

sacrifices—past, present, and future—that are made by our men and women in uniform and their families. We can and should do more for our veterans to ensure that they have a decent standard of living and access to adequate health care.

For those reasons, I am deeply concerned about a memorandum that was sent to Veterans Integrated Service Network Directors by Deputy Under Secretary for Health for Operations and Management Laura Miller in July ordering them to “ensure that no marketing activities to enroll new veterans occur within your networks.” The memo continued, “[i]t is important to attend veteran-focused events as part of our responsibilities, but there is a difference between providing general information and actively recruiting people into the system.”

Deputy Under Secretary Miller's memo states that the increased demand for VA health care services exceeds the VA's current resources. According to the memo, “In this environment, marketing VA services with such activities as health fairs, veteran open houses to invite new veterans to the facilities, or enrollment displays at VSO, Veteran Service Officer meetings, are inappropriate.”

While it is clear that more funding should be provided for VA health care and other programs, what is inappropriate is for the VA to institute a policy to stop making veterans aware of the health care services for which they may be eligible.

Soon after this memo was issued, I joined with the Senator from Massachusetts (Mr. KERRY) and a number of colleagues to send a letter to the President that expressed concern about the memo and asked that the policy outlined in it be reversed. As of today, Mr. President, more than two months later, we have yet to receive a reply to that letter.

I call on the President and the Secretary of Veterans Affairs to reverse immediately this unacceptable policy.

After the 108th Congress convenes next year, I plan to introduce a comprehensive package of reforms that will help to ensure that our nation's veterans are treated in a fashion that respects and recognizes the contributions that they have made to protect generations of Americans.

I am working to build on two pieces of legislation that I introduced during the 107th Congress. The National I Owe You Act, which I introduced with the Senator from Missouri [Mr. BOND], would require the VA to take more aggressive steps to make veterans aware of the benefits that are owed to them. This legislation, which was inspired by the Wisconsin Department of Veterans Affairs' “I Owe You” program, would create programs that identify eligible veterans who are not receiving benefits, notify veterans of changes in benefit programs, and encourage veterans to apply for benefits. The bill also would direct the Secretary of Veterans

Affairs to develop an outreach program that encourages veterans and dependents to apply, or to reapply, for federal benefits.

This legislation in no way duplicates the work of County Veterans Service Officers (CVSOs) in my state and other states. The work of CVSOs is indispensable for reaching out to veterans, particularly in rural areas. The I Owe You Act simply calls for the VA to develop a program that encourages veterans to apply for benefits, identify veterans who are eligible but not receiving benefits, and notify veterans of any modifications to benefit programs. The new VA policy that prohibits marketing of health programs underscores the need for legislation in this area.

In addition, I have heard from many Wisconsin veterans about the need to improve claims processing at the VA. They are justifiably angry and frustrated about the amount of time it takes for the Veterans Benefits Administration to process their claims. In some instances, veterans are waiting well over a year. Telling the men and women who served their country in the Armed Forces that they “just have to wait” is wrong and unacceptable.

In response to these concerns, I joined with the Senator from Utah (Mr. HATCH) to introduce the Veterans Benefits Administration Improvement Act, which would require the Secretary of Veterans Affairs to submit a comprehensive plan to Congress for the improvement of the processing of claims for veterans compensation and pensions. In addition, every six months afterwards, the Secretary must report to Congress about the status of the program. I remain concerned about claims processing, and will continue to work with the VA and with my colleagues to address this important issue.

I look forward to continuing to meet with veterans and their families around Wisconsin in order to hear directly from them what services they need and what gaps remain in the VA system.

And so, Mr. President, this coming Veterans Day, and throughout the year, let us continue to honor America's great veterans.

Thank you, Mr. President.

#### WORKPLACE SAFETY IN THE CHEMICAL PROCESSING INDUSTRY

Mr. WELLSTONE. Mr. President, I would like to bring to the Senate's attention a disturbing new Federal study related to chemical plant safety. This report, dated September 24th from the U.S. Chemical Safety and Hazard Investigation Board, describes the hazards of what are called reactive chemicals. These are substances that can react violently, decompose, burn or explode when managed improperly in industrial settings. Process accidents involving reactive chemicals are reported to be responsible for significant numbers of deaths and injuries and considerable property losses in U.S. industries.

The investigation by the independent, non-regulatory board points out significant deficiencies in federal safety regulations that are meant to control the dangers from chemical processes. As the result of these inadequacies, more than half of the serious accidents caused by reactive chemicals occurred in processes that were exempt from the major Federal process safety rules.

These regulations known as the OSHA Process Safety Management standard and the EPA Risk Management Program rule -were mandated in the landmark 1990 Clean Air Act Amendments. Unfortunately, OSHA chose to regulate just a small handful of reactive chemicals only 38 substances out of the many thousands of chemicals used in commerce. EPA for its part did not regulate any reactive chemicals at all.

The tragic results of these omissions now seem apparent. The Chemical Safety Board uncovered 167 serious reactive chemical incidents in the U.S. over the last 20 years. More than half of these occurred after OSHA's rules were adopted in 1992. Serious chemical explosions and fires continue to occur in states around the country. Recent fatal accidents in Texas, Georgia, Pennsylvania, and New Jersey are among those catalogued in the Chemical Safety Board's investigation.

Take the case, for example, of 45-year old Rodney Gott, a supervisor at the Phillips Chemical complex in Pasadena, Texas, outside of Houston. On numerous occasions Mr. Gott was spared as deadly accidents occurred at his plant and those nearby. On one occasion in 1989, 23 of his coworkers were killed during a chemical explosion at his plant. But eleven years later, as he worked next to a 12,000 gallon storage tank containing reactive chemical residues, he fell victim to a huge explosion. Sixty-nine of his colleagues were injured, including some who were burned almost beyond recognition. Rodney Gott never made it out.

As a result of the loophole in OSHA and EPA regulations, many industrial facilities that handle reactive chemicals are not required to follow basic good engineering and safety management practices such as hazard analysis, worker training, and maintenance of process equipment.

Frankly, this is hard to understand. These sound to me like practices that should be followed universally in the chemical industry. There should be little disagreement about the need to require these practices wherever dangerous reactive chemicals are in use.

Nonetheless, OSHA has failed to take action to improve its process safety standard. The last administration had regulation of reactive chemicals on its agenda, but did not complete work on the task before leaving office. In December 2001, the new OSHA administration inexplicably dropped rulemaking on reactive chemicals from their published regulatory agenda. I convened

an oversight hearing of the Subcommittee on Employment, Safety and Training in July of this year to examine this issue among others.

OSHA Assistant Secretary John Henshaw appeared at that hearing. While he earlier stated that reactive chemical safety is a "vital interest" of the agency, he would not commit to me any particular timetable to put this important rulemaking back on track. I am deeply concerned at OSHA's failure to issue new and revised safety standards on an efficient schedule and at the low priority this item appears to have on OSHA's agenda. As the Chemical Safety Board's compelling statistics make clear, every year of delay on this regulation will cause additional needless deaths among America's working families. And there is ever present risk of a public catastrophe.

The Chemical Safety Board has now issued strong recommendations to both OSHA and EPA to address the safety of reactive chemicals through new regulations. President Bush's new appointee to head the Board, Carolyn Merritt, endorsed both these actions. A 30-year veteran of the chemical industry, she lamented the loss of life from reactive chemicals, noting that "it is much cheaper to invest in sound safety management systems than to pay the cost of a major accident." I hope this is a view that prevails within the administration.

By statute, OSHA and EPA must respond to the Chemical Safety Board's recommendations within 180 days. I urge both Assistant Secretary Henshaw and Administrator Whitman not to wait, but to immediately accept these recommendations and begin enacting new standards. Every day without these standards is another day of peril for workers like Rodney Gott, and for the thousands of people who live and work around chemical facilities nationwide.

The Executive Summary of the Chemical Safety Board's investigation Improving Reactive Hazard Management is too lengthy to include in the record. It can be found on the Chemical Safety Board Web site: <http://www.csb.gov/info/docs/2002/ExecutiveSummary.pdf>

#### REALITY CHECK ON BALLISTIC IMAGING

Mr. CRAIG. Mr. President, the Washington, DC, area is in the midst of a terrible crisis. As we all know too well, a murderer has gunned down nine people in cold blood during the past two weeks. Two other victims, including a child, have by the grace of God survived these sick and senseless attacks. Our thoughts and prayers go out to the bereaved, even as we try to comfort and reassure our own families and communities.

I am confident that the deranged person or persons causing all this suffering will be caught. The attempt to hold this area hostage to fear and in-

timidation will fail, and law enforcement officers will bring the guilty to justice.

As investigators are running down tips and testing forensic evidence, a sudden cry has gone up in some quarters demanding the dramatic expansion of a process known as "ballistic imaging." This technology is a tool employed to assist law enforcement in the analysis of crimes committed with a firearm.

I would like to take a moment to talk about this technology and make sure all our colleagues understand its benefits and limitations. It is easy for good people in the heat and emotion of these troubled times to be swept away by apparently easy solutions to enormously complex problems, and I believe that before we begin to think about expanding ballistic imaging in the United States, we should first take stock of what we do know.

Ballistic imaging technology can be a useful tool in the investigation of crimes committed with firearms. As currently used, forensic experts are able to electronically scan into a database a shell casing recovered from a crime scene to determine if that case matches those from other crime scenes. The technology can serve as a starting point in assisting law enforcement in determining if the same firearm was involved in multiple crimes.

The Federal Government has worked for nearly 10 years on developing an imaging network. The National Integrated Ballistic Information Network, NIBIN, administered by the Bureau of Alcohol, Tobacco, and Firearms, BATF, provides Federal, State, and local law enforcement officials with critical ballistics information on crimes committed with a firearm. This system matches shell casings recovered from crime scenes to ascertain if a firearm has been used in multiple assaults. By focusing strictly on cases recovered from crime scenes, NIBIN cannot be used to build a database of firearm owners, thereby guaranteeing the security and legal rights of millions of Americans who are law-abiding gun owners.

How does it work? When a firearm is discharged, both the shell casing and the bullet traveling down the barrel of the gun are imprinted with distinctive marks. The bullet takes on marks from the barrel's rifling, and the casing is marked by the gun's breech face, firing pin and shell ejector mechanism. Some guns, such as revolvers or single-shot rifles, might not leave ejection marks. These imprints are distinctive to a firearm. A ballistic imaging program can run a casing through its database and select those that offer a close match. A final identification is made visually by a highly trained ballistic examiner. This process does not lend itself to examining bullets from a firearm. Often, bullets are severely damaged on impact. Bullets recovered are usually examined visually by experts.

It is critically important to understand that this is not "ballistic DNA"

or "ballistic fingerprinting." Unlike DNA or fingerprints that do not change over time, the unique marks that can identify a particular bullet or shell casing can change because of a number of environmental and use factors. Barrels and operating parts of firearms change with use and wear and tear over time. Moreover, a person can, within minutes, use a file to scratch marks in a barrel or breech face, or replace a firing pin, extractor, and barrel thereby giving a firearm a completely "new" ballistic identity. In other words, imaging remains a tool, but not a silver bullet, in criminal investigations.

Legitimate concerns have been raised about creating a national database that would store ballistic images from all firearms sold. We know that such a database would involve huge costs to the government, firearms manufacturers, and customers. Furthermore, it raises questions about a legal "chain of evidence," i.e., how to handle and store hundreds of millions of bullets or shell casings without exposing all such evidence to attack by defense lawyers. It could also break existing law by creating a database of law-abiding firearms owners and prove much less effective than NIBIN.

A recent study completed by the California Department of Forensic Services on creating a ballistic imaging network merely on a statewide level stated: "When applying this technology to the concept of mass sampling of manufactured firearms, a huge inventory of potential candidates will be generated for manual review. This study indicates that the number of candidate cases will be so large as to be impractical and will likely create logistic complications so great that they cannot be effectively addressed." The study pointed out that when expanding the database of spent shell casings, the system will generate so many "hits" that could be potential matches, it would not be of any use to forensic examiners. Other problems included guns making different markings on casings from different ammunition manufacturers; the shipping, handling, and storage of spent shell casings; the fact that some firearms do not leave marks that can be traced back to that particular firearm; and the requirement of highly-trained personnel for proper operation.

What about the success rate of statewide systems already in operation? Maryland introduced its own ballistic imaging system in 2000. Every new handgun that is sold in the State must be accompanied by spent shell casings for input into the imaging network. According to Maryland budget figures, approximately \$5 million has been spent on the system. According to Maryland law enforcement officials, it contains over 11,000 imaged cartridges, has been queried a total of 155 times and has not been responsible for solving any crimes. Meanwhile, in New York, there have been thousands of cartridges entered into their database