision is located, a county, parish, or borough, a State agency or unit of the State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of a county, parish, or borough, the Secretary may recognize such entity as a political subdivision.

“(3) FISCAL YEAR.—The term ‘fiscal year’ means the fiscal year beginning on July 1 and ending on June 30.

“(4) REPORTS TO SECRETARY.—

“(a) IN GENERAL.—The Secretary shall give the Commissioner of Food and Drugs a report that—

“(A) describes the activities of the State under a grant under subsection (a), (b), or (c) of section 307; and

“(B) contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(2) THE COMMISSIONER OF FOOD AND DRUGS.—The Commissioner of Food and Drugs may make a grant under paragraph (1) of such subsection.

“(3) GRANTS.—A grant may be made under paragraph (1) of such subsection.

“(g) AUTHORIZATION OF APPROPRIATIONS.

“(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. In the case of control programs carried out in response to a mosquito-borne disease, a public health emergency, the authorization of appropriations under the preceding sentence is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.”.

“SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

“Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

“SEC. 463B. METHODS OF CONTROLLING CERTAIN INSECT POPULATIONS.

“The Director of the Institute shall conduct or support research to identify or develop new or improved methods of controlling insect populations that transmit to humans diseases that have significant adverse health consequences.”

“SEC. 4. SENSE OF THE SENATE CONCERNING THE WEST NILE VIRUS.

“It is the sense of the Senate that—

“(1) the West Nile virus raises concerns about the safety of the blood supply and every effort should be made to protect blood and blood product recipients from infection with the virus;

“(2) the Food and Drug Administration should comprehensively review its protocols and regulations for screening of blood and platelet donors and their donated specimens, and the ability of these protocols to protect the blood supply from West Nile virus;

“(3) on the basis of a review conducted as provided for in paragraph (2), the Commissioner of Food and Drugs should revise protocols and regulations to protect the blood supply and blood products supply from West Nile virus to the maximum extent possible;

“(4) the Commissioner of Food and Drugs should make recommendations on additional procedures that are needed to protect the blood supply and blood product supply from the West Nile virus; and

“(5) the Commissioner of Food and Drugs, working in concert with States, should maximize the protection of the public health, should expedite review of appropriate blood screening tests for the West Nile virus.

“Mr. BREAUX. Mr. President, the West Nile virus has reached epidemic proportions. My home State of Louisiana has seen cases of the disease skyrocket in recent months, with 222 cases and 9 deaths reported to date. Since the first report of the virus in New York City State in 1999, the Centers for Disease Control, CDC, have reported cases of this mosquito-borne illness in humans in 30 States and the District of Columbia. It is clear, as we have seen in Louisiana, that State governments are taxed in money and man-power and simply cannot continue to fight the spread of this disease on their own. The Federal Government needs to work hard and fast to combat this potential public health crisis and prevent the loss of even more lives.

“Earlier this year, my colleagues in the House of Representatives, Congressmen BILLY TAUZIN and CHRIS JOHN, introduced legislation that would make grants available through the CDC to help States in establishing and maintaining mosquito control programs and prevent mosquito-borne illnesses. Today Senator LANDREIY and I have introduced companion legislation to this bill. The Mosquito Abatement and Health and Safety Act, H.R. 4793, of the same title in an effort to quickly make resources available to local governments in Louisiana and across the country that have been on the front lines fighting the spread of the West Nile outbreak.

“Both bills would provide money to improve assessment tools, including surveys of potential mosquito breeding areas, and support research initiatives to develop methods of controlling insect populations that spread disease and pose a health threat to humans. In disbursing grant monies, the CDC should give priority to those areas with reported instances of mosquito-borne illnesses in humans or animals.

“The country is experiencing an outbreak that is both unfortunate and alarming. Only through improved coordination of state and federal agencies can we begin to address this problem and spare other States from this deadly disease.

“Mr. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to.

“S. RES. 327

“WHEREAS Ernie Harwell worked as a Major League Baseball broadcaster for 56 years and...
as the signature voice of the Detroit Tigers for 42 of those years; Whereas Ernie Harwell’s voice brought the game of baseball to life for Tiger fans, and he was voted Michigan Sportscaster of the year 17 times; Whereas Ernie Harwell had such a love of baseball that, upon meeting Babe Ruth as a child, he had ‘‘The Babe’’ autograph his shoe because he did not have paper; Whereas Ernie Harwell called the 1958 and 1964 World Series that crowned the Tigers world champions; Whereas in 1948, Ernie Harwell became the only broadcaster to be traded for a player when Branch Rickey, general manager of the Brooklyn Dodgers, traded Cliff Dapper to the Atlanta Crackers for Harwell; Whereas Ernie Harwell’s memorable moments include broadcasting the debut of Willie Mays in 1951, Bobby Thomson’s ‘‘Shot Heard Round the World’’ that same year, and Hoyt Wilhelm’s no-hitter against the New York Yankees in 1958; Whereas on August 2, 1981, Ernie Harwell became the fifth broadcaster to be inducted into the Baseball Hall of Fame; Whereas Ernie Harwell brought to life, through the performance of radio, the performances of some of baseball’s greats, such as Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammell, and many others; Whereas the Cleveland Indians renamed the visiting radio booth in the Jacobs Field press box the ‘‘Ernie Harwell Visiting Radio Booth’’ in commemoration of his career; Whereas Sunday, September 15, 2002, is ‘‘Ernie Harwell Day’’ at Comerica Park in Detroit, Michigan; and Whereas Detroit Tiger fans all over the country have fond memories of Ernie Harwell, summer, and Tiger victories: Now, therefore, be it

Resolution. That the Senate—
1. honors and celebrates the achievements of Ernie Harwell;
2. wishes Ernie Harwell good health and happiness in his retirement; and
3. directs the Secretary of the Senate to transmit a copy of this resolution to Ernie Harwell.

AMENDMENTS SUBMITTED AND PROPOSED

SEC. 1. RECONSTRUCTION OF INTERSTATE 40.
(a) In General.—Subject to the condition described in subsection (b), notwithstanding any other provision of this Act, in addition to amounts that are otherwise available, $12,000,000 shall be made available, and shall remain available until expended, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma to maintain the safety and to reduce the risk of a barge collision that occurred on May 26, 2002.
(b) Condition.—The condition described in this subsection is that the Secretary of Oklahoma agree that the Federal Government shall—
(1) be subrogated to all claims of the State of Oklahoma for amounts necessary to reconstruct the destroyed portion of Interstate Route 40 against each entity determined to be responsible for the collision, not to exceed $12,000,000 in the aggregate; and
(2) have authority to pursue such claims as are necessary to recover any amounts up to $12,000,000 that are not paid to the State by those entities.
(c) Reimbursement and Reobligation of Funds.—Federal funds obligated before the date of enactment of this Act for the reconstruction described in subsection (a)—
(1) may be reimbursed from funds available under this section; and
(2) if reimbursed under paragraph (1), shall be immediately available to the State of Oklahoma for reobligation.
(d) Emergency Requirement.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A), 902(e)).

AUTHORITY FOR COMMITTEES TO MEET

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Friday, September 13, 2002, at 9:30 a.m., to conduct an oversight hearing to receive testimony on the implementation of the Comprehensive Everglades Restoration Plan. The hearing will be held in SD–406.

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

HONORING ERNIE HARWELL

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Friday, September 13, 2002, at 9:30 a.m., to conduct an oversight hearing to receive testimony on the implementation of the Comprehensive Everglades Restoration Plan. The hearing will be held in SD–406.

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

The legislative clerk read as follows:

A resolution (S. Res. 327) honoring Ernie Harwell.

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

Mr. LEVIN. Mr. President, I am pleased and honored to join my colleague from Michigan, Senator Stabenow, in offering a resolution commemorating the achievements and retirement of Ernie Harwell. Ernie, a Hall of Famer, an shoulders the voice of the Tigers, and I know that Detroit fans, as well as baseball fans everywhere, will miss Ernie’s distinctive voice and irreplaceable baseball wit. In a city rich with baseball tradition, Ernie is as much a part of the Detroit Tigers, Tiger Stadium.

For four decades, Ernie Harwell’s unwaveringly calm voice has provided Tigers fans with an incomparable mix of play-by-play description, baseball history, and sensible statistics. Much of Ernie’s appeal grew out of the fact that he almost never lets emotion overtake him. He lets his words, his description of the game, paint a vivid picture of the events for the listeners at home.

Ernie Harwell was born on January 25, 1918, in Washington, GA. As a boy, he delivered newspapers on a route that included the famed author Margaret Mitchell’s home. Before launching his career as a sportscaster, he served as a Marine in World War II. He also acted in several movies including ‘‘One Flew Over the Cuckoo’s Nest.’’ He began his baseball career as a sportswriter and copy editor for the Atlanta Constitution. Luckily for us, Ernie stayed in that position long; in 1943 he left to become an announcer for the Southern Association’s Atlanta Crackers.

Ernie’s skills were quickly recognized in Atlanta, and in 1948 he became the first announcer for a baseball team! Branch Rickey, the General Manager of the Brooklyn Dodgers, traded catcher Cliff Dapper to the Crackers to allow Ernie to break his contract. His tenure in Brooklyn was highlighted by calling Jackie Robinson’s best season, 1949, when Robinson was awarded the Most Valuable Player award for the National League while leading the Dodgers to the pennant.

The next year, Ernie left Brooklyn to go across town and call New York Giants games on the burgeoning medium of television. While there, he called Willie Mays’s debut game in 1951 and Bobby Thomson’s ‘‘Shot Heard ‘Round the World’’ at the end of that season when the Giants won the pennant. Unlike Russ Hodges who shouted ‘‘The Giants win the pennant!’’, Ernie stuck to his style and simply said ‘‘it’s gone’’ when the ball shot off Thomson’s bat. That was all baseball fans needed.

After a short stint as the first broadcaster of the Baltimore Orioles, he was hired as the voice of the Detroit Tigers, where he has stayed for 42 of the last 43 years. Ernie quickly became a part of the Tigers family. ‘‘If you do this job for a while in one city and you’re pretty good, you become part of the family,’’ he once said. ‘‘They take you to the beaches and the mountains and the cottages, the workplace and the kitchen. That’s gratifying, but it’s sort of humbling, too, that people are that interested and they listen.’’

Ernie called the 1968 and 1984 World Series that crowned the Tigers world champions. He was in Detroit for the
careers of many baseball’s greats, including the soon-to-retire Travis Fryman, now with the Cleveland Indians. Fryman, one of Ernie’s favorite players in Detroit, presented him with an Indians hat and jersey during the Tigers’ visit to Cleveland. During that series, Indians officials named the visiting radio booth in the Jacobs Field press box the “Ernie Harwell Visiting Radio Booth.”

The true devotion of Tigers fans to Ernie Harwell was made loud and clear when the Tigers’ then-new management informed Ernie that 1991 would be his last season as the ‘Tigers’ broadcaster. They said they wanted to go with a younger and newer voice. Following a public appeal, the Motor City brought home its familiar voice in time for the 1993 season. He has been with Detroit ever since.

Ernie’s achievements have been recognized on both a local and national stage. He has been voted Michigan Sportscaster of the Year 17 times and is a member of the Michigan Sports Hall of Fame. In 1981 he was just the fifth broadcaster to be elected to Baseball Hall of Fame. In 1998 he became a member of the Radio Hall of Fame and the following year he was elected to the National Sportscasters Hall of Fame.

Ernie’s talents extend beyond the microphone. He is an accomplished author and songwriter. He has authored such books as Tuned to Baseball, Diamond Gems and The Babe Signed My Shoe, and coauthored or contributed to several other books about the game of baseball. In addition to his literary works, Ernie has also had more than 50 of his songs professionally recorded.

Considering that he has announced games over an unprecedented seven decades, Ernie has endeared him to generations of listeners as a friend. To say that Ernie Harwell has brought home its familiar voice in time for the 1993 season. He has been with Detroit ever since.

Ernie Harwell has broadcast some of the great moments in baseball, including the debut of Willie Mays, Bobby Thompson’s “shot heard round the world” and Hoyt Wilhelm’s famous no hitter against the Yankees in 1956. In addition, he also called the Tigers’ last two World Series victories in 1968 and 1984. He also brought to life the performances of some of baseball’s greats, like Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammel and many others.

Tigers fans have such fond memories of Ernie Harwell, it is hard to believe that he will not be in the broadcast booth next year. Since Sunday, September 15, Ernie Harwell Day at Comerica Park in Detroit, Senator Levin and I wanted to take up and pass this resolution congratulating Ernie on his great career and wishing him the best of luck in retirement.

I hope my colleagues will support this resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, without objection, that the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 327) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

While Ernie Harwell worked as a Major League Baseball broadcaster for 55 years and as the signature voice of the Detroit Tigers for 42 of those years, his memorable moments include broadcasting the debut of Willie Mays in 1951, Bobby Thomson’s “shot heard ’round the world” that same year, and Hoyt Wilhelm’s no-hitter against the New York Yankees in 1956;

Whereas Ernie Harwell had such a love of baseball that, upon meeting Babe Ruth as a child, he had “The Babe” autograph his shoe because he did not have paper;

Whereas Ernie Harwell called the 1968 and 1984 World Series that crowned the Tigers world champions;

Whereas in 1948, Ernie Harwell became the only broadcaster for a player when Branch Rickey, general manager of the Brooklyn Dodgers, traded Cliff Dapper to the Atlanta Crackers for Harwell;

Whereas Ernie Harwell’s memorable moments include broadcasting the debut of Willie Mays in 1951, Bobby Thomson’s “shot heard ’round the world” that same year, and Hoyt Wilhelm’s no-hitter against the New York Yankees in 1956;

Whereas on August 2, 1981, Ernie Harwell became the fifth broadcaster to be inducted into the Baseball Hall of Fame;

Whereas Ernie Harwell brought to life, through the medium of radio, the performances of some of baseball’s greats, such as Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammel, and many others;

Whereas Detroit Tiger fans all over the country have fond memories of Ernie Harwell, summer, and Tiger victories; and

Resolved, That the Senate—

(1) honors and celebrates the achievements of Ernie Harwell;

(2) wishes Ernie Harwell good health and happiness in his retirement; and

directs the Secretary of the Senate to transmit a copy of this resolution to Ernie Harwell.

INTERNATIONAL DISABILITY AND VICTIMS OF LANDMINES, CIVIL STRIFE AND WARFARE ASSISTANCE ACT OF 2001

Mr. BYRD. Mr. President, at the request of the distinguished majority leader and the assistant leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 55, S. 777.

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

The legislative clerk read as follows:

A bill (S. 5157) to amend section 3307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceed $200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

Mr. BYRD. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, without further intervening action or debate.

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

The bill (H. R. 5157) was read the third time and passed.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Inter-
national Disability and Victims of Land-
mines, Civil Strife and Warfare Assistance Act of 2002”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the fol-
lowing finding:

(1) According to the International Com-
mmittee of the Red Cross, there are tens of
millions of landmines in over 60 countries
around the world, and it has estimated that
as many as 24,000 people are murdered or
killed by landmines, meeting their
families, resulting in mutilations and disabil-
ties of various kinds.

(b) While the United States Government
invests more than $100,000,000 in mine action
programs annually, including funding for
mine awareness and demining training pro-
grams, only about one percent of these funds go
to directly aid landmine victims.

(c) The Patrick Leahy War Victims Fund,
administered by the United States Agency
for International Development, has provided
essentially no funds for medical rehabilitation
for landmine and other war victims in devel-
oping countries who are disabled and has
provided long-term sustainable improve-
ments for victims of civil strife
and warfare, addressing such issues as
barrier-free accessibility, reduction of social
stigmatization, and increasing economic
opportunities.

(d) Enhanced coordination is needed
among Federal agencies that carry out as-
sistance programs in foreign countries
for veterans of landmines and other victims
of civil strife and warfare to make better use of
interagency expertise and resources.

(2) According to a review of Poverty and
Disability commissioned by the World Bank,
“disabled people have lower education and
income levels than the rest of the popu-
lation. They are more likely to have incomes
below poverty level despite the non-disabled
population, and they are less likely to have
savings and other assets...[the links be-
tween poverty and disability go two ways—
not only does disability add to the risk of
poverty, but conditions of poverty add to the
risk of disability.”

(3) A review of international human rights
conventions and declarations recognize the
need to protect the rights of individuals re-
gardless of their status, including those indi-
viduals, through the principles of equality and non-discrimination.

(b) PURPOSE.—The purpose of this Act is to
authorize assistance for individuals with dis-
abilities, including victims of landmines and other victims of civil strife and warfare.

SEC. 3. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

The Foreign Assistance Act of 1961 (22
U.S.C. 2151 et seq.) is amended by inserting after section 134 the following:

SEC. 135. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

“(a) AUTHORIZATION.—The President, fact-
ing through the Administrator of the United States Agency for International Devel-
opment, is authorized to furnish assistance to individuals with disabilities, including vic-
tims of civil strife and warfare, in foreign countries.

(b) ACTIVITIES.—The programs established
pursuant to subsection (a) may include pro-
grams for projects, and activities such as the fol-
lowing:

(1) Development of local capacity to pro-
vide medical and rehabilitation services for
individuals with disabilities, including vic-
tims of civil strife and warfare, in foreign
countries, such as—

“(A) support for and training of medical
professionals, including surgeons, nurses,
and physical therapists, to provide effective
emergency and other medical care and for
the development of training manuals relat-
ing to first aid and other medical treatment;

(B) support for sustainable prosthetic
and orthotic services; and

(C) social rehabilitation and social rehabs-
ilitation of such individuals, together with their
families as appropriate, for the reintegration
of such individuals into local communities.

“(2) Support for the establishment of [advoc-
cacy] educational efforts related to the needs
and abilities of individuals with disabilities,
including victims of civil strife and warfare.

“(D) Enhanced coordination is needed
pursuant to subsection (a) with existing pro-
grams for individuals with disabilities, in-
cluding victims of civil strife and warfare, in
foreign countries.

“(4) Support for establishment of appro-
priate entities in foreign countries to coordi-
nate programs, projects, and activities rel-
ated to assistance for individuals with dis-
abilities, including victims of civil strife and
warfare.

“(5) Support for primary, secondary, and
vocation educational and job readiness and
training programs and other activities that
help prevent war-related injuries and assist
individuals with disabilities, including vic-
tims of landmine and other war victims, with
their re-
integration into society and their ability to
make sustained social and economic
contributions to their communities.

“(c) PRIORITY.—To the maximum extent
feasible, assistance under this section shall
be provided through nongovernmental orga-
izations, through governments to establish
norms, standards, and policies related to rehabilita-
tion and issues affecting individuals with disabil-
ities, including victims of civil strife and
warfare.

“(d) FUNDING.—Amounts made available
for such fiscal year to carry out the other pro-
visions of this Act and the Support for East
European Democracy (SEED) Act of 1989 are
authorized to be made available [for such fis-
cal year] to carry out this section and are
authorized to be provided notwithstanding any other provision of law.”.

SEC. 4. RESEARCH, DISABILITY, AND ASSIST-
ANCE RELATED TO INTERNATIONAL
DISABLED AND LINEMINE AND
OTHER VICTIMS.

(a) AUTHORIZATION.

(1) IN GENERAL.—The Secretary of Health
and Human Services, acting through the Di-
rector of the Centers for Disease Control and
Prevention, is authorized—

(A) to conduct programs in foreign coun-
tries related to individuals with disabilities,
including victims of landmines and other
victims of civil strife and warfare;

(B) to provide grants to nongovernmental
organizations for the purpose of carrying out
research and training programs and other
activities related to assistance for individu-
als with disabilities, including victims of land-
mines and other victims of civil strife and
warfare;

(2) to provide technical assistance to pri-
ivate voluntary organizations on a reimburs-
able basis for appropriate assistance judicial
and other victims of civil strife and warfare in
foreign countries and landmine research and health
activities in war-afflicted countries, including promoting
increased health for individuals with
limb
loss and limb deficiency and epidemiological
research on secondary medical conditions related
to limb loss and limb deficiency.

(3) Sharing of expertise from limb-loss and
disability research centers in the United States
with similar centers and facilities in
war-afflicted countries, including promoting
increased health for individuals with
limb
loss and limb deficiency and epidemiological
research on secondary medical conditions related
to limb loss and limb deficiency.

(4) Developing a database of best practices
to address the needs of the war-related dis-
abled through comprehensive examination of
support activities related to such disability
and access to medical care and supplies.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section such sums as may be necessary for each of fiscal years 2002
through 2004.

SEC. 5. EXPERTISE OF THE DEPARTMENT OF
VETERANS AFFAIRS.

The Secretary of Veterans Affairs is au-
 thorized—

(a) to provide advice and expertise on prosthes-
etics, orthotics, physical and psycho-
logical rehabilitation and treatment, and
disability assistance to other Federal depart-
ments and agencies, including programs estab-
lished pursuant to section 135 of the Foreign
Assistance Act of 1961 (as added by section 3
of this Act) and programs established pursu-
ant to section 4 of this Act.

(b) to provide technical assistance to pri-
vate voluntary organizations on a reimburs-
able basis with respect to the planning,
delivery, operation, and evaluation of such
services.
ORDERS FOR TUESDAY
SEPTEMBER 17, 2002

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, September 17, 2002.

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

Mr. BYRD. Mr. President, by the way, that was the day in 1787 that the Constitutional Convention completed its work—September 17, 1787. What a day. What a great day for free peoples, for people who have the liberty and freedom to speak. It devised a system of government, a government of the people, by the people, and for the people—a government of separation of powers and checks and balances.

I thank those Framers for what they did on July 16, 1787, when they decided under a great compromise which provided for a Senate—a Senate where Members would represent the States with two Senators from each State so that a small State, or a large State, or medium-size State would have an equal voice in this Senate. Let us remember that as we go along.

Again, I say that day on September 17, 1787, there were 39 signers who put their names on this Constitution, including John Milton Niles, a Senator from Connecticut. And his relative sits in the chair today, Senator Dayton from Minnesota.

Let me begin again so that the Record will show it as read in its completeness and without interruption.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, September 17; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader, or his designee, and the second half of the time under the control of the Republican leader, or his designee; that at 10:30 a.m. the Senate resume consideration of H.R. 5093, the Interior Appropriations Act; that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly conferences; that at 2:15 p.m. the Senate resume consideration of H.R. 5005, homeland security; that at 4:15 p.m. the Senate resume consideration of the Interior Appropriations Act with 60 minutes of debate, equally divided between the chairman and the ranking member of the subcommittee, or their designees, prior to the vote on cloture on the Byrd amendment; further, that the live quorum with respect to the cloture motion filed today be waived; and that the cloture vote occur at 5:15 p.m., Tuesday, September 17, without further intervening action or debate.

Before the Chair puts the question, let me consider what I just said.

Mr. President, I add this request, which is my own request: That when the Senate resumes consideration of H.R. 5005, the homeland security bill, I be recognized at that point.

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

Mr. BYRD. Mr. President, I overlooked a request of the lady. I thank the fine lady who serves the Senate so well for calling this to my attention. And, for the Record, her name is Lula. Mr. President, I also ask unanimous consent that Members have until 1 p.m., Tuesday, September 17, to file first-degree amendments, notwithstanding a recess of the Senate during that time, and that second-degree amendments be filed until 4:15 p.m.

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

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, SEPTEMBER 17, 2002

Mr. BYRD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:20 p.m., adjourned until Tuesday, September 17, 2002, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 2002:

THE JUDICIARY

JOSE E. MARTINEZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

ARTHUR J. SCHWAB, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.
CONGRESSIONAL RECORD — Extensions of Remarks

EXTENSIONS OF REMARKS

SEPTEMBER IS PROSTATE CANCER AWARENESS MONTH

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to express my commitment to finding better treatments and, eventually, a cure for an all-too-quiet killer—prostate cancer. Prostate cancer is a deadly disease that affects American men. As protectors of the American family, it is crucial to inform the public of the crucial role a basic medical check-up can play in detecting this potentially deadly disease. In order to achieve this goal, our Nation’s premiere health agencies must be fully engaged and adequately funded by Congress.

Mr. Speaker, in 1998, Congress recognized that prostate cancer research was under-funded and, as a result, requested that the National Institutes of Health (NIH) submit a five-year professional judgment budget (1999–2003). The purpose of this document was to demonstrate how best to improve federal prostate cancer research efforts.

Congress received the budget plan in June of 1999. The plan promised an investment of more than $4.5 billion over five years for prostate cancer research. Unfortunately, real investment has fallen short of its projected finding commitment, and prostate cancer research has not kept pace with scientific opportunities and the proportion of the male population who are afflicted with the disease. As a result, the 107th Congress is now asking NIH to provide an updated five-year plan for the next five years.

Mr. Speaker, in addition to instructing NIH to develop a new and achievable five-year plan, Congress must insist on greater accountability to ensure all federal funds for cancer research are appropriately expended for this purpose. An investment in cancer research will not only yield dividends in lives saved but, also, in dollars and cents. Cancer already costs this country more than $150 billion annually. With the “graying” of the baby boomers, it has been estimated by THE MARCH Research Task Force that, if left unchecked, costs associated with this disease will exacerbate for over 25 years. His professionalism, commitment to sailors under his charge, and dedication to duty are truly deserving of special recognition. He is a highly dedicated man who has faithfully contributed to his community, the U.S. Naval Reserve, and the United States of America. On behalf of a grateful nation, I extend my warmest wishes of “Fair Winds and Following Seas” to CDR Bennett and congratulate him for a job extremely well done.

Mr. Speaker, please join me in honoring CDR Earl Bennett III.

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to commend the Washington Psychiatric Society, the American Psychiatric Association, and the Medical Society of the District of Columbia (MSDC) for collaborating to present “Resilience in the Face of Terror: Healing the Trauma of 9/11.” This conference, of interest to primary care, emergency and psychiatric physicians, and other health professionals will be held at the new George Washington University Hospital in Washington, D.C., on Saturday, September 14, 2002.

Resilience in the Face of Terror has several noteworthy goals and objectives: To evaluate our responses to the crisis generated by the attacks in New York, Washington, and Pennsylvania on September 11, 2001; increase our knowledge of the medical dimensions of disasters; learn about the psychological aspects of religious fanaticism and intolerance, and discuss medical, mental health, and public health lessons learned and their applications to prevention and healing of trauma.

This conference will be co-chaired by two exceptional individuals, Dr. Catherine May and Dr. Eliot Sorel, a close friend of mine. Dr. May is the president of the Washington Psychiatric Society (WPS), a practicing physician with expertise in women’s health, psychiatric and emergency medicine, and an assistant clinical professor of psychiatry and behavioral sciences, George Washington University School of Medicine and Health Sciences. Dr. Sorel is the president of the Medical Society of the District of Columbia, a practicing physician with expertise in mood disorders and psychosomatic disorders related to traumatic events, and clinical professor of psychiatry and behavioral sciences, George Washington University School of Medicine and Health Sciences. Other notable attendees include Jeffrey Akman, M.D., president-elect of WPS; Robert Bonvino, M.D., a leader in the Medical Society of the State of New York; Daniel Ein, M.D., chairman of the emergency preparedness committee of MSDC; Colonel Jeffrey Elling, M.D., Medical Director D.C. Hospitals’ Bioterrorism Preparedness; Colonel Theodore Nam, M.D., president of the Uniformed Services District Branch of the American Psychiatric Association; Jerrold Post, M.D., professor of psychiatry, Department of Psychiatry and Behavioral Sciences, and political psychology, in the Elliott School of International Affairs, George Washington University; Steven Steury, M.D., chief clinical officer for the District of Columbia Department of Mental Health; Robert Ursano, M.D., chairman, Department of Psychiatry, Uniformed Services University and Health Sciences.

All of the aforementioned individuals and all those participating in the conference deserve commendation for raising awareness of this issue so other health professionals can use the knowledge to help those most affected by the tragedy on September 11. I applaud their generosity and salute their public service.

IN HONOR OF LARRY GREENE

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 2002

Ms. HARMAN. Mr. Speaker, award winning news cameraman, Larry Greene is the latest victim in America’s ongoing fight against terrorism.

Larry was working on a special assignment in the Persian Gulf for Los Angeles based KCBS news. On Friday, September 6th, he boarded a U.S. Navy helicopter to capture...
film U.S. military personnel as they boarded a Syrian freighter suspected of carrying smuggled Iraqi oil. Minutes later, the helicopter crashed into the ocean, killing Larry and injuring four American sailors.

In his more than 25 years as an investigative journalist, Larry Gregory won more than 40 prestigious journalist awards. Among them dozens of Emmys, Golden Mikes, Press Photographer Association awards, and the prestigious Alfred 1. Dupont-Columbia University Award. Just last year, Larry was named “photo journalist of the year” by the Southern California Media Association.

In addition to his service in the Persian Gulf, Larry exhibited great bravery by taking on other extremely dangerous assignments such as the El Salvador and Armenian earthquakes, the civil unrest in Haiti, and the events in Saudi Arabia immediately following the September 11th attacks.

Larry exhibited great bravery by taking on other extremely dangerous assignments such as the El Salvador and Armenian earthquakes, the civil unrest in Haiti, and the events in Saudi Arabia immediately following the September 11th attacks.

My constituents and I will miss the work of Larry when he came to Washington during the Thrax attacks last October to interview Congressive Members and policy leaders.

I had the privilege of working with Larry for 35 years of dedicated service to INOVA Alexandria Hospital. Mrs. Hewitt has decided to retire, but her active role as a community leader in the Northern Virginia region will undoubtedly continue.

Raised in Brookline, Massachusetts, Arlene relocated to Alexandria, Virginia with her family in 1967, to join the former Alexandria Hospital, Mrs. Hewitt has decided to retire, but her active role as a community leader in the Northern Virginia region will undoubtedly continue.

In 1973, Mr. Mahoney joined the Northport Fire Department. In an illustrious career that spanned three decades, Mr. Mahoney has answered the call of his country, serving in the Korean War for two years. In his professional life, Jim Mahoney worked as an educator for 34 years, teaching in various elementary schools on Long Island.

Mr. Mahoney has also been a valuable member of my own interview committee for military academy appointments. In addition, he has been president of the Suffolk County Volunteer Firefighters Burn Center Committee; President of the Northport Running Club; Commander of Northport American Legion Post 84; and co-chairman for the Day of Remembrance following the terrorist attacks of September 2001.

Before his career as a firefighter, Mr. Mahoney answered the call of his country, serving in the Korean War for two years. In his professional life, Jim Mahoney worked as an educator for 34 years, teaching in various elementary schools on Long Island.

A TRIBUTE TO JAMES “LUCKY” HAYES

HON. BENNIE G. THOMPSON
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES
Friday, September 13, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to a man by any measure—James “Lucky” Hayes. On July 31, 2002, Mr. Hayes departed us. He was a man of many talents who wore many hats including law enforcement officer, community organizer and singer/performer with the likes of Joe Henderson and the great Joe Tex.

Lucky, as his friends called him, was a believer in Proverbs 29:2 “When the righteous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn.” Lucky worked continuously to ensure that his voice was heard in the political process by working on a number of local and statewide campaigns.

Lucky was a faithful church member. He served in the choir and on the Deacon Board. He served as a Scout Master for Boy Scouts of America, Assistant Coach for the “Chicks” T-Ball Team and a member of the Youth and Membership Committees for the 100 Black Men of Bolivar County.
Chamber Action

Routine Proceedings, pages S8583–S8625

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2934–2937, and S. Res. 327.

Measures Reported:

S. 1865, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Lower Los Angeles River and San Gabriel River watersheds in the State of California as a unit of the National Park System, with an amendment in the nature of a substitute. (S. Rept. No. 107–279)

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, with an amendment in the nature of a substitute. (S. Rept. No. 107–280)

Measures Passed:

Honoring Ernie Harwell: Senate agreed to S. Res. 327, honoring Ernie Harwell.

Federal Transit Formula Grants: Senate passed 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, clearing the measure for the President.

Foreign Disability Assistance: Senate passed S. 1777, to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, after agreeing to committee amendments.

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:

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.

Craig/Domenici Amendment No. 4518 to Amendment No. 4480, to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 to Amendment No. 4472, to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens Amendment No. 4532 to Amendment No. 4472, to provide for critical emergency supplemental appropriations.

A motion was entered to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, the cloture vote will occur on Tuesday, September 17, 2002, at 5:15 p.m.

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m. and at 4:15 p.m., on Tuesday, September 17, 2002, with a vote on the motion to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), listed above, to occur at 5:15 p.m.

A further unanimous-consent agreement was reached that relative to the cloture vote on Byrd Amendment No. 4480 (to Amendment No. 4472), it be in order to file first degree amendments until 1 p.m. on Tuesday, September 17, 2002, notwithstanding a recess of the Senate during that time, and that it be in order to file second degree amendments until 4:15 p.m. on the same day.

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:
Pending:
  Lieberman Amendment No. 4471, in the nature of a substitute.
  Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats. (By 41 yeas to 55 nays (Vote No. 214), Senate failed to table the amendment.)
  Lieberman Amendment No. 4534 (to Amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

A unanimous-consent agreement was reached providing for further consideration of the bill at 2:15 p.m., on Tuesday, September 17, 2002, where Senator Byrd be recognized.

Nominations Confirmed: Senate confirmed the following nominations:
  By unanimous vote of 92 yeas (Vote No. EX. 216), Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.
  Jose E. Martinez, of Florida, to be United States District Judge for the Southern District of Florida.

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authority for Committees to Meet:

Record Votes: One record vote was taken today. (Total—216)

Adjournment: Senate met at 9:45 a.m., and adjourned at 4:20 p.m., until 9:30 a.m., on Tuesday, September 17, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S8625).

Committee Meetings

(Committees not listed did not meet)

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Committee on Environment and Public Works: Committee concluded oversight hearings to examine the implementation of the Comprehensive Everglades Restoration Plan authorized by the Water Resources and Development Act of 2000, which is coordinating the restoration of the south Florida ecosystem among federal, state, tribal and local governments and the public, after receiving testimony from Senator Bill Nelson; R. Les Brownlee, Under Secretary of the Army and Acting Assistant Secretary of the Army for Civil Works; Thomas Gibson, Associate Administrator for Policy, Economics, and Innovation, Environmental Protection Agency; Ann R. Klee, Counselor to the Secretary, Department of the Interior; David B. Struhs, Florida Department of Environmental Protection, Tallahassee; Roman Gastesi, Office of the Miami-Dade County Manager, and Dexter Lehtinen, Miccosukee Tribe of Indians in Florida, both of Miami; Patricia A. Power, Seminole Tribe of Florida, and Shannon Estenoz, World Wildlife Fund Everglades Program, on behalf of the Everglades Coalition, both of Hollywood, Florida; and Mary Ann Gosa, Florida Farm Bureau Federation, Gainesville.
### Chamber Action

**Measures Introduced:** 2 public bills, H.R. 5383–5384; and 1 resolution, H. Con. Res. 468, were introduced.

**Reports Filed:** Reports were filed today as follows:
- Committee on Appropriations Revised Suballocation of Budget Allocations for fiscal year 2003 (H. Rept. 107–656); and
- H.R. 4793, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, amended (H. Rept. 107–657).

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker pro tempore for today.

**Ticket to Work Panel and Work Incentives Advisory Panel:** The Minority Leader appointed Ms. Frances Gracechild of California to the Ticket to Work Panel and Work Incentives Advisory Panel for a 4-year term.

**Senate Message:** Message received from the Senate today appears on page H6253.

**Referral:** S. 2513 was referred to the Committee on the Judiciary.

**Quorum Calls—Votes:** No record votes or quorum calls developed during the proceedings of the House today.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:04 a.m.

### Committee Meetings

No Committee meetings were held.

### CONGRESSIONAL PROGRAM AHEAD

**Week of September 16 through September 21, 2002**

**Senate Chamber**

On **Monday**, Senate will not be in session.

On **Tuesday**, At 10:30 a.m., and at 4:15 p.m., Senate will resume consideration of H.R. 5093, Department of the Interior Appropriations Act, with a vote on the motion to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), to occur at 5:15 p.m., and at 2:15 p.m., resume consideration of H.R. 5005, Homeland Security Act.

### Senate Committees

**Special Committee on Aging:** September 19, to hold hearings to examine disease management and coordinating care, focusing on the quality of life for Medicare patients, 9:30 a.m., SD–628.

**Committee on Agriculture, Nutrition, and Forestry:** September 17, to hold hearings to examine the implementation of the 2002 Farm Bill (P.L. 107–171), 10 a.m., SR–328A.

**Committee on Armed Services:** September 17, to hold closed hearings to examine the situation in Iraq, 9:30 a.m., S–407, Capitol.

September 19, Full Committee, to hold open and closed hearings to examine U.S. policy on Iraq, 2:30 p.m., SD–106.

**Committee on Banking, Housing, and Urban Affairs:** September 17, to hold hearings to examine financial disclosure in relation to the Tennessee Valley Authority, 10:30 a.m., SD–538.

September 18, Subcommittee on Housing and Transportation, to hold oversight hearings to examine transportation security one year after September 11, 2001, 2:30 p.m., SD–538.

**Committee on Commerce, Science, and Transportation:** September 17, Subcommittee on Aviation, to hold closed hearings to examine aviation cargo security, 10:30 a.m., SR–253.

September 19, Full Committee, business meeting to consider pending calendar business, 10 a.m., SR–253.

**Committee on Energy and Natural Resources:** September 17, to hold hearings to examine the Federal Energy Regulatory Commission’s notice of proposed rulemaking, entitled “Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design”, 9:30 a.m., SD–366.

September 18, Full Committee, to hold hearings to examine the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace, 9:30 a.m., SD–366.

September 19, Full Committee, to hold hearings to examine the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System; S. 2640 and H.R. 321, bills to provide for adequate school facilities in Yosemite National Park; S. 2776, to provide for the protection of archaeological sites in the Galisteo...
Basin in New Mexico; S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota; S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark; H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia, 2:15 p.m., SD–366.

Committee on Environment and Public Works: September 19, to hold hearings to examine progress on environmental streamlining under the Transportation Equity Act for the 21st Century (TEA–21), 9:30 a.m., SD–406.

Committee on Foreign Relations: September 19, to hold hearings to examine certain law enforcement treaties, 11 a.m., SD–419.

September 19, Full Committee, to hold hearings to examine the nominations of C. William Swank, of Ohio, Ned L. Siegel, of Florida, Diane M. Ruebling, of California, and Samuel E. Ebbesen, of the Virgin Islands, each to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Wendy Jean Chamberlin, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: September 17, Subcommittee on Public Health, to hold hearings to examine the adequacy of childhood vaccines, 2:30 p.m., SD–430.

September 19, Full Committee, to hold hearings to examine the Food and Drug Administration jurisdiction of tobacco products, 10 a.m., SD–430.

Committee on Indian Affairs: September 17, to hold hearings to examine S. 1392, to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, 10 a.m., SR–485.

September 18, Full Committee, to hold hearings to examine H.R. 2880, to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes), 10 a.m., SR–485.

Select Committee on Intelligence: September 17, to resume joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., SH–219.

Committee on the Judiciary: September 18, to hold hearings to examine pending judicial nominations, 10 a.m., SD–226.

September 19, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–226.

September 19, Subcommittee on Antitrust, Competition and Business and Consumer Rights, to hold oversight hearings to examine the enforcement of the antitrust laws, 2 p.m., SD–226.

United States Senate Caucus on International Narcotics Control: September 17, to hold hearings to examine U.S. policy in the Andean region, 10:15 a.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Agriculture, September 18, Subcommittee on General Farm Commodities and Risk Management, hearing on implementation of the Federal crop insurance programs, 1 p.m., 1300 Longworth.

Committee on Armed Services, September 18, hearing on U.S. Policy towards Iraq, 10 a.m., 2118 Rayburn.

September 19, hearing on Iraq’s Weapons of Mass Destruction Program and Technology Exports, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness and the Subcommittee on Select Education, joint hearing on Responding to the Needs of Historically Black Colleges and Universities in the 21st Century, 10 a.m., 2175 Rayburn.

Committee on Financial Services, September 17, Subcommittee on Housing and Community Opportunity, hearing on technical assistance and capacity building programs to promote housing and economic development, 2 p.m., 2128 Rayburn.


Committee on Government Reform, September 17, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on H.R. 5215, Confidential Information Protection and Statistical Efficiency Act of 2002; followed by a markup of H.R. 5215 and H.R. 1152, Human Rights Information Act, 1:30 p.m., 2154 Rayburn.

September 18, full Committee, to hold a hearing on “Continuing Oversight hearings on the National Vaccine Injury Compensation Program,” 10 a.m., 2154 Rayburn.


September 19, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on “Ecstasy and Club Drugs: A Growing Threat to the Nation’s Youth,” 1 p.m., 2203 Rayburn.

September 19, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on “Agency Implementation of the SWANCC Decision,” 10 a.m., 2154 Rayburn.

September 19, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations and the Subcommittee on Legislative and Budget Process of the Committee on Rules, joint oversight hearing “Linking Program Funding to Performance Results,” 2 p.m., 2154 Rayburn.

September 20, Subcommittee on the District of Columbia, hearing on Emergency Preparedness in the Nation’s Capital, 10 a.m., 2154 Rayburn.

Committee on International Relations, September 18, Subcommittee on Africa, hearing on the New Partnership for Africa’s Development: An African Initiative, 2 p.m., 2172 Rayburn.
September 18, Subcommittee on the Middle East and South Asia, hearing on U.S. Policy Toward Syria and H.R. 4483, Syria Accountability Act of 2002, 10:15 a.m., 2172 Rayburn.

September 19, full Committee, hearing on U.S. Policy Toward Iraq, 10:45 a.m., 2172 Rayburn.

September 19, Subcommittee on Western Hemisphere, hearing on Drug Corruption and Other Threats to Democratic Stability in Guatemala and the Dominican Republic, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, September 17, Subcommittee on the Constitution, oversight hearing on the Supreme Court’s School Choice Decision and Congress’ Authority to Enact Choice Programs, 2 p.m., 2141 Rayburn.

September 18, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on the INS’s Implementation of the Foreign Student Tracking Program, 10 a.m., 2237 Rayburn.

September 19, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 5119, Plant Breeders Equity Act of 2002, 10 a.m., 2141 Rayburn.

Committee on Resources, September 17, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on Upcoming Issues at the Twelfth Regular Meeting of the Conference of the Parties (COP12) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 2 p.m., 1324 Longworth.

Committee on Rules, September 17, to consider the following: H.R. 1701, Consumer Rental Purchase Agreement Act; a resolution expressing the Sense of the House that Congress should complete action on the Personal Responsibility, Work, and Family Promotion Act of 2002; and a resolution expressing the Sense of the House that Congress should complete action on the Permanent Death Tax Repeal of 2002, 5:30 p.m., H–313 Capitol.

Committee on Small Business, September 19, Subcommittee on Regulatory Reform and Oversight, hearing entitled “Federal Farm Program: Unintended Consequences of FAV Rules,” 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 19, Subcommittee on Highways and Transit, hearing on Comprehensive Reauthorization Proposals, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, September 19, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs medical research programs, 10 a.m., 334 Cannon.

Committee on Ways and Means, September 19, Subcommittee on Social Security and the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, joint hearing on Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves, 1 p.m., 1100 Longworth.

Joint Meetings

Conference: September 18, meeting of conferees on H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003, 2:30 p.m., S–116, Capitol.

Joint Meetings: September 17, Senate Select Committee on Intelligence, to resume joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., SH–219.
Next Meeting of the SENATE  
9:30 a.m., Tuesday, September 17 

Senate Chamber 

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of H.R. 5093, Department of the Interior and Related Agencies Appropriations Act. At 2:15 p.m., Senate will resume consideration of H.R. 5005, Homeland Security Act. At 4:15 p.m., Senate will resume consideration of H.R. 5093, Department of the Interior and Related Agencies Appropriations Act, with a vote on the motion to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), to occur at 5:15 p.m. (Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES  
12:30 p.m., Tuesday, September 17 

House Chamber 

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE  
Ackerman, Gary L., N.Y., E1578  
Cantor, Eric, Va., E1577  
Harman, Jane, Calif., E1577  
Moran, James P., Va., E1578  
Morella, Constance A., Md., E1577  
Thompson, Bennie G., Miss., E1577, E1578

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