United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, OCTOBER 16, 2001 No. 139

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

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

The Psalmist reminds us: ''The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?''

Let us pray: Dear God, grant us spiritual, intellectual, and physical revitalization today. You provide boundless energy for the tense and tired. Your life force surges within us to give us enthusiasm for the work of this day and for the many challenges that we face. You lift out of our souls fear and panic, and in their place You put Your peace and power. Your love for us gives us a renewed desire to love and care for the people around us. Help us to give each other the quality of kindness and patience and encouragement that You have expressed to us. Saturate our souls with Your grace so that in spite of everything, joy might radiate on our faces and be expressed in our attitudes.

Astound us again with the magnitude of responsibility You have given to this Senate to lead this great Nation at this crucial time. Thank You for the moral and spiritual leadership You have called the Senators to provide for America. And so grant them special strength today; fill them with Your spirit so that everything that they say and do might glorify You. We count it a great blessing to be alive today and to be equipped by You to do the work of government with inspired excellence. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS 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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 16, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, there is a very important briefing now taking place downstairs, and it is the thought that the Presiding Officer and other Senators should be there. I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:04 a.m., recessed until 10:52 a.m., when called to order by the Acting President pro tempore.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the time between now and 11:30 be divided equally between the majority and minority for morning business.

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

Mr. REID. Mr. President, I suggest the absence of a quorum. I ask unanimous consent, further, that the time be equally divided between the minority and majority.

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

The clerk will call the roll.

The assistant 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 (Ms. CANTWELL). Without objection, it is so ordered.

Mr. REID. Madam President, how much time is remaining for morning business on each side?

The PRESIDING OFFICER. Four and one-half minutes on each side.

HOLDING UP APPROPRIATIONS BILLS

Mr. REID. Madam President, today is the fifth anniversary—that is, weekly anniversary—of the attacks our Nation sustained on September 11. These attacks fundamentally changed the legislative priorities of the 107th Congress. The sense of urgency which fell upon the Congress has required all of us—every Senator, all the leadership, committee chairmen—to reorder their priorities to deal with the new war-related demands. The necessary sacrifices have been for a greater cause.

In addition to the war-related measures we had to undertake, the administration, of course, is expecting us to pass all the annual spending bills necessary to keep the Government operating. Regrettably, in the past several weeks there has been a concerted effort

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

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by some to prevent us from considering these measures. In fact, there are no basic policy differences or disagreements in these measures. They are driven by a desire to increase the number of judicial nominations.

Let me say in response, the statement made yesterday by a number of people on the other side that the majority leader and I, when we were in the minority, held up legislation because of judges is simply not true. We made statements. The only time there was ever an effort, as I recall—and they talked about it yesterday—was an authorization bill, not an appropriations bill. In fact, we worked very hard to move appropriations bills. We were in the minority, but we worked very hard to have our Members take off holds on bills so we could move the appropriations bills through the process.

We did a good job. We worked with them to pass virtually every appropriations bill. Senator DASCHLE did nothing to hold up appropriations bills. In fact, he worked very hard to pass them. One of the assignments I had from Senator DASCHLE was to get rid of amendments on appropriations bills. I worked hard to do that.

Now, in an effort to get judicial confirmations, appropriations bills are being held up. I had someone tell me yesterday: We could whip right through these. When the time comes to complete these bills, we will do them quickly.

We can't do appropriations bills quickly. It is the nature of these bills that they are hard. Foreign operations is always a contentious bill. Labor-HHS is a contentious bill. Defense appropriations is a contentious bill. D.C. appropriations is difficult legislation. We are not going to be able to whip through these bills. The time we have taken in these last several days waiting on motions to proceed, using up 30 hours, is time we could have spent on appropriations.

Senator MURKOWSKI said he will come in every day and talk about ANWR and the need for an energy policy. More power to him. There is a lot of time to come and talk because we are not doing anything that is constructive in nature. If he wants us to move to an energy bill, then he should talk to the people on his side of the aisle so that we can complete these appropriations bills.

I think the President should be concerned about what is taking place. We have bent over backwards to be fair to the President. We are going to continue to be fair to the President. We are going to continue to move judicial nominations as quickly as we can. There is a hearing set this week where we are going to move five. Senator LEAHY is going to have hearings next week, even though when the majority was on the other side of the aisle, they never held confirmation hearings 2 weeks in a row. We are going to do that because we are not going to treat them the way they treated us. We are going to move these nominations as quickly as we can.

They believe it is a greater priority to move some judges than it is to do other matters now before the Senate; namely, appropriations bills.

These tactics are not simply dilatory; they are obstructionist. They demonstrated last week that they were even willing to hold up an aviation security bill. We worked our way through that timewise, but it took a lot of extra time.

Madam President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes and the Republicans have 5 additional minutes after the morning hour has terminated.

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

Mr. REID. I am wondering if we are going to be prevented from considering the Defense appropriations bill. I assume so. Are we going to be prevented from considering a Labor-HHS bill to provide funding to deal with, for example, bioterrorism threats? I assume so. The question confronting the minority is whether these tactics are worth confirmation of a few additional judges. I assume that is a decision they have made.

People of Nevada are concerned about what we are doing to fight the war. They are not concerned about judges. We are going to do everything we can to take care of these judges. Senator LEAHY has worked extremely hard. He will continue to do so. We are going to do all the judges we can.

I am concerned. When you recognize there are no major disagreements on the spending bills, we have worked with the President to get the numbers up where we can move them out of conference. On my bill, energy and water, we will have a meeting at 3 o'clock today. That will basically be wrapped up. I am wondering if they are going to allow us to do the conference reports on the appropriations bills we have completed. I have been told no.

These bills are important. The appropriators, the administration, and the budgeteers are all in agreement on the remaining bills. Holding them up hurts the country. It is not hurting the Democratic Senators; it is hurting the country.

I am sure if we asked the Attorney General whether he wanted the bill funding his ability to maintain and enlarge his efforts to combat terrorism, he would choose that over some more judges. We could ask Secretary Powell whether he would want funding to improve our embassy security and the many other things the foreign operations bill addresses. Secretary Powell is now in Pakistan. I will bet there hasn't been a single word spoken between Secretary Powell and President Musharraf about how many judges we are confirming. I bet there are a lot of questions on what we are going to do to aid India and Pakistan with the problems they have.

Would Secretary Thompson prefer a commitment for faster consideration of nominees over funding to allow him to better respond to the growing number of anthrax cases? That answer is obvious. The administration rightfully expects us to pass annual appropriations bills. The efforts by the minority to block consideration of these and other important measures are not only self-serving, they are self-defeating.

We hear daily demands for consideration of an energy bill. We should have an energy bill. I don't know how in the world we are going to have the time. We have lost 2 weeks of doing anything by their holding things up because of judges. We cannot consider energy until the other measures are disposed of, and we can't dispose of those because the minority won't allow us.

So it seems to me that we should be for this legislation. The fact that we are not moving forward with it is an answer to a question that has already been asked. We have a limited amount of time. We have a number of pieces of legislation that we must complete, and we are not going to be able to do them. We can only do so much. The committee can only do so much. We can get into all the numbers that we want. We believe we are treating them much better than we were treated.

As I said yesterday, at the time we took control of the Senate, half of the first year was gone. Not a single confirmation hearing was held and not a single confirmation was considered by the majority at that time. We have done much better. We are going to continue to do everything we can to move these judges.

I am a lawyer. I believe judges are important. I am going to do everything I can to move the nominations along. We can't do it with this hammer to our head. We are doing the best we can.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, what is our status?

The PRESIDING OFFICER. The Senate is in morning business, and 9½ minutes are remaining under the Senator's control.

WORK THE SENATE CAN ACCOMPLISH

Mr. THOMAS. Madam President, on the issue we have before us, obviously, we have many things to do. We have met this morning and we have been working on an economic stimulus package, which is very necessary and important. We also need to do the ordinary work that is always before the Congress—the appropriations.

I continue to hear all the time from the other side of the aisle that we just can't do all these things; we have too much and we can't do these things at the same time. It doesn't mean you have to give up working on the floor on issues such as appropriations. You can go ahead in a committee and do some things with the judiciary and get some of those things out here.

In my State, we happen to have four appointees, all of whom were nominated prior to the August recess. None

of them has even had hearings. That is a problem with the committee, not a problem on the floor. It is a problem with moving forward. As we move into this matter of internal terrorism, and so on, the U.S. attorneys are going to be very important, as are U.S. marshals. Do we have them? No. There is no reason we don't have to do one or the other. We can do both of them.

Frankly, the constant talk that we hear that we didn't do as many when you were in the majority is immaterial, whether that is right or wrong. The fact is, here is where we are, and we have 50-some judges waiting to be approved, with very few in. In the Tenth Circuit, we have 4 vacancies out of 12. There is no movement to do anything about that.

So I guess what I am saying is I feel badly about it as well. I would like to be moving forward, but they are not happening. We don't get any assurance from the chairman of the committee that he is going to do anything any differently. All they do is talk about what they did in the past. That is immaterial. What we ought to talk about is what we are faced with now and the fact that we need to do something about that.

Energy is something that is very important, of course. We have asked for a commitment to do something on energy. We have been working at it. I am on the Energy Committee. We have worked at it for a couple of years, getting things together, trying to get something on the floor. It is very important in terms of the United States and its economy. It has been very important in terms of us getting an energy policy out there. I know the Senator from Nevada agrees with that.

Now it is even more important when we get to where we have nearly 60 percent of our oil imported, much of it from the Middle East. We find ourselves with real difficulties in the Middle East, and it is even more important that we get it in there and have an energy policy. All we have asked for is a commitment to do that, to move forward. That is the reason things are not moving. We get no commitment as to changing the things that are not being done. I think that is where we are. It is too bad we are in a kind of controversy about it. I think getting a commitment from the leadership that we are going to be able to accomplish some of these pending things is very important.

Saying the priority is doing something for Pakistan instead of a judge, that is really not a choice. We can do both of those things. We can do both of those things, and we can move forward. I wonder how many hearings there have been this week on judges. More important, what has been brought to the floor?

I believe we can find a remedy, and I know there are meetings going on to secure that remedy. I certainly hope we can continue to find that remedy and get ourselves into a position to move forward not only with the pending legislation, but also do these things that are very important to the operation of Government.

Of course, now we find ourselves with more and more difficulties in terms of internal terrorism and the anthrax issue that is coming up. But I can tell you it is the belief among the Members of Congress that we are going to take every method of making sure we are safe and that our staffs are safe. On the other hand, we can do those things that are necessary and we can go forward with the job we have to do. I suspect we are here to complete our task.

I have suggested in the past that maybe we can set some priorities and have our priorities established, move forward with them and deal with those things that are not being done and say, yes, we are going to do it at a certain time. That is really the request. It is not going to take long to do some of these things. We need commitments and priorities and to be prepared to move forward. But as long as the issues that some of the Members are very anxious about are not dealt with, obviously there are going to be some efforts to make sure they are. That is not a unique situation, by the way. That has happened throughout the years, and it is part of the process here, unfortunately. But it is part of the process.

I mentioned yesterday the very process we are going through now was gone through last year, and all the evidence is in the CONGRESSIONAL RECORD. The very issues we objected to now were done then.

So I think we can find a solution. I look forward to seeing that solution so that we can commit ourselves to do the things that need to be done, to move forward with the other bills. We can do more than one thing at a time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I am not going to speak at great length about why we are in the position we are. I have already spoken. As I have said, Senator LEAHY has a hearing scheduled this week. He is going to have some hearings next week. The report I received recently is that we have not done any U.S. marshals because we do not have them. They have not been sent to the committee. We cannot do it.

We approved 14 U.S. attorneys last Thursday. We are moving these nominations along just as quickly as we can.

The Senator from Wyoming is absolutely right we need to do; an energy bill, but we cannot do an energy bill. We have had 2 weeks where we have done nothing. We still have five appropriations bills to handle, plus all the conferences, and they are not letting us move to them.

Sure, we can do two things on the floor at once; we agree. But they are not letting us do one thing on the floor. The leader has said that we will get to energy as soon as we can, and that means we have to get rid of all these other items first.

We are approaching Thanksgiving. We have already had two continuing resolutions. This is not the time to dillydally. We have very important things we need to do for this country, and we are in quicksand on judges. We are going to go forward the best we can and jump through all the procedural hoops they are making us jump through. I would think sometime in the near future the administration might get involved. The administration has more to lose than anyone else. This is the minority's side.

No one can criticize the Democratic majority in working with the President. We have worked hand in hand with him. He and the majority leader speak three times a day on issues relating to this country and the world. The minority is making a real mistake holding up this legislation. That is a decision they have made, and they are going to have to live with it. We are going to do the best we can, I repeat, jumping through all these hurdles.

In the process, we are going to use up 3 or 4 weeks of time that we could be doing other bills. We have a bioterrorism bill on which Senators KENNEDY and FRIST have worked. I do not know if they will let us go to it when the committee reports it out. We hope the committee can report it out as early as Thursday. In the meantime, all the other legislation is being held up.

People think we can waltz through the rest of these appropriations bills in a matter of a day or two. It has never happened, and it never will happen. These bills take a lot of time even though we agree on the numbers.

We need to do a bioterrorism bill. We have a bipartisan bill we should bring

up. We had airline safety. They would not let us bring that up.

I repeat, when it comes down to the end of this year and people are saying where is the energy bill and other bills, remember last week and this week: We have done nothing. Most of it has been procedural in nature.

We were fortunate last week to finally, getting through all the procedural hoops, get airline security passed, and with a lot of cooperation we were able to do the counterterrorism legislation, but it has been a struggle. We should be further through the appropriations process more than we are.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. Madam President, I ask unanimous consent that I be allowed to speak 10 minutes as in morning business.

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

ECONOMIC STIMULUS

Mr. THOMAS. Madam President, one of the items, of course, that is being considered and has, in fact, been considered and passed in the House is the economic stimulus—doing some things now that will encourage and get more activity in our economy.

We, of course, through the last couple of years have seen some decline in the economy, and now with the September 11 attacks, we have seen substantial change. We are faced with the challenge to do that which will have an impact—hopefully an immediate impact—on the economy.

It has been very difficult to define exactly what is best to do. We have met several times with Chairman Greenspan and Bob Rubin, the former Secretary of the Treasury, to talk about what would have the most impact on the economy in the short term. There are very many ideas out there.

Quite frankly, among professional economists there is not unanimity as to what would have the most impact. Certainly, most people agree that it needs to be a large movement. Some think it ought to be $100 billion, which is a huge amount—however, a relatively small amount of the gross national product. It is difficult to know.

This Congress has already passed $50 billion or more that has to do with defense and with repair in New York City. I question, of course, whether those expenditures will be made soon enough to have an impact on the economy and whether they, indeed, fit in as part of the economic package. I, frankly, am inclined to think they do.

Then we are faced with what should be the additional effort. It is my understanding the House-passed bill was nearly $100 billion in addition to what we spent, which is more than the President has suggested, I believe, which is $50 billion to $75 billion. We have that decision to make and, of course, what will most quickly and efficiently affect the economy. I believe we should have some parameters to decide in general what we want to do and then see how these individual items fit into it. One ought to be those things that we know will have an impact on the economy and do it in the short run.

Another is, since we are talking about shortrun remedies, we ought to be picking solutions that are not long term so we will have another opportunity after this economy has gathered some strength to take a look at them and see if they should be in place long term.

Obviously, when Members have tax issues and have been looking for a vehicle to put them on, they will be interested in putting them on a stimulus bill. We have to be careful this does not become a Christmas tree.

What do we do? There is the question of how much of this stimulus ought to be done in terms of the consumers' ability to purchase. What can we do about moving more money into the hands of consumers so they can do a redistribution of income?

On the other hand, how much of this package should be in the form of incentives for business, such as deferred taxes, or reducing the time for appreciation?

These are the issues we will have to decide. Many are interested in doing something with the corporate alternative minimum tax put in about 1985 as a reaction to some of the tax reductions that were made prior to that time, which have the effect, of course, of causing certain levels of income tax to have to be paid, regardless of whether there are tax breaks that can be taken advantage of otherwise.

So very many people in the business sector believe that could be changed. It would encourage the purchase of new equipment.

Some suggest a 5-year carryback of net operating expenses as another way to put money in the hands of business to create jobs and move forward. Accelerated appreciation is another area discussed. The House provision has a 30-percent reduction in the first year—again, to encourage businesses to invest in their equipment and in their inventory.

There are issues on foreign trade to make it more competitive for businesses. For individuals, there is talk about making tax reductions we put into place earlier this year more permanent, to not expire at a certain length of time. That has to be discussed. Capital gains reductions are quite often talked about. Some wonder if capital gains reductions will, again, have that short-term impact. Others have suggested the capital gains ought to be limited only to those purchases after September 11 to encourage purchases rather than sales. Any payroll tax deduction will provide an opportunity to put money into the hands of citizens, including those who are not paying income tax.

There are recommended vacation tax credits to get people on the move: To fly, to stay in hotels. The industry is suffering a good deal.

There are lots of opportunities. I am hopeful as we draw it up in the Finance Committee we have parameters to make sure they comply with our goals and our purpose and our motives. I think we can do that. It ought to be confined to short-term activities so we can review them again in the future. These are some of the things being discussed. They are very important.

Now we find ourselves faced with three different challenges: One is the war on terrorism; another is the economy, which has been impacted; and doing the things we do in everyday life and continue to deal with government operations. These are the challenges. I believe we will meet the challenges. We need to move forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Would the Chair explain the parliamentary matter now before the Senate?

The PRESIDING OFFICER. The Senate is now considering the motion to proceed to H.R. 2506.

Mr. REID. Potentially, if I am not mistaken, there is as much as 30 hours available under that motion to proceed; is that right, postcloture?

The PRESIDING OFFICER. We are not on a postcloture situation. There is no time limit.

Mr. REID. I say to the Chair, cloture was not invoked yesterday, so we are not bound by the 30 hours; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Unless something happens, we are on this bill forever; is that right? There is no time limit.

The PRESIDING OFFICER. We are on the motion to proceed.

Mr. REID. There is no time limit?

The PRESIDING OFFICER. That is correct.

Mr. REID. Is it possible to move to some other matter?

The PRESIDING OFFICER. Not while the motion is pending.

Mr. REID. Only by unanimous consent, is that right?

The PRESIDING OFFICER. The Senator is right.

Mr. REID. Unless the minority agrees to move to an appropriations bill or move to this appropriations bill or move to bioterrorism, it cannot be

done without their consent; is that right?

The PRESIDING OFFICER. The Senator is correct.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I say to my colleague from Nevada, as he knows, we had a cloture vote on this appropriations bill, and we did not invoke cloture. We have what is known as a filibuster—not on an appropriations bill but even on the motion to proceed to the appropriations bill.

There is a time and a place for everything. I certainly would never abridge the right of any Member of the Senate to use the rules in any manner they prescribe for themselves or their constituents. It is in my judgment rather unseemly at this moment, given what is happening in this country, for this Senate effectively to be at parade rest—standing, sitting, waiting, doing nothing. We have appropriations bills that need to come to the floor of the Senate. They have been through the Appropriations Committee, but we cannot get them to the floor of the Senate because we have people objecting.

The other side says they don't want the Senate to do its business at this point, so they object. This appropriations bill is foreign operations. It is a critically important piece of legislation dealing with issues such as the security of our Embassies. Does anyone wonder at this moment and at this time, given the security threats we face at virtually every Embassy around the world, staffed by American citizens, whether we ought to wait to pass legislation dealing with Embassy security? I don't think there is not great cause for me to wonder. Of course we should. We ought to move this appropriations bill to the floor of the Senate, debate it, and pass it.

Let me go back for a moment to describe why I believe this should not be business as usual and why I believe it is unseemly for some simply to plant themselves at this moment and say: We are not going to allow the Senate to do anything. September 11 changed a lot of things in our lives. The heinous act of mass murder by perverted people changed a lot in the lives of all of us. This attack against our country, but basically an attack against freedom, makes everyone feel less secure. We have resolved from that moment to do things differently.

One of the things that happened almost immediately following the President's speech to a joint session of Congress was a new attitude and a new spirit in the Congress. All of a sudden, those who previously had been Democrats and Republicans, conservatives and liberals, were standing during debate, proclaiming themselves so described, all of a sudden those labels were gone. There did not seem to be any longer an ''our'' side and a ''your'' side or a ''your'' side and ''my'' side. There was only in this Chamber, and only in the House of Representatives, and only between us and the President, one side. It was our side. Just our side. We were all in on the same side, determined to try to deal with these cowardly acts of terrorism.

That, regrettably, has changed some. There is now a different attitude in recent days. Folks decided we shouldn't work together, that we shouldn't do the Senate's business, that we shouldn't pass appropriations bills, that we should essentially stall and stop. It doesn't make any sense to me. It doesn't serve anybody's interests. It doesn't serve the interests of the United States, and it certainly doesn't serve the interests of the American people.

I mentioned this appropriations bill has money for the security of our embassies all around the world. Is what we really want to do at this moment to slow down this process, to say embassy security somehow is not very important, that there is no urgency here? I don't think so.

I think our job ought to be to say these are important issues for the Senate to address—not tomorrow, not next week, but now. It is not just this bill. It is especially this bill today because that is what we are talking about, the motion to proceed to this bill, but it is so many other appropriations bills and so much additional work that we and the House must do together.

Aviation security, we did that bill. Antiterrorism, we did that bill. Neither has been done in a satisfactory way by the other body. So we need to resolve those differences, and that is critically important.

But most especially the business of the Senate is to take up important issues, including this bill from the Appropriations Subcommittee on Foreign Operations, debate it, and pass it. If someone here has heartaches about what is in it, offer amendments and have votes. God bless you; you have every opportunity in the Senate to do that. The rules allow you to do that. But it is not appropriate, in my judgment, to shut this place down because someone got cranky about something else. If you are in a bad mood, find another room, but at least here on the floor of the Senate let's try to do the Senate's business.

If there was ever an opportunity and requirement to demonstrate to the American people this is a new time and new day and we are facing threats in a new way together, this is the time to do it. Let's adopt these motions to proceed, pass these bills, and provide for the security of American embassies included in this bill.

Madam President, Senator DASCHLE, the majority leader, is present. I will yield the floor and allow him to proceed.

Mr. DASCHLE. Madam President, I compliment the Senator from North Dakota for his excellent statement. I don't think I could have said it as well. But I really appreciate the passion with which he has expressed himself.

These are important bills. We are going through international crises that demand leadership, demand responsiveness, demand that these bills get done. He said it so well. I hope our colleagues have the opportunity to hear him as I just did.

The PRESIDING OFFICER. The Senator from Alabama.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Madam President, I would like to share a few thoughts with regard to the process of nominating and confirming Federal judges. We have had a problem, as I have seen it, in recent months, leaving us with an ever-growing backlog, one of the largest backlogs of judicial vacancies we have ever had. I would like to share a few thoughts about that.

One of the bases for rationalizing this apparent slowdown is the view that President Clinton's judges were not treated fairly. Many of you have heard that. I think we ought to talk about that straight up.

President Clinton nominated and got confirmed 377 Federal judges, almost exactly the number President Reagan had in his 8 years in office. They both had 8 years in office. He had one of his nominees, only one, who was voted down by this Senate. The rest we either confirmed or were pending when he left office.

When President Clinton left office, he had 41 nominees pending before this Senate, nominees who had not been acted upon. Historically, that is a low number. Under the leadership of Chairman ORRIN HATCH, the Senator from Utah, the chairman of the Judiciary Committee at that time, a Republican, he moved President Clinton's nominees effectively and gave them fair hearings, and for the most part they were promptly confirmed if they were deserving. That 41 nominees were unconfirmed is a rather low number, in my view. Really, 67 vacancies were in existence at that time in the Federal judiciary. We have over 800 Federal judges, and 60-some judges has generally been considered a normal vacancy rate. It just about takes that much time for the names to go up to the President, for him to consider them, an FBI background check to be done, to submit the nominee's name, they answer all the questionnaires we demand of them, ABA does a background check—and it just takes some time. So you seldom will be below 50 vacancies in the Federal judiciary.

However, we begin to see the numbers increase dramatically. Just a few days ago we had 110 vacancies in the Federal judiciary. Now I think it is 108 after the confirmation of the 2.

To me, this is too large a vacancy. Let me tell you why I am concerned about it. I will be frank with you about it. The reason I am concerned is that there is a sense in which this slowdown in confirmations is a part of a plan to block President Bush's nominees in an unusual and special way. Unlike anything we have seen before.

There was a report in the New York Times on April 30 of this year reporting

about the private retreat the Democratic Members of this body had. The Republicans have those retreats, too. At that retreat, Professor Laurence Tribe, who is well known, Cass Sunstein, and Marcia Greenberger discussed with the Democratic Senators their idea to develop a ''unified party strategy to combat the White House on judicial nominees.'' That was the New York Times reporting on that conference.

Professor Tribe and the others apparently advocated scrutinizing nominees more closely than ever in order to slow down the nomination process, stating that it was:

> . . . important for the Senate to change the ground rules and there was no obligation to confirm someone just because they are scholarly and erudite.

This is the same Laurence Tribe who was very active in the Bork nomination and Thomas nomination fight and actually wrote a book in 1985 titled ''God Save This Honorable Court'' in which he talked about the strategy of blocking judicial nominations.

Before we had gotten started in this process, those of us on this side had cause for concern because there was a stated policy of changing the ground rules or to block President Bush's constitutional ability to have his nominees treated fairly and confirmed, if fit and qualified.

Subsequent to that, we began to have a number of hearings in the courts subcommittee, of which I am the ranking Republican member. The first hearing dealt with a suggested change in how we ought to do nominations. The change and question was whether or not ideology should be considered in the judicial process. That has been generally rejected consistently.

Invited to testify on that panel were Cass Sunstein, Laurence Tribe, and Marcia Greenberger—surprise, surprise. Also invited to testify was Lloyd Cutler, former White House counsel to a Democratic President, and a man of great respect in the community.

In his remarks, he differed with those other professors, however, and made clear that he opposed—and quoted a commission of which he was a member—making politics and ideology a factor in the confirmation process.

If someone has an obsessive political or personal or ideological view that would keep them from being objective in analyzing facts and law, they ought not to be confirmed. But just to say that you are a liberal Democrat—as overwhelmingly the 377 judges confirmed by President Clinton were—that you are, therefore, not qualified, or if you are a conservative Republican you are not qualified to serve on the bench would be a historic change in the ground rules all right—not a change they suggested ought to be done before President Bush took office but a change they suggest only after their President left office. We have a new President. So we are concerned about this.

The first hearing was suggesting that we ought to have a higher role of politics in the judiciary. Lloyd Cutler, to his credit, and other professors who were members of that panel, also to their credit, were firmly opposed to politicizing the judiciary. It is a dangerous thing.

I was a U.S. attorney for 12 years and assistant U.S. attorney for 2. Almost 15 years of my life was spent practicing law and trying cases full time before Federal judges. I didn't always agree with them, but I will say with great conviction that they were wonderful judges—men and women of integrity and ability who did things right. If you had the law on your side, you could be expected to prevail. If you went to court and said: I have cases that say this evidence is admissible, Your Honor; I have evidence that says their document is not required to be produced in this hearing, Your Honor, and if you could show the judge that, you could almost always count on them to rule correctly according to the law, whether they were Republicans or Democrats.

This idea that somehow, if you are a liberal or a conservative, you are therefore going to allow that to affect your ability to control a courtroom and do justice to people is wrong and dangerous. And I am nervous that we would suggest to the American people that this is so. I do not believe it is.

At one of our hearings recently, when I asked Senator FRED THOMPSON from Tennessee, a skilled lawyer, if he believed in his experience as a litigator that he could expect unfairness or a difference of views on issues simply because of who appointed the judge to the bench, he said he did not. His experience as a judge was normally expected to rule correctly on the law and the facts. Certainly that has been my experience over the years.

Actually, I would add parenthetically that is one of the great reasons for our strength and health and economic prosperity as a nation. We have a rule of law. Whether you are a British corporation or a corporation from any nation in the world or a domestic corporation or an individual or a poor person or a rich person, we believe in the ideal and in the reality that person would receive equal justice under law. Indeed, those are the words chiseled and engraved into the front of the Supreme Court building across the street—''Equal Justice Under Law.'' That is the American-British—Anglo-American—legal ideal that we have adhered to effectively. Nations where that rule of law has been commonplace and followed have prospered. I have come to believe in recent years as I have gotten older that if you examine nations that are not doing well economically, that do not have freedom and the things we have, it is fundamentally because they lack a rule of law. You can't invest, you can't plan, and you can't develop a long-term goal for the future and save money today in order to expand your business tomorrow if everything is unstable, and if you have to pay off politicians and never know what the law is going to be.

We are blessed with a rich heritage of law that is so valuable that we should never see it undermined. We must protect it. The last line of the great hymn is our liberty and respect of the law. The American people respect law. We must do that. We must further that, and not create this image by a bunch of politicians in a committee room suggesting that what goes on in courtrooms throughout America is political and not based on law and fact. That would undermine public respect for law. I believe that very deeply.

I was sorry that we went off on that tack. It was a good hearing. The chairman was very fair and everybody got their say. It was probably a good thing to talk about it and get it out in the open. I don't dispute that. But I think it is important that we in this body do not suggest to the American people that politics affects the law out in the field in the courtrooms all over America because it, in my view, does not.

The second hearing we had was on the burden of proof. It was suggested in these hearings that the burden of proof is on the nominees to prove somehow that they ought to be confirmed. That would be a big change in policy. I do not know what you are supposed to do. Are you supposed to come to a judiciary hearing with 100 of your best friends? What are you supposed to do?

What we do know is that the process has served us pretty well over the years. The President of the United States gets to nominate Federal judges under the Constitution. He solicits information back from the district involved or the circuit that is involved. Names come up to the President. He evaluates them and decides whom he is going to nominate.

They do a pretty good job, frankly, of asking around, finding out if there is any trouble in the person's background, would they make a good nominee. In my view, as the years have gone by, the President has been even more intent on getting people who will be good judges than people who might be political friends or things of that nature. So that goes up.

The President tentatively selects a nominee. This is the person they would like to submit. They do their own checking around. Then they give it to the FBI, and they do an intensive, full field investigation. The agents interview anybody with whom that person has worked. They interview people who have litigated against them. They interview judges before whom they have practiced. Then they come back with an FBI report. They find out whether or not they have been arrested, whether or not they have had drug abuse problems, or any other problem they might have in their background. They will interview an ex-wife, people who may have a basis to complain, and they put that in the report.

So the President has that report. Then he decides whether or not to submit the name. And that report is available to all of us in the Senate—only the Senators—in confidential form. We can go and examine that report. If we see something we do not like, even though the President has approved that person, we can oppose a nominee on that basis. So that is the way the system works.

After the nominee hits the Senate, the Senate sends a big questionnaire to the nominee. First the President submits a big questionnaire to the nominee, and depending on the investments and the career of the nominee, the questionnaire can have hundreds of pages of responses to all these questions. Then we have another one from the Senate. That one is done. Then the ABA, the American Bar Association, goes out and does their background check. They talk to judges. They talk to lawyers. They talk to the president of the local bar association, the president of the ABA, the members of the ABA from that community. They talk to people who have litigated in intense situations with the nominee. That is an important factor. In the pit, in the depth, in the intensity of a big-time lawsuit, if the person has character flaws, they will usually show up. Most lawyers are pretty objective. They will fairly evaluate a person they have litigated against, and they will tell the ABA and the FBI what they think about them.

So then the ABA makes their recommendations as to whether or not this nominee is ''qualified'' or ''exceptionally well qualified.''

I think that is a pretty good process. So I suggest it is not wise at that point to say: Mr. Nominee, after you have done all these things, it is your burden, as we sit up here as Senators, to convince us, after the tremendous career you may have had in the practice of law—maybe you have a well-qualified rating—you have to convince us to vote for you. I do not know how you do that.

I think the record speaks for itself. Historically we have not had that as a standard. In fact, in the first 125 years of this country's existence we never even had hearings on the nominees. If something came up on a nominee that the Senate did not like, they could object, but they did not even have hearings on the nominee. I do not mind an objection to hearings; it is probably a healthy thing. The Senate should not be a rubber stamp. But also we should not put that burden on the nominee, after they have done all that, before they are confirmed.

So, Madam President, we will also have another series of hearings that are designed to intensify a basis for opposition to President Bush's nominees, all of which I think is a dangerous direction. So I say all that as a matter of background. That is not myth. That is not an unfair characterization of where we are.

There is a move, apparently, by some, to change the ground rules of confirmation. It has, apparently, already begun to infect our process.

I have some charts in the Chamber I would like to show that depict where we are in terms of vacancies in the Federal courts today.

In the 103rd Congress, there were 63 vacancies at this same time period. This was during a time when Senator BIDEN, a Democrat, chaired the Judiciary Committee.

In the 104th Congress, there were 65 vacancies during this same time period. Senator HATCH was chairman of the Judiciary Committee. There were 65 vacancies. This was during President Clinton's administration.

Then, with a Republican chairman, a Republican majority in the Senate, and a Democratic President, Chairman HATCH got the number down to 50 vacancies.

Then in the 106th Congress, the last year of President Clinton's administration, there were 67 vacancies—just about the traditional average. In fact, historically they tend to be a little higher in the last year of an administration.

But now, just a few months later, the vacancy rate has surged from 67 to 110. Perhaps it is 108 today after those confirmations, but that is an unhealthy trend. I believe President Bush and those who want to see him have a fair day for his judges have a right to be concerned in light of particularly the statements that they want to change our ground rules.

One of the things we have found, as we have looked at the process, is that the Senate, regardless of who is in the majority party, has done a good job of confirming judges who were nominated prior to August in that first year. In other words, from January through July, the President submits his nominees, as he can. It is a little difficult for him at first because he has a lot of people to appoint—he has a Cabinet to select, and new things are happening for the President in those first months—but, fundamentally, we have seen that the President has done very well with the nominees he has submitted.

President Reagan, in his first year in office, was able to get every judge he nominated, prior to August, confirmed before the Senate recessed for the year in November or December. He had 100 percent confirmed.

Former President Bush got 100 percent of his nominees confirmed during that time.

President Clinton got 93 percent confirmed. I think there was one judge who did not get confirmed who was nominated before August. This was under President Clinton and a Republican Senate—well, maybe it was a Democrat Senate at that time. They did not confirm one, but all the rest were confirmed.

But under this President, President Bush—and we are coming along to the end of this session; there are people saying we ought to be out of here in a month or less—has only gotten 18 percent of those judges confirmed.

I know there have been some things that have happened that make it a little difficult, but, frankly, I think we ought to work a little harder. We have had a change of party, and we have had an attack on America that has disrupted us in many ways. But many of these nominees, you have to understand, are highly rated by the ABA. They are highly respected by their local men and women in the bar association, and no one objects to them. They have no objections against them. Republicans and Democrats back home support them.

There is one from my district. She worked for me. She was hired as an assistant U.S. attorney under President Carter. She worked 12 years for me. Absolutely wonderful. She recently received a unanimous ''well qualified'' rating. She has no political agenda. A lot of these nominees are like that, just good lawyers, men and women of integrity and ability. They need to be moved forward. We could be a lot further along than we are today.

One of the reasons we are behind is that we are not bringing enough of these noncontroversial judges, or any of the judges, forward at hearings on nominations.

Under the heading ''judicial nominees per hearing,'' in 1998, they had 4.2 judges as the average number per hearing to be confirmed.

We have a hearing in which the judge appears and answers any questions Senators might have. Later there is a vote within the committee whether or not to confirm.

You can't have a vote in the committee until there has been a hearing to take information and question the nominee about anything anybody would like to ask. So the hearing is a critical step in getting confirmations. In 1999, it was 4.2. In 2000, it was 4.2.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. A motion to proceed to H.R. 2506.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, as the ranking member of the Foreign Operations Appropriations Subcommittee and coauthor of the bill with the Senator from Vermont, obviously, I would like to see the bill pass, and pass sometime soon. But the point this side of the aisle made yesterday afternoon is that we do need to have some cooperation in moving forward on the President's nominees for the circuit district courts across America.

An essential part of our job in the Senate is confirming these judges. The President has nominated judges to fill these vacancies at a record pace.

In fact, his first 11 nominations were sent to the Senate on May 9 of this year, more than 2 months earlier than any of the previous 3 Presidents in their first years. Of these 11, all received either the highest or second highest rating available from the American Bar Association, and all have had their paperwork complete for many months. In eight situations, there were formal judicial emergencies. Yet only three have received a hearing.

This is the situation in which we find ourselves. Looking back at recent history, looking at the first year of each of the three previous administrations, with one exception, every judge nominated before the August recess was confirmed before the end of the year.

Let me repeat that. Looking back at the last three administrations, in the first year of each of the last administrations, every judge, with one exception, nominated prior to the August recess was confirmed in the first year of those administrations.

There is simply no good reason to move so slowly. It is easy to have hearings, and when you have hearings, it is easy to have a number of different judges at that hearing. I am sure the chairman has made the point that he has had a number of hearings. The problem is we have not done any judges at the hearings. So we need to give these outstanding nominees an opportunity to have their hearings, to have their votes in the Judiciary Committee, and to have their votes on the floor of the Senate.

Part of fighting the war on terrorism is to have a judiciary that is adequately staffed. There is a very significant, a very high vacancy rate currently in the Federal judiciary across America.

This pace we have been following is just painstakingly slow and is really not necessary at all. As time passes and we do not have serious action on judicial nominees, the situation gets worse. Just today, another judge, Charles Wolle of the Southern District of Iowa, announced he has taken another status.

Another day has gone by, and we have lost another judge. The vacancy situation has now risen to 109, which is almost 13 percent of the Federal bench. That means that more than 1 out of every 10 seats is unfilled. Justice delayed, as we all know, is justice denied. And if there is not a judge on the bench, obviously you cannot get justice.

The situation is much worse than it was just a couple of years ago when our colleagues on the other side of the aisle were urging action on judges. I want my colleagues on both sides of the aisle to understand that I am not engaging in hyperbole. My conclusions are based on the specific standards articulated by our Democratic colleagues.

For example, just last year when there were only 76 vacancies—at the moment we have 109 vacancies—just last year when there were only 76 vacancies, Senator DASCHLE stated:

> Looking at those figures, one might assume we have no pressing need for Federal judges. In fact, just the opposite is true. Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as ''judicial emergencies.'' The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country.

That was March 8, 2000, at the time there were 76 vacancies, just 18 months ago. Now there are 109 vacancies and very little to no action has been taken.

Some of our colleagues have tried to shift the blame to the President for our lack of progress, but this is clearly not the case. As I indicated at the beginning of my remarks, President Bush has submitted more nominees to the Senate and at a faster pace than any President in recent memory.

Specifically, he submitted his first batch of nominees in May, a full 2 months before President Clinton submitted his first nominees. The administration has done an extraordinary job. President George Bush has gotten his nominees up here 2 months before President Clinton got his first nominee up. By the August recess, President Bush had submitted 44 judicial nominees, another record. So the President and his administration, on the issue of getting nominees vetted and up to the Senate, has clearly surpassed recent administrations.

You cannot blame our lack of progress on the change of control of the Senate and the time to get an organizing resolution because after the change in Senate control, 9 different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed.

Let's go over that again. It has been suggested that somehow the shift in control of the Senate slowed down the consideration of judges. Yet since the shift in the Senate, since the reorganizing resolution was passed, 9 different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed, and one of those committees even held a markup during the reorganization period. I am talking about the period during the discussion of reorganization.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were pending before us.

Let's take a look at that one more time. I am talking about the 3-week period when we were discussing how to reorganize the Senate. The Senate had shifted hands to the Democrats, and we had a 3-week period where we were discussing how to reorganize. During that 3-week period, 9 different Senate committees held 16 different nomination hearings for 44 different nominees prior to the reorganization discussion being completed. One of those committees even held a markup during the reorganization period.

During that 3-week period we were discussing reorganization, after the Senate shifted hands to the Democrats, what was happening at the Judiciary Committee? Absolutely nothing. It did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending before us.

The notion that nothing could be done during the period we were discussing how to reorganize the Senate certainly did not affect these other nine committees that were holding hearings and in one case even held a markup on nominees for jobs other than the judicial jobs.

It seems to me the reason for our slow progress has been a lack of efficiency. While we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most. Specifically, during the period from 1998 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year we have averaged only 1.4 judicial nominees per hearing. That is a pace that is three times as slow.

The issue of having hearings is not as significant as the question of what did you do in the hearing.

As I indicated, if you average up the number of judicial nominations dealt with per hearing, in 1998 it was 4.2 judicial nominees per hearing in the Judiciary Committee; in 1999, 4.2 judicial nominees per hearing; in the year 2000, 4.2 judicial nominees per hearing.

This year, strangely, we have only dealt with 1.4 judicial nominees per hearing. The number of hearings is interesting but not relevant to the subject of processing judges because we have had only 1.4 judges dealt with per hearing even though each of the last 3 years there were 4.2 judges per hearing. Obviously, we can do a lot better than that. It is not too late. The session is

not over. It is not too late for the Senate to act, at least on the remaining 38 judicial nominees who were submitted to the Senate before the August recess.

In the last three administrations, of the 30 judges submitted before the August recess, 23, or 77 percent, were confirmed in the fall after the August recess.

I have to quote a colleague, the chairman of the Judiciary Committee, on our ability, if we set our minds to it, to do this. Last year, when there were only 60 vacancies, Senator LEAHY said: Having begun so slowly in the first half of the year, we have much more to do before the Senate takes final action on judicial nominees this year. We misused all the time for adjournment to remedy the vacancies that have been perpetrated on the courts to the detriment of the American people and the administration of justice. That should be a top priority for the Senate the rest of the year.

This was Chairman LEAHY, last year, dealing with the very same kind of situation, which is to get our work done on judges, a year in which we were doing way more judges than we have done so far this year.

I must correct my colleague from North Dakota who earlier today said our failure to act on the foreign operations bill, which I care deeply about, is jeopardizing much needed funds for embassy security. As the ranking member on this bill, I assure my colleagues that is not the case. The money for embassy security is not in the foreign operations bill, not in this bill at all. It is in the Commerce-Justice-State bill. So nothing is being jeopardized by the failure to pass the foreign operations bill on one day versus a few later, after we reach an understanding on how to deal with the President's nominees sent up before the August recess.

In sum, all we are asking for is a specific concrete commitment to have President Bush's nominees treated in the same manner as nominees of his predecessors. Until we get such a commitment, I think it is clear from yesterday's vote it will be difficult to make progress on the appropriations bills. Let me again say, as an appropriator, as a former chairman of the foreign operations subcommittee, and now ranking member, I certainly would not argue that the bill is unimportant. It is an important bill. A long time ago, we learned how to walk and chew gum at the same time. We can do more than one thing. We can have hearings before the Judiciary Committee. We can deal with more than 1.2 judges per hearing. We can get our work done. We can get judges out of committee. We can get them voted on and pass appropriations bills at the same time.

I hope sometime in the next day or two we will be able to reach an understanding as to how to go forward on both of these important issues, the foreign operations bill and the confirmation of the President's nominees, or at least a vote on them—Senators can certainly oppose them if they choose but vote on the nominees who came up before the August recess as we have done in previous years for other Presidents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have worked with Senator DASCHLE for 20 years. I have served with him almost 20 years, or very close to 20 years. When I came to Washington, he already was a veteran legislator. Since the first time I met him until just a few minutes ago when I talked with him, he has been one of the nicest, fairest people I have ever met. As a legislator, he qualifies as being outstanding. As minority and majority leader—and I have served under a significant number of them—he is unparalleled. He has the ability to understand issues, to work with people of all different persuasions and never, ever lose his patience and always has enough time to talk to someone. I am amazed at the ability he has, as harassed as he appears, to me, to be with people wanting this and wanting that, to take time in a lengthy telephone conversation with someone who has an issue.

The only reason I am saying this, the minority doesn't understand the problem they have; that is, we have said we are going to move judicial nominations as quickly as we can. And we are. And we have. All of the cajoling and threatening they do on the other side will not get them any more judges. We are doing the very best we can.

For the whole time that Senator HATCH was chairman of the Judiciary Committee—and Senator HATCH is someone about whom I care a great deal; he comes from the neighboring State of Utah. I like him; I have no criticism of Senator HATCH. He never, during the time he was chairman of the committee, to my knowledge, held confirmation hearings 2 weeks in a row. We are going to do that. Maybe it will set some dangerous precedent where we will have judicial confirmation hearings 2 weeks in a row, but we are going do that because it is the right thing to do.

My friend, about whom I care a great deal, the Senator from Kentucky, and I have worked together on a number of issues. As stated, it will be difficult to make progress unless something happens on the judges. I don't know what they want us to do to make progress on the judges. We cannot guarantee this many or that many.

I spoke to Senator LEAHY four times today on the judicial nominations. I have spoken to his staff. He is trying to come up with people for the hearing next week, but the paperwork is not in on the vast majority of the people. He cannot do the hearings unless the paperwork is completed.

It is interesting, but you cannot do the hearings without the FBI report. You cannot do the hearings without the Justice Department reporting. You cannot do it unless all the paperwork, which is very traditional, is in. And it is not in. The fact they have sent people down here doesn't mean the paperwork is done. This isn't paperwork we invented. It is paperwork that has been traditional in trying to find out if this person should be a member of the Federal judiciary.

As my friend from Kentucky said, it is difficult to make progress. He also said: You can do two things at once. That is what we have heard today.

The Senator from Wyoming said we can do two things at once. Of course, we can do two things at once. But we are not even doing one thing. These appropriations bills are extremely important.

Mr. MCCONNELL. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. On the issue of paperwork, according to my staff, 29 of the judges have all the paperwork—29.

Mr. REID. I say to my friend from Kentucky, I don't know where you are getting this information.

Mr. MCCONNELL. As a member of the committee, it is not a secret. We are entitled to know that.

I am saying to my friend I believe the paperwork is completed, entirely completed, on 29 judges who are before the committee. A couple have had hearings.

Mr. REID. Senator LEAHY, to whom I spoke several times today, has indicated to me that the paperwork on the vast majority of the confirmations the President is seeking has not been completed. I also would say, in response to my friend from Kentucky, regarding the chart, ''Judicial Nominations Per Hearing,'' the fact is, of course, the number of judges per hearing has some merit. But also it is acknowledged that Senator LEAHY has held more hearings. So even though you do not do as many judges per hearing, if you do more hearings, it all adds up to the same thing anyway.

As I have said here on several different occasions, you can prove anything with statistics or disprove anything with statistics. The fact is, we are ready to move forward on appropriations bills—''bills'' in the plural. Senator MURKOWSKI comes to the Chamber every day saying, let's do something on an energy package. We can't. We can't until we finish the business at hand.

The continuing resolution is going to run out in a few days. Then we will need a third continuing resolution. It is 3 weeks until Thanksgiving. I hope the Senator from Alaska understands that there will be no energy bill, nor can there be, until we finish the work that we have. And the work now before us is the Foreign Operations Export Financing, and Related Programs Appropriations Act for 2002. My friend from Kentucky says it is a good bill and he supports it.

Some are saying this is not all about judges; it is about having one big appropriations bill. This is a way to stall

our individual appropriations bills and then we can have one big bill and go home. I think that would be too bad. There are specific things this administration has requested in this bill that will not happen unless it is done in this bill. It will not be done with a continuing resolution.

We have people, especially from the heartland of this country, but there are others, of course, who also care a great deal about a farm bill. We can't take up a farm bill until we finish these measures that are now before the Senate, foreign operations and the other appropriations bills.

I don't know what magic is expected. Of course, it is difficult to make progress, as my friend from Kentucky has said, when we are not allowed to go forward on any legislative matters. As I have said on a number of occasions, we have not held up judges saying we are going to hold these until we are able to move forward on appropriations bills. When there were judges last week, we reported them out. We have done that on all nominations. We have reported them out.

There was talk this morning, why haven't you done all the Federal marshals? We haven't gotten any. The Judiciary Committee doesn't have any U.S. marshals. We can't report them out if we don't have them. Why don't we do U.S. Attorneys? There may be some who know better than I, but we have never seen a slower process in sending down U.S. Attorneys. Last week we reported 14 of those we have. We reported out 14 attorneys. I am sure they have all taken their oaths of office by now.

We are going to move forward as rapidly as we can on judicial nominations. If the minority doesn't want us to do the appropriations bills, then that is something they can do procedurally. They can stop us. They can bar us from doing that. But in the process, the important work of the Senate will not get done.

No matter what happens with the minority, we are going to move forward in good faith and get as many judges, U.S. Attorneys, and U.S. marshals as we can. Whatever they decide to do on the other side is not going to change the number of judges we are going to do. We are going to do the very best we can because we also believe it is important to the country to have a full staff of U.S. marshals, full staff of U.S. Attorneys, and a full Federal judiciary as quickly as we can.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I say to my friend from Nevada, the dispute is not about U.S. Attorneys or U.S. marshals. That is not why all the Republicans voted against cloture on the motion to proceed to the foreign operations bill yesterday. It is about the judicial nominations.

Mr. REID. Let me ask one question.

Mr. MCCONNELL. I yield for a question.

Mr. REID. I didn't bring up the number of U.S. marshals and U.S. Attorneys; various members of the minority brought this up as a form of criticism. And I am glad that is not a criticism because on those there really is no dispute; we are doing the very best we can.

Mr. MCCONNELL. Even on U.S. Attorneys, there are a number before the committee—I don't have the number before me—that have not been acted upon.

The concern of the Republican conference, I assure my friend from Nevada and Members of the Senate, is not about U.S. Attorneys and about U.S. marshals. As we all know, those offices have a number of professional civil servants. In the U.S. Marshal Service and the Assistant U.S. Attorneys, typically when there is a U.S. Attorney vacancy, there is an acting U.S. Attorney. They are able to function. But a judge who isn't there can't rule. When you have a judicial vacancy, you have a vacancy. There isn't such a thing as an assistant judge, a civil servant who can sit in cases and make rulings. The U.S. Attorneys offices are functioning. The U.S. Marshal Service is functioning. Absent judicial seats do not function.

With regard to whether or not all the paperwork is in, I say to my friend from Nevada, I do now recall that the chairman has prepared a new questionnaire that he has sent out, I am told, over the last couple of weeks. Since there is a brandnew questionnaire that just went out in the last couple of weeks, it could be some of those are not in. But until the last 2 weeks, the understanding of the committee was that the completion of the ABA report completed a file. That has happened with 29 of district and circuit judges who are ready to be acted upon. It is time to move.

I see my friend and colleague from Arizona is here. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wanted to make a couple of comments and then I know the Senator from Iowa wants to speak to a subject which is very, very important: U.S. relations with Pakistan. I am anxious he have that opportunity so I will be very brief.

One of the things the Senator will say is that Pakistan has really stuck its neck out in support of the United States position in this war against terrorism. Pakistan is in a very dangerous neighborhood, and the United States has to do everything we can to support Pakistan in its time of need.

Almost all of us in this body, and certainly the administration, agree with that proposition. So we are going to have to do everything we can to assist them. By the way, there are some things in the appropriations bill that will be before us, hopefully relatively soon, that will assist in this regard as well. In the meantime, there are a lot of other things we can be doing to assist Pakistan.

In response to what has been said here with respect to the motion to proceed on the Foreign Operations bill, Senator MCCONNELL is absolutely right about the delay that has been occurring in the consideration of judges. As he has said, he is the ranking member of this appropriations subcommittee and has chaired the subcommittee for the last several years. While it is important to get the foreign ops appropriations bill before us, the fact is we are going to have a foreign ops appropriations bill. We have a supplemental that covers the situation until then, so there is not a single day that goes by that we are not providing the money that is called for under this legislation. So this is not about holding up the Senate's business or holding up the Foreign Operations Appropriations Bill. All of that is going to be done. That is not the issue before us.

The issue before us is occasioned by the fact that there were some who said we are so busy we just can't get to these nominations. My response is: Fine, we will just call a time out until we can catch up with some of the nominations. In each of the three preceding administrations—the Reagan administration, 8 years' worth; the Bush administration, 4 years; and 8 years of President Clinton—in their first year every single one of the nominees that had been sent to the Senate by the August recess were confirmed by the end of the year with only one exception. Yet it is going to be virtually impossible for that to occur now. There were 44 nominees sent up by President Bush before the August recess. We have confirmed eight. That leaves 36. At the pace the Judiciary Committee, of which I am a member, is holding hearings, we are not going to be able to complete work on even half of those nominees.

Part of the reason we have tried to focus attention on this matter is to say we have to get to work in the Judiciary Committee. We have to have the Judiciary Committee hold hearings, approve the nominees for consideration by the floor so all of us can then consider the nominees. They are going to be approved on the floor. I doubt very many, if any, are going to be disapproved. But certainly, in any event, whether you like the nominee or not, the argument has been made for years that they at least deserve a vote, and I think all of us would agree with that. So we have to do something to take up consideration on these nominees. Time is short. We have only another 4 or 5 or 6 weeks to go in this session.

If we don't get to work here pretty soon, we are not going to be able to confirm the same percentage of judges that have been confirmed in prior administrations.

There have been two parliamentary or rhetorical tacks taken by those on the other side of the aisle. One is the red herring, the President hasn't sent

up very many nominees for U.S. marshals. That has nothing to do with the fact that a whole lot of nominees are pending for judge. I daresay, as important as the marshals are, the judges are more important. We have got to get them confirmed.

Then there was the comment that the President could send up a lot more U.S. attorney nominations than he has. Again, it is a red herring. He could. We will confirm them, too. They are also important.

But let's get back to the judges. In other words, let's stop trying to change the subject. President Bush has nominated more candidates for judgeship at this point in his Presidency than any of the past three Presidents.

With respect to nominees to the court, the President has done his job. Granted, he got a bit of a late start because his term as President got a bit of a late start because of all of the business following the election results. But, once he got started, he named nominees at a faster pace than his three predecessors.

That is what is pending before us—60 nominations with only 8 confirmed. We are saying that all of those ought to be considered by the Senate and by the Judiciary Committee. But, at a minimum, those nominated prior to the August recess should be considered by the full Senate.

Mr. McCONNELL. Mr. President, if the Senator will yield, the Senator is right on the mark. It is not too late to do the right thing, which is one of the points we are trying to make to the Senate and to the country. In those first years of those three administrations to which the Senator made reference—and I have talked about others—77 percent of those confirmed were confirmed after the August recess, which means it is not too late.

The idea some on the other side of the aisle may be thinking—that we can't possibly replicate the standard here—is not true. It can be done. We simply need to have hearings and have more than 1.4 judges heard per hearing. Hearings don't mean a whole lot if you are not having judges before the committee.

I commend the Senator and echo his thoughts. It is not too late to do the right thing. That is what we are saying.

Mr. KYL. Exactly. At the rate of 1.4 judges per hearing, there is no way we will be able to have enough judge nominations that can come to the Senate floor for confirmation before we adjourn for the year. That is why we have to not only have more hearings but we have to have more judges at each hearing.

Basically, there are a couple of dozen, or more, of these pending 36 that haven't had hearings. That means that even if you have one hearing per week rather than one per month, and you have maybe five candidates per hearing, you are just barely going to be able to have enough hearings to get the candidates voted on and get them to the Senate floor in order for us to be able to confirm them before year's end.

While it is true that it is not too late, it will be too late if we don't get a commitment right away to have the Judiciary Committee hold hearings for the candidates and have business meetings at which the committee can then vote on them, and then have the ability for the full Senate to take up the nomination.

To further validate what the Senator from Kentucky just said, the fact is that in almost every case in the past several years the nominees are voted on as a bloc by voice at the end of the day, or by a unanimous consent. In other words, the majority leader will usually stand up and say: I ask unanimous consent that we now go to Executive Calendar number such-and-such and consider the following 14 candidates for judge. The clerk reads the names. Is there any objection? Without objection, it is so ordered. It is done. That is all the time it takes.

It is true that the chairman of the Judiciary Committee since June has insisted on rollcall votes on the Senate floor. That is fine, too. That takes 20 minutes per judge. We can do that. We can have debate before that. No problem. We are saying that we now have an opportunity do to that; let's do it.

I want to make the point that you can try to change the subject if you want, but you can't deny that we are not moving as rapidly as possible. For anybody to stand here and say we are moving as rapidly as possible runs counter to the facts. We could be holding hearings. We are not. We could be voting to approve those who have had hearings. We are not. We could bring those people to the floor for a vote. We are not doing that. It is simply incorrect to say we are moving as fast as we can or that we are doing as much as we can.

Unless somebody brings all of this to the attention of the American people and also the other people in the body, this matter simply slides until it becomes too late to consider those candidates.

We should not be using the horrific events of September 11 and the business we have had since as an excuse not to take action on a matter. In fact, one can make the argument that it is more important than ever that we fill these important positions. That is simply the point I wanted to make.

But I want to defer now to the Senator from Iowa who I know has an important point to make about this war on terrorism and the position of the United States in supporting one of our allies, in particular the country of Pakistan, something that is very important for us to do. In advance, I applaud his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

THE NATIONAL AGENDA

Mr. NELSON of Florida. Mr. President, we are in times when it seems we ought to be doing what is on the top of the national agenda. Meeting this terrorist threat, providing the resources to our military, and providing the humanitarian assistance in our efforts in Afghanistan clearly should be at the top of the agenda.

In meeting the national economic condition we have seen as a result of the airlines having the difficulty of getting their passengers back, it took us 3½ weeks to get the aviation and airline security bill passed in this body. When it finally passed last Thursday, it was on a unanimous vote. But it was filibustered. We had to go through all the motions of breaking the filibuster to finally get it to where we would get a unanimous vote because different people had different agendas.

So, too, we find ourselves now with the foreign operations appropriations bill being held off and last night having the motion for cloture defeated. We couldn't get 60 votes so that we could proceed on this very important appropriations bill that directly affects what we are doing on the other side of planet Earth at this moment. We simply must move swiftly to conduct the business of the American people.

There is no more urgent pending business than this foreign operations bill that we are simply trying to get to, but we keep being held up in the Senate. This foreign operations bill gives the administration and Secretary of State Powell the resources and tools needed to build the international coalitions that are so necessary in fighting this war on terrorism. It is clearly necessary for us to be able to successfully conduct the operations of Enduring Freedom.

Specifically, this bill provides funding for the important international initiatives vital to conduct U.S. foreign policy.

If this foreign operations bill does all of that, why are we having the difficulty of getting to it? Why can't we have our debates where there might be disagreement on something other than a bill that is so important to the national agenda and supporting our men and women in uniform over in the central Asian region of the world?

Let me talk about something else that this bill does. It provides $5 million for Afghan refugees.

Why is that important? It is important because we have a major two-pronged effort in Central Asia. We have the military effort, and we have the humanitarian effort. We are dropping food. We want to be able to win the hearts and minds of those people. We want to take the example of what has happened in North Korea, a communist dictatorship, where we have sent bags of food that the people of North Korea know have come from the United States because the bags say, in the native language, ''This is a gift from the people of the United States of America,'' and those people know it. Because of their starvation, those North Koreans are very appreciative.

Do you know what they do with those bags, those sacks after, in fact, they have eaten the food? They use that material from the sacks for clothes, for suitcases, for anything that human ingenuity can think of to use those sacks. They recognize that the food has come from the United States because it says, in their language, ''This is a gift from the United States of America.'' So we have been very successful in doing that.

So we ought to take the model of what we have done so successfully in our humanitarian aid in North Korea and apply it in Afghanistan. Secretary Powell came over to discuss a lot of these matters with the Foreign Relations Committee and this matter was brought up to him. He thought that was an excellent idea. But part of it depends on us passing this bill, this appropriations bill, which has $255 million for Afghan refugees. And we cannot even get this bill up because yesterday we only got some 50 votes to break this filibuster so we could get this bill to the floor.

So here we are, still debating the motion to proceed. It is inconceivable to me, with what is at stake for this country and the interests of this country over in that part of the world near Afghanistan, that we have people who are delaying this legislation coming to a swift passage.

Let me give you some additional items in this bill. There is $326 million in this appropriations bill for nonproliferation, antiterrorism, demining, and related programs. One of the big problems is, even from the old days of the Afghan war with the former Soviet Union, there are so many mines that for our troops, once they are in there, or for nongovernmental companies going in to distribute food, there is the risk of detonation. We need to be in there demining.

This foreign operations appropriations bill provides money for that. Why can't we get on with passing this legislation instead of it being derailed by a filibuster?

This bill also includes $4 million for a terrorist interdiction program designed to enhance border security overseas to reduce terrorism. It also includes $38 million for the antiterrorism assistance program to support training and emergency and first responder training.

Additionally, the bill provides important bilateral assistance to nations that are so important to both the Middle East peace process as well as fighting terrorism. It provides foreign assistance of $2.7 billion to Israel, almost $2 billion to Egypt, and $228 million to Jordan. Need I remind you how important the King of Jordan and his government are to us as we knit together a coalition of Arab and Muslim nations to assist us in this war on terrorism. Yet we have people who are delaying this legislation for their own agenda. Their own agenda may be important to them, but is it as important to us in America as the war against terrorism?

Let me suggest some other things this legislation says. It provides assistance for the independent states of the former Soviet Union—now get this—the Ukraine, Armenia, Georgia; former states of the former Soviet Union, now independent states that are absolutely critical as we knit together the coalition in this war against terrorism. U.S. support and assistance in these nations are needed now, and it is in our national security interests. Yet the legislation is being delayed. It is being filibustered in this Chamber.

There are also other items in this legislation. We must keep the focus on the Andean region. This bill provides $718 million for the Andean regional initiative, which includes $147 million for humanitarian and development programs. This Andean initiative is a part of a balanced effort aimed at eradicating coca crops, supporting interdiction efforts, and strengthening the rule of law in those conflict-plagued regions of the world. This is critical to the U.S. focus on Latin America where democracy itself is being threatened. That is a very high priority in the agenda of protecting the interests of the United States. But we have people filibustering this bill, not allowing it to go forward.

I daresay when it passes, it will probably pass almost unanimously, if we can ever get it to a vote. Yet we have people dragging their feet for their own specific agenda purposes.

I will give you more examples. This legislation that is being held up right now provides funding recommendations for conflict resolution in the Middle East and the Balkans. It provides funding for conflict resolution in the War Crimes Tribunals in Yugoslavia, Rwanda, and Sierra Leone, and it provides funding for regional democracy programs in Asia. Yet the legislation is being held up.

So I urge our colleagues to put aside their differences and stand up for what is in the interests of the United States at this particularly critical time in our country. I ask all our colleagues to join in the spirit of bipartisanship we have had over the course of the last several weeks in sending a strong statement to the American people and to those around the world who would wish ill upon the United States. Let's send that strong message that we will move forward with a policy that is important to freedom, democracy, and American values, despite the efforts of those in the world who would try to undercut all things we hold so dear in this country.

I plead with our colleagues, it is not in their interest to delay and to obfuscate, to use tactics of filibustering an appropriations bill that is so important to the national security interests of this country.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished Senator from Iowa.

PAKISTAN

Mr. HARKIN. Madam President, I take the floor to talk about our relationship with one of the longest, strongest allies we have ever had in this world and why I think it is so important for us at this point in time to recognize that and to move more aggressively towards reestablishing the kind of connections and ties and mutual support we have had with the nation of Pakistan in the past.

Following the attacks of September 11, all eyes turned to South Asia and particularly to Afghanistan. Just as quickly, we began to look for allies in that region of the world. As has always been the case, the United States found a steadfast ally in Pakistan. Through thick and thin, we have never had a better ally in that region of the world and, in fact, in almost the entire world, but we have often failed to recognize this fact.

Let's look at the record. Our close relationship with Pakistan began when that State was born in 1947 with the partition from India. At that time, we watched as the world began to divide into two camps—one led by the United States and the free world and democracies, and the other by the Soviet Union and the Communists. The temptation for the Pakistanis to stay neutral at best or to be opportunistic and go with the Soviet Union, since it was so close to the borders of the Soviet states at that time, was enormous. But when Pakistan's first prime minister, Liaquat Ali Kahn, chose to undertake his first foreign travel out of Pakistan—this is the first prime minister of a newly formed country, very close to the Soviet Union, right on the border of Communist China—he took his first trip to the United States. In a speech to Members of the U.S. Congress at that time, Prime Minister Liaquat Ali Kahn proclaimed:

> No threat or persuasion, no material peril or ideological allurement could deflect Pakistan from its chosen path of free democracy.

Imagine that. This was in 1947. Since those days, Pakistan has stood with the United States time and time again. In 1950, Pakistan declared its unqualified support for our position in the Korean conflict. Keep in mind, Pakistan shares a border with Communist China. They sent troops to fight alongside us in Korea, barely 3 years after Pakistan became a nation.

Soon after that, Pakistan joined CENTO and SEATO, the Southeast Treaty Organization, supporting the U.S. in the long struggle to contain communism. In 1959, the U.S. and Pakistan signed the mutual defense treaty, which, by the way, is still in effect today. One year after that, Pakistan allowed the United States to set up bases in their country to conduct U–2 flights over the Soviet Union.

As those who are at least my age may recall, the U–2 flight of Francis Gary Powers, which we remember was the U–2 shot down by a missile in the Soviet Union, originated in the Pakistani city of Peshawar, which we read

so much about today since it is right on the border of Pakistan. After that U–2 flight was downed in the Soviet Union, Nikita Khruschev, in one of his more infamous, belligerent speeches, threatened to ''wipe Peshawar off the face of the earth'' because they had allowed our U–2 flights to originate there.

Despite its relative proximity to the Soviet Union and the immediate threat it posed, Pakistan continued to stand with America. The threat crept even closer as the Soviets invaded Afghanistan. From the onset of that invasion in 1979 until the Soviet withdrawal in 1989, Pakistan cooperated fully with the United States to roll back the Soviet threat. It became the staging area for our work with the rebel forces in Afghanistan to throw back the Soviets.

Probably a little known fact: In every conflict the United States has fought since Korea, Pakistan has sent troops to fight alongside us every single time. They even sent troops to help us in Haiti, of all places. They sent troops to fight alongside us in the Gulf War.

In the United Nations—check the record on this—Pakistan was one of our strongest allies in voting with us. Their neighbor to the east was voting more often with the Soviet Union, but Pakistan was one of the best votes we had to support the United States in all these years in the United Nations.

Pakistan has also repeatedly taken courageous actions against terrorism in recent years. We may remember when the two CIA employees were shot and killed right in our own backyard. Pakistani authorities arrested and turned over several suspected terrorists, including Mr. Mir Aimal Kasi who was convicted of killing the two CIA employees. Pakistan picked him up, gave him over to our authorities so we could bring him here, try him, and convict him of those killings.

They turned over Ramzi Ahmed Yousef, convicted for his role in the 1993 World Trade Center bombing. Pakistan turned him over to us.

In 1998, they detained Mohammed Sadiq Howaida, involved with the bombing of the U.S. Embassy in Kenya. Time and time and time again, when we wanted the terrorists turned over, Pakistan not only helped us hunt them down, but arrested them and then turned them over to us.

Since the dark day of September 11, when we turned to Pakistan once again in our time of great need, most Pakistanis and their government are bravely standing with us at substantial risk to themselves. I believe history will record this as one of Pakistan's finest hours. I hope the courageous support in the war against terrorism will now open a new era of unparalleled bilateral collaborations between our two great nations.

Yes, we must continue to encourage Pakistan, as well as India, to pursue sound nuclear policies and to sign the comprehensive test ban treaty. I believe that will come with continued, positive engagement. It will come as Pakistanis see their role as a critical U.S. ally in the region and as they are more fully recognized as a great leader, especially among the Muslim nations of the world.

Madam President, Pakistan now faces its gravest crisis since the 1971 war with India, especially given its ethnic and religious makeup. Nevertheless, the Government of Pakistan has been remarkably forthcoming in its willingness to help the U.S. prosecute the war against the terrorists who perpetrated the recent horrific attacks in our country and their sponsors.

President Musharraf has pledged to give the Americans just about everything they want.

Now, that is just about as strong as what we heard from Prime Minister Blair in England. Yet this is from the President of a country in which there are elements—large elements—who support the Taliban and, quite frankly, do not support what the United States is doing. So President Musharraf has courageously stepped forward to help our country once again. We asked for an expanded information exchange between the United States and Pakistani intelligence services. They have given that to us. We asked for permission to use their air space for military purposes. They have given it to us. We asked for logistical support for any U.S. military operations to be launched from Pakistani territory. They have given us that commitment also.

In short, in standing up to terrorism, no government—no government—has been more responsive to U.S. requests since September 11, and no government is assuming greater risk to itself than the Government of Pakistan.

The Bush administration is already moving on several fronts to solidify our short-term and long-term cooperation with the Government of Pakistan and to show our deep appreciation for the Pakistanis' strong support for the U.S.-led coalition that is now embarked on ridding the world of the scourge of terrorism. The remaining sanctions on Pakistan are in the process of being lifted. I compliment President Bush and his administration for beginning that process. Debt relief is being hammered out. U.S.-Pakistani military cooperation is quickly being restored—at least I hope so.

The Senator from Arizona and I were just discussing this issue on the floor. The Senator from Arizona, Mr. KYL, was recently in Pakistan, I believe, toward the end of August and had several meetings with the military and with the President. We were discussing this issue.

My friend, the Senator from Arizona, heard there are a lot of people in the Pakistani military—many of whom are retiring or getting ready to retire—who trained with or worked with our military who feel a close kinship with our military. Yet because we have cut off this military-to-military engagement over the last 20-some years, if I am not mistaken—pretty darn close to 20 years—we have a whole new generation of young military officers who have come in who have no connection with the United States.

In many cases, they have come from areas of Pakistan where the forces maybe are not too supportive of the United States, and may be closer to the Taliban, have more sway.

So I am hopeful that the President and the Congress will give him whatever authority he needs to allow our military, once again, to engage in military-to-military cooperation with the Pakistani military to make sure that we can bring Pakistani military officers over here for training and for the kind of intermilitary kind of cooperation that I believe will help build a more lasting and strong friendship between our two peoples.

Mr. KYL. Will the Senator yield for a moment?

Mr. HARKIN. Yes, I am happy to.

Mr. KYL. I commend the Senator for the points he is making. I will add one other point, which he hasn't mentioned yet, but I am sure he was probably getting ready. Pakistan has not been the same kind of democracy as the United States. The military of that country has pretty well controlled its nuclear armaments and forces, rather than being under civilian control. That is the way it is in Pakistan, and I know it to be important for the United States to know where the Pakistani military is coming from.

As long as they have great relations with the United States, which the Senator from Iowa was referring to, I don't think we have too much concern that Pakistan's nuclear weaponry would fall into the wrong hands. If this younger officer corps, which is not as closely aligned with the West and the United States, were to become dominant in their military, and if the influence of the Taliban should continue to increase in Pakistan, I would think the United States would have great concern about who is controlling the nuclear weapons in Pakistan. That is another very important reason to support what the Senator is talking about right now.

Mr. HARKIN. I thank my friend and colleague from Arizona for elaborating. That is a concern, and should be a concern, to all of us. Pakistan is a nuclear power. We want to make sure the control of those nuclear arms is in responsible hands and in the hands of a military that is closer to us.

Again, we have tried over the years to reestablish our military training programs with Pakistan. I hope we can get that back on course. I remember when Pakistan, in good faith, purchased a number of F–16s from the United States. They paid for them, and then the United States reneged. I am not going to get into all those issues. Let me put it this way. There was a contractual relationship and the United States reneged on it. The F–16s

never went. We kept their money and their planes for several years.

Finally, the Clinton administration made good on the money in a sort of roundabout way. I often think today, with what we are doing in going after the terrorists and their sponsors in Afghanistan, would it not be nice to know that the Pakistani Air Force had those F–16s—the kind of planes that we fly—and maybe they would have had that close relationship to us. Yet after they purchased and paid for them, we would not let them have them and we kept their money for several years. It was one of the darkest times in our relationship with Pakistan. I remember it well.

Several of us here, including myself, Senator BROWNBACK from Kansas, and others, had worked long and hard to get that straightened out. Anyway, all of these steps—the debt relief, the sanctions being lifted, the restoration of the military cooperation, all of which I support—we need to do sooner rather than later. But still more needs to be done. We should use our voice and our vote in the IMF, the World Bank, and other international financial institutions, to help Pakistan secure new loans on more favorable terms for its beleaguered economy. We should also provide much more than the $100 million in assistance that President Bush has recently pledged to assist Pakistan with the rising flood of Afghan refugees.

That is another thing I found when I visited Pakistan. There were over 1.5 million Afghan refugees in Pakistan. They are left over from the Afghan war against the Soviets. These Afghans, for the most part, are living in refugee camps, poorly educated, poorly fed, and poorly housed. Pakistan did everything we asked them to do in prosecuting this proxy war against the Soviet Union in Afghanistan. Yet they have all these Afghan refugees there. Now more are coming across the border.

Madam President, it was said to me a long time ago, before anybody ever heard of Osama bin Laden that these Afghan refugee camps are a breeding ground for the terrorists, a breeding ground now I know for Osama bin Laden and others. Pakistan needs help with these Afghan refugees. It is something we should have done a long time ago.

Most important, now is the time for the United States to forge a new strategic partnership with Pakistan, while at the same time not giving up our ties with India. I do not believe it is one or the other. I am not saying we have to become friendly just with Pakistan and cut off India. I am not saying that at all. I know India and Pakistan have fought several wars in the past. I understand that. I believe we can maintain our ties with India and, at the same time, build a new strategic partnership with Pakistan.

This new United States-Pakistani strategic partnership should be built upon three principal shared interests.

First, the United States must commit to supporting a stable democratic Pakistan with a growing economy and at peace. With our support, Pakistan could serve as a model to many of the newly independent, mostly Muslim, countries of west and central Asia. Muslims could begin to see the United States as a willing economic partner in the Islamic world. That has not been the case for far too long.

I am encouraged by the recent visit of Secretary Powell. As I read in the newspaper this morning, Secretary Powell and President Musharraf had discussed several items, one of which I noted with interest was educational assistance to Pakistan.

During a visit to Pakistan, the then-President and Prime Minister and the head of education in Pakistan all met with me to tell me how bad the educational system was in Pakistan. They had all these phantom schools where people were being paid but no one was teaching anything. The structure of education had totally broken down in Pakistan.

They knew I was on the Education Committee and the appropriations subcommittee for education, that it is a big interest of mine. They quite forthrightly asked if we could help them with educational assistance in Pakistan. So I came back and had a personal conversation with President Clinton, sort of debriefed him on my trip to Pakistan. I talked to him about this very point.

I then called up my good friend Secretary of Education Dick Riley, and I talked to him about this. I said: The President is getting ready to take a trip to Pakistan and India in a couple of months. I would like to arrange for you, Mr. Secretary, to go with him to meet with people in Pakistan to begin to set up a structure whereby the United States could be involved with Pakistan in helping rearrange, restructure, and help build up their educational system in Pakistan.

Everything was a green light. Secretary Riley was going to go with the President. The meetings were going to be set up in Pakistan. I thought this was going to signal a whole new era in our relationship with Pakistan. Then we know what happened. India, I thought in a very unwise and provocative maneuver, started exploding underground nuclear weapons again. In response to that, Pakistan exploded underground nuclear weapons. The President's trip was called off. A few months later, there was a military coup in Pakistan, a military government took over. That trip occurred later, but only in its barest form.

That was a missed opportunity to establish, again, a new relationship with Pakistan. I am very encouraged that the present Government of Pakistan under President Musharraf has at least spoken with Secretary Powell about educational assistance. I will do whatever I can to help the Secretary of State and President Bush in whatever way to help provide that assistance.

For too long, Pakistan has seen us as an ally who was there when it was in our interest and, when it was not in our immediate interest, we were gone. It was sort of, the United States uses us, they abuse us, and then they lose us. It is time to change that, and we must change that.

It is true that Pakistan over its lifetime has had about half democratic governments and half military governments. In large part, that is because we have not paid attention, that we have not been as involved in helping establish and maintain the democratic structures in Pakistan that are truly responsive to the wishes of the people of Pakistan. Now is the time to reestablish that.

I said there are three principal shared interests: First, supporting a stable democratic Pakistan with a growing economy and at peace. Second, we share an interest in containing and reversing the nuclear arms race and missile technology proliferation in South Asia. An arms race may be good business for the arms dealers, but it is bad for the economic and social development of that entire region.

Unless and until the issue of Kashmir is settled, or at least until we have such time that Kashmir becomes a negotiating issue between Pakistan and India, we are going to have trouble in South Asia. It is time for our ally India to recognize that it can no longer ignore this, it can no longer take the posture that there is nothing to negotiate, and it is time for the United States, I believe, to be involved as an honest broker, as a third party broker in bringing India and Pakistan together to begin the diplomatic resolution of the conflict in Kashmir. I believe now is the time to start that also, and I believe it is in all of our best interests to do so.

I call upon Pakistan in that vein to use its powers to control any and all terrorist type activities that may be happening in Kashmir, to use its armed forces and its police power to keep and prevent any altercations that may then provoke India to fire back, as we saw happen just the other day. I call upon India to refrain from any military actions in Kashmir. There needs to be a hiatus, but there can only be that hiatus if the United States is willing to use its good offices as an honest third party broker to step in and help arrange the negotiations between India and Pakistan.

Third, we must work together more closely and for as long as it takes to reduce the threat of not only the international terrorism of Pakistan but of international narcotics trafficking, the trafficking in women, and the use and abuse of child labor.

Pakistan has been one of the more forthright of the nations in all of South Asia in cutting down on the use of child labor. At least the Pakistan Government in the past admitted there was child labor and that they were willing to do something about it. We

engaged with them in efforts to cut back on child labor.

Pakistan has been forthright in helping to cut down on narcotics trafficking.

Pakistan has also been very helpful in trying to cut down on the trafficking in women all over South Asia.

These are three things about which Pakistan and the United States share mutual concerns, and we need to work more closely with them on these threats.

Madam President, the multifaceted war against terrorism and its sponsors is not a war against Islam. We know that. Pakistan was among the very first nations of the world to recognize this critical distinction and to act upon it. This is all the more courageous and noteworthy because obviously the vast majority of Pakistanis are Muslims.

It is not enough to simply embrace our Muslim friends in Pakistan and elsewhere in times of armed conflict, uncertainty, and threats to the United States. We owe it to them, to ourselves, to a more peaceful world, to commit now to building a much closer, lasting relationship with an ever-expanding circle of Islamic nations based upon mutual understanding, democratization, more broad-based economic development, and shared prosperity.

As I have often said since September 11, yes, we have to get these terrorists. We have to rip the wires out of their network. We have to bring Osama bin Laden and al-Qaida and the other networks to justice. We need to break down the states that sponsor these terrorists. But if we do all of that and we walk away, our children and my grandchildren, 30, 40 years from now, will be facing the same thing.

From Indonesia in the South Pacific, to Morocco, in the east Atlantic, stretching across a broad belt of South Asia, southeast Asia, southwest Asia, and northern Africa, lies the Islamic world—1.5 billion-plus people. It has become clear to me that the United States is not fully engaged with the people of the Islamic world. We have only dealt with the thin veneer of whatever dictator might be in charge, whatever prince or king, whatever shah at that point in time, and only if it serves some short-term best interests of the United States.

We have failed to recognize the vast amount of poverty and illiteracy, the lack of decent things that make up the basics of life such as clean water and decent housing, a decent diet. So many of these people who live in the Islamic world from Indonesia to Morocco, so many live without education, without decent nutrition, without decent housing, with no hope.

Perhaps out of this dark cloud that has now covered us will come a silver lining, that we will rid the world of organized terrorists, but that we will also recognize we must engage and embrace and be involved with that part of the world that encompasses over 20 percent of the world's population and that we must do it in a way that embraces their hopes and desires, their need to have a better share of the world's prosperity, their need for economic development, their need to have some hope for their kids and their grandkids for a better life.

One image will always stick in my mind. I was in a small town in Pakistan, right on the border with India. It was a very poor community. I remember I met with one of the individuals, a man in charge of some of the city planning, who went to Harvard. He was there with almost an unimaginable task. We were driving down the street, a little dirt street, with sewage on both sides of the street. On the side of the sidewalks, up on the walk, was something that looked to me like maybe a barber shop. I am not certain what it was. Inside, while sitting in the car, literally 20 feet away, we saw a bunch of men sitting watching a color television. Obviously, it was the only television for quite a way around. They were watching the television, and on the screen was a soccer match being broadcast from England.

I marveled at this. I saw these people in a poor community, with sewage in the streets, with not much in the way of clean water, a terrible educational system, bad housing, and they were watching a color television of this soccer match in England, with all these people who were dressed up and they were looking at all of the finery coming through that television. I thought, what are they thinking? They live like this, but they know there is another world that lives a lot differently.

The world has shrunk in my lifetime, and, Madam President, in yours. We live in a world where we have instant communications and CNN. People know what is going on—not like it was when I was a kid. People know, those 1.5 billion Muslims in that part of the world, that, for whatever reason, they are not sharing in the world's prosperity. They know their kids don't have as much hope and they don't have as much hope for a better life.

So maybe out of this dark cloud will come some silver lining that we will engage with this world in a sense of shared prosperity for the future of our entire globe. I believe much of this will hinge on our relationship with Pakistan. If we are now willing to reengage, to support a moderate Islamic state that does not shield and harbor terrorists but has arrested them and turned them over to us time after time, that has courageously stood up against those terrorists, that is supporting us in every way we could hope right now, that by establishing that relationship with Pakistan and not abandoning Pakistan once we put an end to the terrorists, I believe we will go a long way toward bringing that silver lining out of this dark cloud, for the entire Islamic world and for all of us.

In this spirit, I plan to work with interested colleagues in the Senate and the House on both sides of the aisle to establish a congressional caucus on Pakistan and United States-Pakistani relations. After the terrible attacks of September 11, we must think anew and act anew toward the Islamic world. Let's start now by more fully embracing our long-time friends and partners in Pakistan. Together, we can build a foundation of a just and lasting peace, as well as prosecute the war against the misguided fanatical terrorists who are our common enemy.

I hope Senators and House Members will join together in establishing this congressional caucus on Pakistan and United States-Pakistani relations.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I enjoyed listening to my friend from Iowa. I wish him every good wish for this caucus he will be starting. I hope to help him with that.

Mrs. BOXER. Madam President, as I stand here, I have no office in this complex. As we probably all know, about 30 offices had to be cleared out to do some precautionary air quality testing in the offices that were connected to the ventilation system in Leader DASCHLE's office. We know Leader DASCHLE's office received a letter that contained anthrax. They are taking every precaution.

I want my colleagues to know we are all still working, even those who may not have an office at the moment. I thank the Senate staff and my colleagues in the Senate for being so wonderful and offering us their offices to use, their phones to use, their faxes, their computers, and the rest. We are fully functional.

We have recorded a message for people calling this office. They are given the number of my Los Angeles office, so we will not leave people out there without a voice on the other end of our telephone.

I thank my colleagues for their generosity of spirit and for being so kind to my staff. I also thank the Capitol Police, the Sergeant at Arms, and the Capitol physician for acting so swiftly to protect my staff. I am very certain that their steps will prove to be the right steps and that in fact we will have a high level of confidence that we are all OK.

One of the reasons I think we will be OK is because, as Senator DASCHLE explained, the particular employee in his office handled this letter in such a fashion that it was quickly dropped to the floor, and we think, because of that, the effect will be minimal. Of course, we pray that is the case. I am confident and hopeful that will be the case.

The reason I came down to the floor is not only to thank my colleagues for all their help, but also to plead with my Republican friends to let us move on with the business of the day. We are working out of makeshift offices, Republican and Democrat Senators alike

who were caught in this situation. But we could do a lot more if we were working on the Senate floor with the important foreign operations bill that is pending before us.

I have listened to colleagues who say, you are holding up judges. I have looked at the record. The fact is, we are moving forward with judges. The fact is, when Republicans were in charge, I waited once 4 years—4 years—to get a vote on one wonderful judge who eventually passed through the Senate.

We are not doing that. Senator LEAHY is working to get the paperwork done. He is holding hearings. We have definitely moved much quicker than the Republicans did when Bill Clinton was President, if you compare the time periods.

I am perplexed as to why we are having this slowdown. After all, our President says we are in a war. Certainly, it is a campaign against terrorism. This bill is essential.

I will spend the next few minutes spelling out what is in this bill and why it is so important to move it forward.

First of all, the bill invests $42 million to help countries strengthen their borders and secure their weapons facilities. This is very important. What we are talking about is a sum of money that will be given to our coalition partners to make sure that if they have weapons, particularly weapons of mass destruction or weapons we do not want to have in the hands of the terrorists, they have the ability to secure these weapons and secure their borders. I would say it is elementary that we must take this step. They are helping us. We should help them make sure that these weapons cannot be stolen by terrorists.

I say to my Republican friends, you are holding us up. Why in God's name would you hold us up at a time such as this? We should be moving quickly to secure those weapons.

We have in this bill $175 million in infectious disease surveillance programs that can provide an early warning system against some of the world's deadliest and most contagious diseases. We are making speeches on the floor about the whole issue of bioterrorism, and here we have a bill that provides $175 million in infectious disease surveillance so we can stop these diseases from coming into this country which my Republican friends are holding up.

Then in this bill we strengthen the coalition against terrorism by providing $5 billion in military and economic assistance to Egypt, Israel, and Jordan, countries that are critical to long-term peace and stability in the Middle East. Why would our Republican friends hold up this money? Why? It doesn't make any sense.

It also provides $3.9 billion in military assistance to key NATO allies that are putting it on the line for our country right now, and to front-line states in the area of the conflict. These states are Uzbekistan, Turkmenistan, and Tadzhikistan. These are the countries that are being so cooperative with us. They were formerly in the Soviet Union. They are helping us. They are helping our troops. Why would our Republican friends hold up this money? It does not make any sense.

Then we hear our President, rightly so, beg the children of this country—and I want to support him 100 percent—to put $1 in an envelope and send it to the White House. I hope everyone will do it who is now listening. Send it to the children of Afghanistan. As he has stated eloquently, we are not in a war against the Afghan people. We are in a war against terrorism. In this bill we have funds, $255 million, for refugee assistance to shelter Afghani refugees. That is $55 million more than the President requested.

In this bill it says:

> The situation in Afghanistan is perhaps the most urgent, the most massive humanitarian crisis anywhere.

Let me repeat that, the bill—and it is bipartisan, I must say—says:

> The situation in Afghanistan is perhaps the most urgent, the most massive humanitarian crisis anywhere.

I don't understand. My colleagues on the other side of the aisle are holding up this bill which will help the children and the women and the families, the innocents in Afghanistan, get on their feet again.

Then in this bill we look ahead—and this is again a program where I so agree with the Bush administration and with Colin Powell: $337 million for U.N. voluntary programs, the programs our President envisions will play an essential role in reconstructing Afghanistan after this campaign ends.

That is just a part of what is in this bill: Tracking terrorists; warning against infectious diseases; strengthening our coalition against terrorism; feeding and sheltering the Afghan refugees, helping to make Afghanistan whole. That is just a part of the good things in this bill.

Let me conclude. We have work to do and we are not doing it. We have done a lot on this floor in a bipartisan way. I thought the airline safety bill was stupendous, where we provided a marshal on every flight, where we said strengthen those cockpit doors, where we said make those screeners Federal employees working under law enforcement. We did that in a bipartisan way right here on this floor. I am proud that we did that.

Why are we stopping now? I could show you the charts that depict that Senator LEAHY, since he took over the Judiciary Committee just this summer, has done far more than the Republicans did in that same timeframe when Bill Clinton was President.

I am all for getting judges. I am working hard with the administration, in my State, to get good, moderate judges. I will fight against anyone, right or left, who is a radical. But I will support mainstream judges. We are working to do that, and we are bringing those judges to the floor of this Senate.

To come here and say we are going to waste another day on an issue where we are doing better on our side than the Republicans did when the shoe was on the other foot seems to me to be bizarre. It is bizarre. We are in a crisis, an international crisis, and we are not doing our work.

Look at this floor. There is no one here but my good friend from Virginia. I love to see him. We work together on so many things. We are working together on a bill that I think will pass which deals with travel and tourism, to set up a promotion agency within the Department of Commerce so we can go on the air and tell people to rediscover America. If they do not feel comfortable traveling to far away places, travel in America.

We have work to do. My colleague in the chair has an incredible program she is working on to honor the victims of 9–11. What are we doing today? Nothing. People are sitting around here doing nothing but making speeches. The point of this speech is to get us off the dime, to get working.

I want to work on this bill. I want to protect the people I represent and all Americans from ever having to face another crisis such as we did on 9–11 and another crisis such as what we are facing almost on a daily basis now from the anthrax situation.

In closing, I want to tell people to put this in perspective. We have ways to treat this. If you are exposed to it and you go on antibiotics, you are going to be fine. We are going to deal with this. We are going to wrap our arms around it. But for goodness sake, let's work on the foreign operations bill.

You wouldn't think we even had a problem, the way my Republican friends are acting—as if we can dilly-dally around until tomorrow and the day after to get money to fight terrorism. I am very upset about it. I don't mean to sound frightened. If I have, I apologize. But I believe it is very important that we do our work. After all, that is why our people sent us here.

Thank you, very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Madam President, I will speak briefly because we have a meeting shortly. Our time on the Republican side is to be protected between 4 and 5 for a meeting on the economic stimulus package.

I listened to my friend from California, Senator BOXER, speak on the foreign operations bill. That bill will be passed. I think it is an important bill. I have enjoyed working with Senator BOXER on her tourism promotion, which I think is very important for our economy. I have enjoyed working with the Presiding Officer in allowing people all across this country to show their

care in their communities for the 6,000-plus people who lost their lives. There are going to be a lot of park projects, mentoring, recreational facilities, maybe computer laboratories, maybe homes for adults, and senior citizen programs across the country named for each and every one of the fallen victims of these violent acts of terrorism on our office buildings in our airplanes on September 11.

I look forward to working with you. All of that is going to be done in less than a year. That will be a fitting memorial so we will remember those who lost their lives.

The people taken from us by those terrorist attacks were good people. They were our sons and daughters, mothers and fathers, grandparents, grandchildren, our friends, our neighbors, and our loved ones. They should be remembered.

The foreign operations bill, while it is an important bill—and it will be passed—also is important in the administration of justice. We have a crisis in the administration of justice.

Obviously, we have a crisis mentality so far as terrorism is concerned, as well as prosecuting the war on terrorism on the home front where we need to have our first responders better equipped. Our surveillance needs to be improved. In situations where there may be an anthrax scare, it needs to be properly identified and remedied. If it isn't anthrax, we need to make sure people are not panicked.

I believe very strongly that those front-line people, the fire, rescue, and police officers who are working in the terrorist attack zone, ought to be accorded the same sort of tax policy treatment accorded to our military personnel.

Under current Federal law—it is very good law—if our military men and women in uniform have to serve in a combat zone, their income taxes for that month are not paid because they are in a combat zone.

This war on terrorism has changed the face of war. Now the terrorism war is not taken to military facilities but is taken to office buildings, to airplanes, to civilians, and to commercial airlines. We have seen that—whether it was an attack on the World Trade Center buildings or whether at the Pentagon or obviously the innocent people who were on the airplanes that were hijacked and turned into weapons. With that, we see that innocent, unprotected men, women, and children are now the targets and the victims of terrorist attacks.

My view is that the firefighters, the rescue squad people, the heroic police officers, whether in New York City or at the Pentagon, are working in a combat zone. But it is called a terrorist attack zone. The President has so designated these areas. It would seem to me that these warriors and these patriots here at home in their heroic acts of working in these buildings and in these facilities—some of them with their last breath of life to get people out, to save lives, and also in the aftermath of pulling rubble out with their hands, breathing toxic air in the crumbling buildings—those individuals are also in a combat zone. It is a terrorist attack zone.

It seems to me very logical and appropriate to adapt our tax laws so they do not have to pay income taxes for the month in which they are working in these combat zone areas, or terrorist attack zones.

I have legislation in that regard. Hopefully, we will pass that, as well as legislation to say to the family members of those who have lost their lives that they will not have to worry about paying taxes.

Again, using the analogy for those who serve in our military, if a man or woman in our Armed Forces is killed in combat, they are not subject to income taxes, and half of their estate taxes are forgiven. Again, the targets of these terrorist attacks were men, women, children, and families. It seems to me we should accord them the same sort of tax treatment.

I have put in a bill, for which I have support from a good number of Senators, to say to those victims' survivors that they will not have to pay income taxes for the loss of their husband, wife, or other family member, and they will not have to be worrying about death or inheritance taxes. I think that is an appropriate and logical adaptation of law in that regard.

So far as justice and the judicial system are concerned, there are currently 106 vacancies in the Federal courts, 31 at the circuit court and 75 at the district court level, which is higher—it is almost 50 percent higher than the vacancy rate 2 years ago when many Democratic Senators, including the current chairman, Senator LEAHY, complained about a vacancy crisis. That is when there was a 50-percent vacancy rate. Forty-one of those vacancies have been formally classified as judicial emergencies by the nonpartisan Judicial Conference of the United States. This is the highest vacancy rate since 1994.

Despite the high level of vacancies and the record pace of nominations, the judiciary has actually shrunk during the months since President Bush took office. In other words, the number of vacancies has increased, and the Federal Government has moved backwards in its effort to bring the judiciary up to full strength.

During the first year of the Clinton administration, just to give you a sense of the pace of court nominees, there were nominees for the court of appeals. Of those nominees, 60 percent of President Clinton's court of appeals nominees were reported in the first year. In contrast, President Bush has nominated 25 circuit court nominees and the committee has reported 4. That is just 16 percent. One of those was Roger Gregory of Virginia—a very good move. I am glad the committee reported Roger Gregory. But 16 percent is just not good enough.

There are those who will say, gosh, this is the same as it has always been. Let's look at first-year comparisons of former Presidents.

President Clinton nominated 32 judges by October 31 of his first year in office. Of those, 28—or 88 percent—were confirmed by the time Congress went out of session in 1993.

Further, President George Herbert Walker Bush nominated 18 judges by October 31, 1989, of which 16—or 89 percent—were confirmed by the time Congress recessed by the end of the year.

President Reagan's confirmation rate for pre-October 31 nominees confirmed during his first year was 100 percent.

Now President George W. Bush has nominated 60 judges, and the Senate has confirmed only 8, a mere 13 percent. So that is the actual comparison.

Currently, there are 108 empty seats in the Federal judiciary, which is about 12.6 percent of the total number of judgeships. This is the highest in modern history, except for the extraordinary event in December of 1990 when Congress created 85 new positions and, therefore, there were 85 vacancies all at once.

I believe we can do better. I think these nominations ought to be acted on before we recess for the year, which will be the end of the President's first year in office. I think all of the President's nominations that were made prior to August certainly should be acted upon.

Again, if you look at the history of the Senate, by the end of the President's first year in office, the Senate has acted on all judicial nominations made prior to the August recess; the only exception being one Clinton nominee the Senate acted on in the following year.

If we are going to work with the President to reach his goal to address the current judicial vacancy crisis, then the Senate should confirm at least 40 more judges by the end of this session.

I do not think this is too hard to do. It can be done if we work our will. I ask the chairman of the Judiciary Committee to hold these hearings. These individuals ought to be vetted, ought to be cross-examined. Look at their record, their judicial philosophy, their demeanor, especially if they are district court judges.

I think if they look at the competence, the qualities, and the characteristics of these judges, they will certainly find them to be individuals who ought to be on the bench administering justice.

Clearly, we have a judicial crisis. These vacancies should not continue. We need to act in the Senate, not just do one thing at a time. Let's keep moving forward to make sure that, yes, we support our military, support our intelligence efforts, our diplomatic efforts in foreign operations, making sure we are properly reacting and stimulating

our economy to get people back to work, making sure consumers have greater confidence and have the capability to then buy things so those who manufacture or produce various goods or services can start hiring again and get our economy moving again—but also we need to make sure the third branch of Government, the judicial branch, is at full strength, which it certainly is not with the 12.6-percent vacancy rate, which is an unprecedented high rate, again, as observed by those who see this as a crisis.

We need to get to work in the Senate. I hope once we get a commitment to move forward, that we then, obviously, can move forward on the foreign operations bill, which is also a very important measure. But let's get our judicial branch of Government up to full strength. That is our duty and responsibility as well.

Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know there has been debate intermittently as we have discussed other issues about the appointment of judges, and the pace and the speed. Frankly, I sort of regret the debate in a certain sense because we have been working together very well as a body since September 11. The times call for bipartisanship. And this is an issue that is naturally a partisan issue.

Some of the talk I have heard that the nomination of judges will be tied to bringing appropriations bills forward is not what we need at this time. But, nonetheless, it is proceeding.

As a member of the Judiciary Committee who has sort of been quite surprised that some of my good friends on the other side of the aisle—they are indeed friends—would make this an issue right now, I thought I ought to try to answer it in as objective way as I could because as someone who serves on the Judiciary Committee, I have seen the speed with which we approved judges during the first 6 months, and the speed with which we have approved judges since Senator LEAHY became chairman of the committee.

By any measure and by any objective standard, we have done a lot more since PAT LEAHY became chairman than we did before that time.

To say we are slowing down the selection of judges is nonsensical to anyone. I would bet my bottom dollar that if we had 100 observers of the Judiciary Committee from a foreign planet, and they looked at the speed, both pre-Leahy and post-Leahy, all 100 of them would say the speed picked up when PAT LEAHY became chairman.

One wonders what the other side is trying to do. Are they trying to intimidate us into rushing judges we might want to dispute? Maybe. I hope not. They will not. I am not going to allow somebody I believe is not qualified for the bench to get on the bench because it is tied to something else or because the times ask for bipartisanship. We are not the ones who are making this matter an issue. But let me go into some of the details.

The bottom line is very simple. We now have real work to do in this Chamber. This Judiciary Committee has worked long and hard on an antiterrorism bill. We are trying to appropriate money for foreign operations. More is needed now than ever before. We have not finished the business of improving airline security. We are just beginning the business of improving rail security. We are trying to finalize and examine how we ought to change our immigration laws. We have anthrax in our office buildings. We are facing threats we have never had to deal with before.

Should we be filling the bench? Yes. Is that the No. 1 priority since September 11? Absolutely not. It is certainly not called for to tie appropriations bills or a foreign operations bill to the movement of judges. That is not marching to our higher instincts. That is not something the American public, looking on the Chamber, would say is the right thing to do at this time. It is not what they want.

It is with regret that some of us have to come to the floor and defend Chairman LEAHY. We shouldn't even have to do it. But when the Senator from Kentucky comes down and brings a chart that says let's look at the number of nominees considered for hearing, I guess we have to answer.

Again, some of the arguments are on the verge of the ridiculous. They say: Let's look at the number of judges per hearing. That is not the standard. That is not the standard you folks want. If we had one hearing with six judges as opposed to five hearings for four judges, you wouldn't be happy.

I was going to say to my colleague from Kentucky, but I couldn't get the floor, that it is sort of like saying how many chairs there are in the hearing room. We have more chairs in the hearing room than you do. So? The standard is the number of judges approved.

Let's set the record straight.

First, Ranking Member LEAHY became chairman on July 10. That is when the full committee was reconstituted. So he has been here over 3 months, including, of course, the August recess. In effect, he has been here through two working months. Yet he is ahead of the pace set by Congress in the first year of the first Bush administration and the first year of the first Clinton administration.

If there is anything at variance, you would have thought that the Democrat President and the Democrat Congress, which existed in 1993, would have wanted to rush through judges. Yet more judges passed this year.

If you extrapolate Chairman LEAHY's numbers over a full year—in other words, if the pace continues at the pace we have been proceeding thus far—then he is ahead of the pace set by the Republican-controlled Congress for the past 6 years.

If anyone doubts his devotion, he was here in August when most of us were traveling around our districts and going on vacation, and whatever else people do during August recess. I do some of each. But he was here holding hearings.

Since September 11, of course, we have been focused on the tragedies of that day and the new challenges that face our great country. Nonetheless, despite that, two more confirmation hearings have been held by Chairman LEAHY. The third is coming on Thursday. I am supposed to chair it. I have lots of other things to do, given the state of my State and the state of the city, both of which I love. But we are sitting and holding hearings. It is unfair at best and not nice to say we are not working hard on it when we have so many other challenges.

My good friend, ORRIN HATCH, with whom I work on so many issues, has argued that his numbers were what they were because there were not enough nominees to confirm. There are some folks out there who disagree with that.

Here are the names of nominees who were never confirmed:

Judith McConnell from California; John Snodgrass from Alabama; Bruce Greer from Florida; James Beaty from North Carolina; Jimmy Klein from Washington, DC—I went to college with him—Legrome Davis from Pennsylvania; and Helene White from Ohio.

Those are just a few of the 57 nominees from all over the country who never—underline ''never''—got a hearing from the Republican Judiciary Committee. Those 57 would be shocked to hear Republican Senators taking to the floor and claiming they had no one to confirm. They are not a ''nobody,'' as somebody once said. That doesn't even begin to address the people who got hearings but had to wait and wait and wait.

The average time of a circuit court nominee from the 105th and 106th Congresses awaiting confirmation under the Judiciary Committee chaired by my friend, ORRIN HATCH, was 343 days. President Bush had not even been in office that long. Some took much longer. We know the reasons. Richard Paez took 1,520 days. Willie Fletcher waited 1,321 days. Hilda Tagle took 943 days. Susan Mollway took 914 days. Ann Aiken waited 791 days. Timothy Dyk took 785 days.

The list goes on and on. It sounds almost like the Bible. So and so lived 800 years, and begat so and so. The list goes on and on. We are a long way from seeing that under Chairman LEAHY. I don't think we ever will.

I believe there are three criteria for confirming judges. As I played a role,

as we all do, in selection of judges in my State, I have had three words that sort of guide me. They are excellence, moderation, and diversity.

By excellence, I mean legal excellence, among the best the bar has to offer. Being an article 3 judge, a lifetime judge, is such an important position. I believe that is important.

Moderate: I do not like ideologues on the bench. I do not like judges too far to the right; I do not like judges too far to the left. I want judges who will have moderate approaches to the law.

The third criteria is diversity. To me, that means we should not have all white males on the bench; we ought to make an effort for diversity in terms of race and gender but also ideology. I think a bench that had nine liberal Democrats would be just as bad as a bench that had nine conservative Republicans. You need some diversity of opinion. Obviously, depending on who is the President or who is in the Congress, there will be a tilt toward one direction or the other, but there ought to be some balance. Balance, to me, is the key word, as it is on so many issues these days.

While we move on judges, we are not going to be pressured to move too rapidly. We need time—and a reasonable amount of time—to examine these judges' backgrounds and their opinions before we give them lifetime seats on the Federal bench.

We are going to keep holding hearings for those nominees on whom we have done background research. We are going to keep confirming judges who merit confirmation. And we are going to do it at a pace that will exceed that done by my Republican friends across the aisle. Those are fair and reasonable commitments to this body. It is a fair commitment to the White House. It is a fair commitment to the American people.

With those commitments we should return to the real and pressing business that awaits us. We should not be having just cloture votes at this crucial time. That is so wrong, so, so wrong.

If you ask the American people, what are the top 5 issues, what are the top 10 issues, what are the top 50 issues, I do not think they would say the confirmation of judges is in that top 50. Yet we are slowing down important and vital legislation. Some people can make that link; it is wrong.

So I say to my colleagues—I almost plead to them—America is at war, and you are bickering about judges. We need to get our eye back on the ball.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the leadership of Senator SCHUMER on the Court Subcommittee. I know he is a good lawyer, and he cares about the court system. We have had some very interesting hearings under his leadership. They do, however, reflect an idea that was openly stated at a Democratic retreat early this year, that the ground rules for confirming judges to the courts should be changed. Apparently, at that retreat, a brilliant but liberal law professor, Laurence Tribe, and Cass Sunstein, and Marcia Greenberger advised the Democratic Senators that they should ''change the ground rules''—that is a quote from the New York Times—used in the confirmation process and make it more difficult to confirm judges.

That is after the Senate gave President Clinton a fair hearing on his judges. This is important to note: In the 8 years that President Clinton was in office, he had confirmed 377 Federal judges. He only had one of his nominees voted down.

According to my numbers, there were 41 nominees pending that did not get confirmed before he left office. That is a traditional number. There were 67 vacancies, but there were 41 nominees; he did not have nominees for the difference.

So under Senator HATCH's leadership, when the Republicans had the majority in the committee, the Clinton nominees were scrutinized, they were examined, and, for the most part, they got through.

Last fall, at the time we left—and in the last months of the Clinton administration—we constantly heard a drumbeat of complaints that the 60-or-so vacancy level that was pending out there in the courts was jeopardizing justice in America. The truth is, you are going to have around 60 vacancies at all times.

It takes a while for the President to decide who to nominate. There has to be an FBI background check. They have to get the nominees to fill out all kinds of questionnaires to make sure there is not something bad in their record. As I say, the FBI does a background check. The ABA does a background check. The nominees are sent over here to the Judiciary Committee and are given a big questionnaire, which they have to fill out.

Historically, we have seldom been below having 60 vacancies for judges. Now we are at about 110. And the very people who were on this floor last year, screaming mightily that 60, 67 was an outrage, are now suggesting they have no problem with 110.

In my district, the southern district of Alabama, we have a three-court district where I was a U.S. Attorney for 12 years. I practiced there before Federal judges. Really, it was for 15 years as an Assistant U.S. Attorney and a U.S. Attorney before Federal judges. They have a three-judge court. They only have one judge. There are two vacancies there.

So we have some problems around the country that need to be dealt with. Here we are, and we are asked: What can you do about it? On the Judiciary Committee, President Bush's party, the Republican party, does not have a majority, so it cannot call hearings. It cannot force hearings. It cannot force votes. We are at the pleasure of the chairman and the majority.

What we have seen is a systematic slowdown, consistent with the public statements that have been made previously of what they were going to do. That is beginning to put a crunch on the judiciary and really hurt justice in America. It is legitimate and proper that this matter be raised here in this Senate Chamber.

Some say: Well, don't play politics with the foreign operations bill. You are playing politics with that.

Let me just say it this way: Let's have a fair movement of President Bush's qualified judges. Let's see them move forward at a fair rate.

They say: Well, you cannot complain about that. You cannot do anything about it. You cannot utilize any of the rules that are available to you Republicans because if you do, you are partisan. But we can sit on judges. We can delay hearings in the judiciary. And we can delay confirmations, but that is not partisan.

We are getting close to the end of this session, and we are way behind where we need to be. Nobody, in my view, can dispute that. Nobody can dispute we have a growing vacancy problem in the courts. It is time for us to confront it.

We have written letters to the chairman. We have talked to the majority leader. We have asked and asked for their help, and we are not getting it. So I do not think it is fair to say, those who have asked respectfully and urged movement of the judges in a fair and legitimate way, that we ought to be accused of being partisan.

By the way, the foreign operations funding is operating under a continuing resolution. We are not shutting off funding for that. But what we are saying is that this is serious business. Moving judges is serious business. We want your attention, majority in the Senate, slim though it may be. We want your attention. We want your focus on judges. It is important to America. And we have a legitimate concern in that regard; and we are asking for that.

Just a year ago, the then-minority leader, TOM DASCHLE, in July made a statement about moving the intelligence authorization bill. In recent weeks we have learned about how important the intelligence community is. The intelligence bill was on the floor, and in a nice way that the then-minority leader had to express himself; this is what he said:

> I also hope we can address the additional appropriations bills. There is no reason we can't. We can find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered for hearings in the Judiciary Committee this year. I am anxious to talk with him [TRENT LOTT, the then-majority leader] and work with him on that issue. All of this is interrelated, as he said, and because of that, we take it slowly.

In other words, that was a nice way of saying, from Mr. DASCHLE, that they were not going to move the intelligence authorization. He was not

going to move that legislation until he got a commitment from the majority leader on judges. He wanted to know how many were going to be confirmed before the session ended.

Sometimes those things occur. The minority in the Senate has the power to block consideration of bills. That is what he was doing at that time. That is basically what we are saying today. We are going to stop this legislation until we get some sort of good-faith commitment to move judges forward at this point in time.

They say we didn't have any nominees in the first 6 months. The President of the United States has a lot to do in the first 6 months. He has to fill his Cabinet, his subcabinet, organize his government, working night and day, and submit judges. By May, President Bush had submitted a stellar list of judges, including at least three Democrats. What has happened on that?

Three Democrats have had hearings and been confirmed. They found time for those. Seven out of the 18 have had hearings. They were nominated in May. Their backgrounds are sterling. It was a bipartisan blue ribbon group of nominees.

The President reached out. He nominated one nominee that had been blocked by the Senate and had been held up. He renominated one of President Clinton's nominees as an act of good faith, to reach out. So what has happened? We have had confirmation of the three Democrats. We have had hearings on 7, and 11 of those nominated back in May have not even had a hearing. That is beyond the pale. That is unjustified.

Since then, additional nominees have come forward for which there is no objection. Many of those nominees have been blessed already by the home State Democratic Senator. Many of them, the Republican Senators have all signed off on. They are ready to go, many of them, with no objection whatsoever. Their background checks are clean, and they are ready to go forward.

We just need to have a hearing. We can't move a judge under our rules until the judge has been given a hearing. Any Senator has the right to ask them questions. I don't think this Senate should be a rubber stamp. They ought to be able to ask questions and examine their backgrounds and records. If they are not comfortable with it, vote no. But President Bush has given us a group of nominees that are mainstream superior judges and will do a great job on the bench. He is entitled to the same support and movement of his judges as President Clinton received.

They say we have a lot to do. We should not worry about judges and just pass the appropriations bill for foreign operations. We are just too busy to do this.

We have a chart that shows how many judges have been put up per hearing before the Judiciary Committee. This chart is revealing. In 1998, judicial nominees per hearing averaged 4.2; in 1999, 4.2; in 2000, 4.2. That is 4.2 judges up each time we had a hearing. In 2001, that number has dropped. There has been some dispute about it, but there is no dispute that it is half what it was before.

One of the things happening is, when we have a hearing, we are not putting as many judges on the panel. We can do three, four, five, six at one time, if we want to. We can all be able to ask them questions if we want to. But if you hold the number of judges per hearing down, you are not moving many judges forward. That is a critical event that has gotten us as far behind in the scale as we are today.

Again, I know a lot has happened this year. Perhaps there is some basis for the complaint, the excuse, or the reason we have not moved forward is that a lot of things have happened. But if we were just to get our hearings moving, we would not be in this crisis. We have been warning on our side that this was happening. We have been asking in a respectful way and received little or no attention to the matter.

I believe our complaint is legitimate. I believe it is our duty to ask the majority leader and the chairman of the judiciary to reevaluate what they are doing, to sit down and plan some hearings for these judges and give us a commitment that they are going to move forward. If we don't, we will end up when we recess—and maybe we will recess earlier than normal this year; many hope so—without moving anything like the number of judges that we should.

It has been stated that a substantial portion of the judicial nominees pending in committee do not have all their paperwork completed. However, almost 30 have everything in, including their ABA rating, and there is no reason for us not to move on those.

We have at least 30 that have every bit of their paperwork done. We haven't been moving those. The President made 18 nominations in May; 11 of them that have not even had a hearing and their paperwork is in. Why is it that we are not able to move effectively?

Unfortunately, it appears to be consistent with what we learned in the New York Times article. At the Democratic retreat they had a meeting to plan to change the ground rules for confirmation of judges; in effect, to slow the process down, let the vacancies grow, even though last year they were saying just the opposite.

I will share with you some of the comments we had last year. When there were 76 vacancies—now we have 108, 109—when there were 76 vacancies, the now majority leader stated:

> The failure to fill these vacancies is straining our Federal court system and delaying justice for all people across this country.

That was last year when we had 76 vacancies. Just 2 years ago, when the vacancies numbered in the sixties, Senator LEAHY, then ranking member, now chairman of Judiciary said:

> We must redouble our effort to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

Well, the Senate's pace in moving nominations this year is far behind the pace during the first years of both Reagan and Bush 1 and the Clinton administrations. For example, in the first year of President Reagan's administration, there were 40 confirmations to the Federal bench. Under former President Bush's administration, there were 15 confirmations. Under President Clinton's administration, the first year, 28 confirmations. At this point, we have confirmed eight, and we have maybe a month left in this session. At the rate we are going, we are not going to get close to what was a national average of the last three administrations of 28 judges in the first year.

In fact, with regard to the nomination process, in the first year of each of those Presidents' administrations, every person who was nominated before the August recess was confirmed that first year, except one.

This is a chart that demonstrates that quite clearly. During the Reagan administration, all of his nominees who were sent to the Senate before the August recess—they gave us a whole month to work on the paperwork and review it—every one was confirmed. Under former President Bush, the same occurred. Every nominee he sent forward to this Senate before the August recess was confirmed. Under President Clinton, 93 percent of his were confirmed who were submitted before the August recess. Only one of his was not confirmed. Under the now-President Bush, only 18 percent of his have been confirmed to date.

So we are just heading on a collision course to a situation that is going to leave the courts shorthanded. If we don't recognize it, we are acquiescing in what could be a deliberate plan to slow down the confirmation of judges, even though last year—less than a year ago—the people who are involved in that now were decrying that as unacceptable; it was unacceptable to keep the confirmations low.

One more time, let's review these numbers because I don't think anyone should think that the reason we are here is light or insignificant. The reason we are here talking about these issues is that they are important.

In the 103rd Congress, under President Clinton—and he had a Democratic majority in the Judiciary Committee—there were 63 vacancies there. In the 104th Congress, 2 years later, at the end of President Clinton's first term there were 65 vacancies. In the 105th Congress, with Chairman Orrin Hatch's leadership there were 50 vacancies. Senator HATCH had reduced vacancies to 50. In the 106th Congress, the last years of President Clinton's term, the

vacancies were 67, which is, as you can see, pretty mainstream. But now we have 110 vacancies without an extraordinary game plan in the Judiciary Committee to have hearings and move judges forward. At the rate we are going, the resignations are going to exceed the nominations and confirmations. That is not a healthy thing for our judiciary.

Mr. President, I feel strongly about the issue. I know there are pressures on all of us. We have groups out there that used to try to pressure Chairman HATCH and tell him how to run the Judiciary Committee. He took the view that: If you want to get elected to the Senate, you can run the committee; otherwise, I am going to give hearings a fair shot and do what I think is right and move nominees.

I know pressure is out there. I think it is time for us to get serious on this matter, to move nominees forward, give President Bush's nominees a fair chance to be confirmed, to reduce this extraordinary backlog of vacancies that are out there —to have hearings on those 11 judges who were nominated in May because they have not even had a hearing yet—and get busy with filling our responsibility to advise and consent or reject President Bush's nominees.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

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

ON THE ANNIVERSARY OF GOVERNOR MEL CARNAHAN'S DEATH

Mr. DASCHLE. Mr. President, one year ago today, America awoke to the terrible news that we had lost three extraordinary public servants: Governor Mel Carnahan, his son Roger, and their friend and aide Chris Sifford.

Mel Carnahan was a remarkable man—the kind whose work proved that politics and public service can indeed be a noble profession.

Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage.

Throughout his career, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference in people's lives.

Whether it was improving public schools, expanding health insurance for children, protecting seniors through stricter safety standards for nursing homes, or making communities safer—Mel Carnahan never stopped working to make a difference.

I have no doubt that he would have been a great Senator, just as he was a great Governor. Sadly, he never got the change to show us that—at least, not directly.

But his spirit does live on in this Senate. As JEAN CARNAHAN has said so many times:

> Hopes and dreams don't die with people, they live on in all the people we touch.

Today, Mel Carnahan's hopes and dreams live on through all those he touched. But they have their most powerful voice in his wife of 45 years, JEAN CARNAHAN.

It was one year ago that she pledged to keep the fire burning. And every day since—that is exactly what Senator CARNAHAN has done.

In her tireless work to see that the economic victims of September 11 get health care, unemployment benefits, and job training—we feel Mel's sense of justice and compassion. In her work to improve our nation's schools—we see Mel's commitment to the children of Missouri, and America. And when Senator CARNAHAN comes to the Senate floor, and commands here colleagues' attention with her clear and thoughtful arguments—we hear the echoes of Mel's plainspoken sensibility.

One year after that cruel October morning, JEAN CARNAHAN has become the great Senator that Mel Carnahan would have been had he been given the chance. That is one blessing that makes his loss more bearable.

The poet Longfellow wrote:

> When a great man dies,
> for years beyond our ken,
> the light he leaves behind him lies
> upon the paths of men.

During his life, Mel Carnahan cast a bright and shining light on his state and our nation. His death did not extinguish that light.

That light continues to shine in the remarkable work and the indomitable spirit of his partner and our colleague, Senator JEAN CARNAHAN.

Today, especially today we thank her for her courage and for our inspiration.

JUDICIAL CONFIRMATIONS

Mr. THURMOND. Mr. President, I rise today to express my concern over the slow pace of judicial confirmations in the Senate.

The Bush administration deserves to be treated as fairly by the Democrat majority as the Republican majority treated the Clinton administration. Thus far, the facts show that the pace of confirmations is extremely slow and the number of vacancies is extremely high.

The Senate has confirmed only 8 judges so far this year, compared to 60 who have been nominated. During the Clinton administration, the Senate confirmed an average of 47 judges per year. In the first year of the Clinton administration, the Senate confirmed 28 judges, which is about average when compared to the first year for Reagan and Bush I. In the final year of the Clinton administration, we confirmed 39.

Given these numbers, it should not be surprising that the number of vacancies is much higher today than at the end of the Clinton administration. As of today, there are 109 vacancies for a vacancy rate of 12.7 percent, while at the end of the Clinton administration last year, there were only 67 vacancies for a 7.9 percent vacancy rate.

The Senate confirmed almost the same number of judges for President Clinton as for President Reagan, 377 compared to 384. This is true even though Republicans controlled the Senate for six years of Clinton and six years of Reagan. In fact, while I was Chairman for the first six years of the Reagan administration, I made confirmations arguably my top priority. Yet, the numbers are comparable.

The Democrat majority often notes that it has confirmed more circuit judges this year than the Senate did for the first year of the Clinton administration. While this is true, President Clinton nominated only five circuit judges in his first year in office, compared to 21 for President Bush so far this year. Also, in the first year of Clinton, the Democrats were in charge at the time. Last year, while Republicans were in control and it was an election year, the Senate still confirmed 8 circuit judges, double the number we have confirmed so far this year.

Under any reasonable evaluation, the numbers show that we are far behind this year. However, there is still time to act this session, and make the numbers fair with former Presidents.

In the first year of each of the past three administrations, all judges nominated before the end of the August recess were confirmed that year. The only exception is one judge during the first year of the Clinton administration who received a negative American Bar Association rating, and even he was confirmed the next year. President Bush nominated 44 judges before the end of August, and to be consistent we should confirm these judges before we adjourn this year.

One pending circuit court nominee is Judge Dennis Shedd, who was among President Bush's first set of nominees sent to the Senate on May 9. He has been a very able district court judge for the past decade and was formerly the chief counsel and staff director of the Judiciary Committee. He has bipartisan support. Also, the position for which he has been nominated has been declared a judicial emergency by the Administrative Office of the Courts. In addition, the committee held a hearing in August on the nomination of Terry Wooten for the District Court in South Carolina. I sincerely hope both of these fine judicial candidates can be confirmed this year.

In summary, I hope the Senate can act this year on many pending judicial nominees, and greatly reduce the extremely high vacancy rate that currently faces our Federal courts.

COMMENDING MR.ISAAC HOOPII FOR HIS ACTIONS AT THE PENTAGON

Mr. INOUYE. Mr. President, on September 11, 2001, out of the rubble of destruction, countless Americans rose and demonstrated great courage and selflessness. One such American was Mr. Isaac Hoopii, a Native Hawaiian who resides in McLean, VA, and is a Pentagon police officer and member of a bomb-sniffing canine police unit.

Minutes after a hijacked plane crashed into the Pengaton, Mr. Hoopii raced into the burning building and carried out eight people.

His calm resolve in the face of danger equaled his physical prowess. Unable to see the terrified victims, but knowing that they were amid the debris, smoke, and darkness, Mr. Hoopii repeatedly called out: ''Head toward my voice.''

Several people followed his voice and crawled to safety. At least one man who was led by Mr. Hoopii's voice called it the ''voice of an angel,'' and credits it for saving his life.

I have had the opportunity to hear Mr. Hoopii's voice. He is a musician with the ''Aloha Boys,'' a Hawaiian musical group that has performed on Capitol Hill. His singing is melodious and resonant, but I believe Mr. Hoopii's voice had never before sounded more beautiful than it did on that September morning. Mr. Hoopii carries with him the true aloha spirit, and I thank and commend him for sharing with the world the aloha of the Hawaiian people, whom I have been privileged to serve.

TECH TALENT ACT OF 2001

Mr. BOND. Mr. President, I rise to express my strong support for the Technology Talent Act of 2001. As an original co-sponsor, I am pleased to have joined my Senate colleagues, Senators JOE LIEBERMAN, BARBARA MIKULSKI, BILL FRIST, and PETE DOMENICI in introducing an important piece of legislation that will help strengthen the long-term economic competitiveness and health of our Nation. We are here to sound the alarm to the public that our Nation's innovation capabilities are at risk of falling behind other industrial nations if we do not aggressively increase the number and quality of our technologically-trained workforce.

The number of American students receiving degrees in the natural sciences and engineering fields has fallen significantly. This decline has occurred despite the growth in population and increase in undergraduate enrollment. But in other countries, the proportion of degrees in the sciences has grown compared to the United States. As a result, the demand for scientists and engineers in this country is being filled by foreign workers. And with the demand for engineers and computer scientists expected to grow by more than 50 percent by 2008, the high-tech industry is deeply troubled that it will become increasingly difficult to fill this demand and remain competitive in the global economy.

To respond to the shortage of technically-trained workers in this country, the Congress has had to raise the cap on H1–B visas for immigrant workers. Why was this necessary? In the past decade, growth in the number of Asian and European students earning degrees in the natural sciences and engineering has gone up on average by 4 percent per year. During the same time, the rate for U.S. students declined on average by nearly one percent each year. It was startling to learn that the Organization of Economic Cooperation and Development, OECD, ranked the United States 25 out of 26 industrialized nations surveyed in terms of the number of college and university degrees in science. The OECD found that South Korea led those nations surveyed and that we are behind countries like Finland, Japan, the Czech Republic, and Ireland!

In my home State of Missouri, I have seen the same sort of disturbing trends. The University of Missouri has seen an overall decline in science, engineering, and math degrees as a proportion of total undergraduate degrees. For example, undergraduate degrees in engineering have declined by 16 percent over the past 5 years whereas non-science degrees have increased by 14 percent.

Because of these troubling numbers, I am excited to work with my Senate colleagues to come up with a potential solution. I thank Senator LIEBERMAN and his staff for taking the initiative in crafting this bill and working with me. I also thank Professor Romer of Stanford University for his vision and thoughts in developing this bill.

Through the administration of the National Science Foundation, this legislation provides financial incentives to our colleges and universities to expand existing successful programs and create new, innovative ways that encourage our youth to enter and stay in the science and engineering fields. Our bill also encourages schools to develop programs that will attract more minorities and women. This is critical since there are few minorities and women employed in the high-tech sector.

To jumpstart this program, I am pleased to note that we have included $20 million in NSF's budget as part of the Senate's fiscal year 2002 VA, HUD bill. I hope we can maintain this level in conference and later increase funding for this program to a level of $200 million if this program is successful and our subcommittee receives the necessary funding.

Along with many of my Senate and House colleagues, I have been trying to increase support for NSF because we recognize the role NSF plays in stimulating our economy and supporting the biomedical work of the National Institutes of Health. That is why we believe in doubling NSF's budget and as part of this effort, increasing the Nation's technologically-trained workforce is a key element. Clearly, we need to invest in our students because they will be the booster rocket for the future success of our economy and allow this Nation to lead the world in this century.

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 this 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 June 21, 2001 in Cortez, CO. The body of an openly gay, half-Navajo teen, Fred Martinez Jr., 16, was found south of Cortez 5 days after he left home to go to a carnival. Police have arrested another teen, Shaun Murphy, in the murder and are investigating whether the homicide was a hate crime based on sexual orientation or race. The perpetrator allegedly bragged that he ''beat up a fag.'' Martinez often curled his hair, plucked his eyebrows, wore make-up and toted a purse to school. His mother told the press that she firmly believes her son's slaying was a hate crime based on his gender identity or because he was transgender.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HONORING TODD BEAMER

Mr. CORZINE. Mr. President, I rise today to pay tribute to a man whose undaunted and determined spirit showed this world the best of humanity. On September 11, Todd Beamer took action against the hijackers on United Flight 93 for the noblest cause, so that others might live.

Todd's spirit proved stronger than the evil that boarded Flight 93 on that infamous day. His spirit of kindness and generosity, of selflessness and bravery never faltered.

Todd embodied that spirit on September 11 and throughout his life. A husband and father, son and brother, friend and volunteer, parishioner and businessman: he played many roles. Our nation will always remember him in the role of hero.

We will never know the number of lives spared by the courage of Todd and others aboard that plane, but his fortitude sent a clear message to all those who seek to harm us: We are not afraid. Todd joined with other passengers on that fateful flight in America's first counterstrike against terrorism and set a dignified example for

all of us who follow. Our mission is righteous and let there be no doubt, we are all in this together.

Todd's light shone through in the darkest hour of this Nation's history. May his honored memory be a constant reminder of America's great courage and resolve.

LEE HARTWELL, PHD, 2001, NOBEL PRIZE WINNER IN PHYSIOLOGY AND MEDICINE

Ms. CANTWELL. Mr. President, I rise today in honor of Dr. Lee Hartwell who received this year's Nobel Prize in Physiology and Medicine.

Dr. Hartwell began his work over 30 years ago with little more equipment or sophisticated research methods than a few dishes of yeast cells and a microscope and now works at one of the most prestigious cancer research centers in the country. Dr. Hartwell is President of the Fred Hutchinson Cancer Research Center in Seattle, and also a Professor of Genetics and Medicine at the University of Washington.

I believe that no one deserves this honor more than Dr. Hartwell, who is gracious and humble in his knowledge even as it has fundamentally changed the way we understand biology.

Dr. Hartwell was selected to receive the Nobel Prize because of his contributions to understanding how cells divide. Using yeast as a model organism, he was among the first scientists in the world to translate basic genetic research into the study of how cells function, and to determine which genes are involved in cell division.

Cells are the basis for all animal and plant life, and our understanding of how they multiply and develop is key to our understanding of larger organisms, like people. Errors or mutations in genes involved in the process of cell division can lead to cancer. Dr. Hartwell's work on these genes is fundamental in developing approaches that predict, prevent, or treat many kinds of cancers.

In his research, Dr. Hartwell has discovered more than 100 genes involved in cell-cycle control, including the gene that controls the first step in the cell division process. He also documented the existence of cell-cycle ''checkpoints,'' which ensure steps in the process of cell growth and division have been completed properly before the process continues.

Dr. Hartwell's work was the first to show that cell division is genetically controlled, and he generated a collection of cell-division cycle mutants from which many of the key genes in this process have been isolated. Dr. Hartwell's latest work focuses on the possible role for checkpoint defects and genetic instability in cancer progression and he is looking into how to exploit these defects to develop new cancer treatments.

Dr. Hartwell graduated from Glendale High School in California before deciding to attend a junior college. He later transferred from junior college to the California Institute of Technology in Pasadena, CA. In 1961, he earned a Bachelor of Science at Caltech, and in 1964 earned a Ph.D. from the Massachusetts Institute of Technology. He did postdoctoral work at the Salk Institute for Biological Studies. He joined the University of Washington faculty in 1968 and has been a professor of genetics there since 1973. In 1996 he joined the faculty of Seattle's Fred Hutchinson, Cancer Research Center and in 1997 became its president and director.

Dr. Hartwell is the recipient of many national and international scientific awards for his work in cell-cycle biology, including the Leopold Griffuel Prize, the Massry Prize, the American Cancer Society's Medal of Honor Basic Research Award, the Albert Lasker Basic Medical Research Prize, the General Motors Sloan Award and the Gairdner Foundation International Award for Achievements in Science. Dr. Hartwell is also a member of the National Academy of Sciences.

Dr. Hartwell typifies the ingenuity and creativity found throughout Washington State. I speak for us all when I commend him on winning the Nobel Prize in Physiology and Medicine. Dr. Hartwell's work is truly revolutionary, and although it is done without pomp and circumstance, his work will have a lasting impact on us all.

ADDITIONAL STATEMENTS

IN RECOGNITION OF DR. VICTOR WESTPHALL

• Mr. DOMENICI. Mr. President, I rise today to honor Dr. Victor Westphall. Dr. Westphall has dedicated his life to recognizing and celebrating the service and sacrifice of our Nation's veterans. This past Saturday, Dr. Westphall celebrated his 88th birthday, and I still marvel at how much he has accomplished during his lifetime.

Dr. Westphall's dedication to veterans is not surprising because he is a veteran himself. He entered the United States Navy in 1943 as an ensign and served for two years in the South Pacific during World War II. During this time, he was responsible for setting up message centers to allow front-line communication. After serving three years in the Navy and earning two full stripes, Dr. Westphall moved with his wife and his two sons to Albuquerque. However, his family had a difficult time finding housing because of the large number of returning G.I.s. Dr. Westphall realized that many veterans were faced with the same situation, so he began a home construction business and built over 3,000 homes in New Mexico. At the same time, he earned his doctorate in history at the University of New Mexico and eventually became a leading author and expert on Southwestern American history.

In 1968, Dr. Westphall received news that his son, David, had been killed in Vietnam. David was a platoon leader and was killed with twelve of his men in an ambush near Con Thien. However, Dr. Westphall was determined to draw some good out of this tragic event. He decided to use the life insurance payment from his son's death to build the Vietnam Veterans Peace and Brotherhood Chapel in Angel Fire, NM. Although Dr. Westphall struggled to find financial support to help build this memorial, he remained dedicated to the project, and in 1971, the first monument to Vietnam veterans in the United States was formally dedicated.

The Vietnam Veterans Peace and Brotherhood Chapel stands as a handsome tribute to our veterans who served in Vietnam. Dr. Westphall hired a Santa Fe architect to design a beautiful white chapel with gentle curves sweeping 50 feet upward towards the sky. This serene memorial overlooks the sacred Moreno Valley in northeastern New Mexico. It offers visitors the opportunity to remember those who served their Nation proudly in the Vietnam War in a peaceful and spiritual setting. The Chapel's eternal flame illuminates this ideal place for quiet meditation.

Even today, Dr. Westphall remains deeply involved in this monument, which attracts over 120,000 visitors every year. He still greets visitors to the Chapel in his wheelchair, while sharing stories of loved ones lost during the War. There is a very moving story that Dr. Westphall recounts about the Chapel. When the memorial was first opened, the Chapel would close every night. However, one morning Dr. Westphall found a message left by a young veteran on the door: ''I needed to come in and you locked me out.'' Since then, the Chapel remained open 24 hours a day.

Just like the Chapel, Dr. Westphall has always been there for our Nation's veterans. From his own service in World War II to his construction of houses for returning veterans to the opening of the Vietnam Veterans Peace and Brotherhood Chapel, Dr. Westphall has remained dedicated to America's veterans. I salute Dr. Westphall's lifetime of service to our veterans, and I am proud and honored to have him as a friend.•

THE OUTSTANDING SERVICE OF RICHARD MONAHAN

• Mr. KENNEDY. Mr. President, I welcome this opportunity to honor Richard Monahan. Mr. Monahan has served the International Brotherhood of Electrical Workers Local 103 in Boston, MA, with distinction for over 45 years. He began as an apprentice in 1956 and is retiring this month as an International Representative of the Second District.

Mr. Monahan has worked effectively and tirelessly for the working families of Massachusetts and the Nation throughout these years. He will long be remembered for his outstanding commitment and dedication to the Electrical Workers Union. He also served

his country with honor from 1960 to 1968 in the United States Coast Guard.

Mr. Monahan rose through the ranks of the I.B.E.W., serving on its Executive Board, as its Business Manager, and as the Second District International Representative.

He has also been active in his community. His dedication has gone above and beyond the call of duty, and he has given his many talents to charitable groups, including the Knights of Columbus Council 2259, AMVETS Post-0146 and the Quincy Lodge of Elks #943.

I know that the men and women of Local 103 and his many friends and admirers in our community are proud of Richard Monahan's outstanding service, and we wish him a long and happy retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

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

H.R. 2277. An act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; to the Committee on the Judiciary.

H.R. 2278. An act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time.

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4462. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alaska Native Allotments For Certain Veterans, 43 CFR Part 2560'' (RIN1004–AD34) received on October 12, 2001; to the Committee on Energy and Natural Resources.

EC–4463. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Saver's Tax Credit for Contributions by Individuals to Employer Retirement Plans and IRAs'' (Ann. 2001–106) received on October 12, 2001; to the Committee on Finance.

EC–4464. A communication from the President of the United States, transmitting, pursuant to law, an Executive Order relative to the Continuation of Export Control Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–4465. A communication from the Assistant General Counsel, Banking and Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Resolution Funding Corporation Operations'' (RIN1505–AA79) received on October 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the Mid-Session Review relative to a supplemental update of the Budget; to the Committees on Appropriations; and the Budget.

EC–4467. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Cost Estimate report relative to Expedited Payment for Heroic Public Safety Officers; to the Committee on the Budget.

EC–4468. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 134, ''Parental Kidnapping Extradition Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4469. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–132, ''National Capital Revitalization Corporation Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4470. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–133, ''Free Clinic Assistance Program Extension Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4471. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 135, ''Food Regulation Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4472. A communication from the Acting Chief Operating Officer, United States Safety and Hazardous Investigation Board, transmitting, pursuant to law, the annual report on the inventory of activities that are not inherently governmental for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–4473. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans and Designation of Area for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Nonattainment Area to Attainment and Approval of Miscellaneous'' (FRL7079–6) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4474. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of Effective Date and Extension of Comment Period'' (FRL7084–3) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4475. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Vermont; Negative Declaration'' (FRL7077–4A) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4476. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Approval of Operating Permits Program; State of Maine'' (FRL7085–5) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4477. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Operating Permit Program; District of Columbia'' (FRL7085–8) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4478. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste'' (FRL7076–4) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4479. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–UMS Revision'' (RIN3150–AG77) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4480. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4481. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Fiscal Year 2001 Funds Obligated in Support of the Procurement of a Vaccine for the Biological Agent Anthrax; to the Committee on Armed Services.

EC–4482. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Portability and Reciprocity of TRICARE Prime Benefits; to the Committee on Armed Services.

EC–4483. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Federally Funded Research and Development Center's (FFRDC's) Estimated FY 2002 Staff-years of Technical Effort (SET's) for Fiscal Year 2002; to the Committee on Armed Services.

EC–4484. A communication from the Secretary of Defense, transmitting, pursuant to law, the semiannual reports regarding the Department of Defense Pharmacy Benefits Program dated June 2001; to the Committee on Armed Services.

EC–4485. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the Chiropractic

Health Care Implementation Plan; to the Committee on Armed Services.

EC–4486. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union; renotification of funds; to the Committee on Armed Services.

EC–4487. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Neck Lateral Bending for 50% Male Side Impact Dummy Hybrid III (SID/HIII): Final Rule'' (RIN2127–AH87) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4488. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flightcrew Compartment Access and Door Designs'' (RIN2120–AH52) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4489. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200 and 300 Series Airplanes; request for comment'' ((RIN2120–AA64)(2001–0500)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4490. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 535 Turbofan Engines; request for comments'' ((RIN2120-AA64)(2001-0499)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4491. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes'' ((RIN2120-AA64)(2001-0501)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4492. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34 3A1, 3B, and 3B1 Turbofan Engines; request for comments'' ((RIN2120-AA64)(2001-0502)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4493. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 206L 4, 407, and 427 Helicopters; request for comments'' ((RIN2120-AA64)(2001-0503)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4494. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes'' ((RIN2120-AA64)(2001-0504)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4495. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report on S.1214, the ''Port and Maritime Security Act of 2001'' and S. Rpt. 107-64; to the Committee on Commerce, Science, and Transportation.

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. HARKIN (for himself, Mr. INHOFE, Mr. BAUCUS, Mr. BURNS, Mr. JOHNSON, Mr. HOLLINGS, Mr. CLELAND, and Mr. WELLSTONE):

S. 1552. A bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH:

S. 1553. A bill to amend the Internal Revenue Code of 1986 to allow a bonus deduction for depreciable business assets; to the Committee on Finance.

By Mr. CLELAND:

S. 1554. A bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, and Mr. AKAKA):

S. 1555. A bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Mr. KYL, Mrs. CLINTON, Mr. SCHUMER, Mr. ALLEN, Mr. WARNER, Ms. MIKULSKI, Mrs. BOXER, Mr. DAYTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mrs. CARNAHAN, Mr. NICKLES, Mr. LEVIN, Mr. CORZINE, Mr. KENNEDY, Mr. JOHNSON, Mr. DORGAN, and Mr. DURBIN):

S. 1556. A bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1557. A bill to amend title 49, United States Code, to prohibit the operation of motor vehicles transporting hazardous materials by persons not subjected to a background investigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM (for himself and Mr. VOINOVICH):

S. 1558. A bill to provide for the issuance of certificates to social security beneficiaries guaranteeing their right to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THURMOND:

S.Con.Res. 79. A concurrent resolution expressing the sense of Congress that public schools may display the words ''God Bless America'' as an expression of support for the Nation; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. HATCH, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1244, a bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1443

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1443, a bill to amend the Water Resources Development Act of 2000 to modify a provision relating to easement prohibitions.

S. 1499

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1520

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1520, a bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks.

S.RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.Res. 140, a resolution designating the week beginning September 15, 2002, as ''National Civic Participation Week.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. INHOFE, Mr. BAUCUS, Mr. BURNS, Mr. JOHNSON, Mr. HOLLINGS, Mr. CLELAND, and Mr. WELLSTONE):

S. 1552. A bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001; to the Committee on Small Business and Entrepreneurship.

Mr. HARKIN. Mr. President, I rise today on behalf of Senator INHOFE, Senator BAUCUS, Senator BURNS, Senator JOHNSON, Senator HOLLINGS and myself, to introduce the General Aviation Assistance Act. This legislation would provide assistance in the form of Small Business Administration grants, helping to support an essential part of our aviation industry at a very critical time.

When many of the large passenger airlines were in trouble, we knew we had to act quickly to support this vital industry. When the planes were grounded following the September 11 attacks, many airlines were in a precarious position.

The situation in the general aviation industry is equally, if not more, precarious. And the services general aviation businesses provide are no less critical to our economy.

In Iowa and in many rural States, commercial service is very limited. Without general aviation, traveling by air means driving for hours to reach a small commercial airport that offers few flights, often at inconvenient times. That is not a workable situation for most businesses. Many could not locate to rural America without general aviation services.

The general aviation industry is made up of a number of small business. It operates at more than 5,300 public use airports nationwide, compared to the 650 airports in the nation that have airline service. Ninety-two percent of the aircraft registered in the United States are general aviation aircraft. That includes charter businesses, crop dusters, the people who maintain small noncommercial airports and those that train future pilots. These businesses provide jobs for thousands of hard-working Americans and many cannot survive much longer without our help.

Our failure to support general aviation now would deal a severe blow to the rural economy. Unlike the commercial airlines, general aviation is made up largely of small businesses. Their ability to remain in business rests on their ability to fly. A very significant number of these businesses are in danger of not making it through the year without relief.

Over the past month, while visiting many of Iowa's airports to discuss airlines safety, I also met with a number of general aviation operators. For many small plane operators, flight restrictions lasted far longer than they did for the big airlines. Indeed, there are still some general aviation companies near large cities that are still closed today.

Last week, I spoke with Bill Kyle from Charles City, IA who is a small independent operator. From September 11 to September 22, he lost two thousand dollars a day. He is still losing $800 dollars every day because his business is reduced at a similar rate to the reductions seen in commercial aviation. These are not the type of losses that a small business like Bill Kyle's can survive, not without some assistance.

The legislation we are introducing today will provide small general aviation businesses with grants to make up for their actual losses from September 11 through the end of the year. The program would be administered by the Small Business Administration which would make sure that the amount of assistance provided was fairly determined. Grants could be as much as $6 million, although, of course, the vast majority would be far less.

We must act. This assistance could be the difference between a general aviation business taking off or being grounded permanently.

A number of my colleagues are working to assist small business to recover from this tragedy. I am sure that many have been hearing from their constituents about this issue. So, I am sure they know that few small businesses have been impacted as dramatically as the hard-working people in general aviation.

I am committed to getting general aviation back on track. It is important to these small businesses. It is important to the people they employ. And it is important to the rural economy as a whole. I ask my colleagues to join me in support of this legislation.

By Mr. HATCH:

S. 1553. A bill to amend the Internal Revenue Code of 1986 to allow a bonus deduction for depreciable business assets; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to help stimulate the economy by creating a strong incentive for businesses to invest immediately in new productive assets.

Unfortunately, the evil acts of terrorists on September 11 did more than shatter lives, hopes and dreams and destroy or damage great buildings in New York and Washington. They also caused serious harm to our national, and even the world's economies.

While we do not yet know the full extent of the havoc brought to the U.S. economy by the calamities of September 11, practically all the experts agree that the damage will be significant. Few of them doubt that we are now in a recession. Moreover, many of the Nation's leading economists agree that the Congress and the President should move quickly to enact a package of tax cuts and other measures to stimulate the economy and try to prevent the downturn from becoming a long and deep one.

For this reason, the bipartisan leadership of Congress in both houses, along with the White House, have been meeting for weeks in an attempt to develop a consensus on what such an economic stimulus package should include. Last Friday, the Committee on Ways and Means of the House of Representatives approved an initial stimulus bill.

While it appears evident to me that it will be difficult for everyone in both parties and in both houses to agree on the proper content of the economic stimulus package, there are some guiding principles for the package on which most seem to agree. First, and almost by definition, the stimulus package should provide a strong incentive for players in the economy to take action they would not ordinarily take. Second, such an incentive should cause the desired action to occur quickly, when it will be of the most good to the economy. Finally, the stimulus should be temporary, and not cause a large long-term effect on the Federal budget, which could lead to an increase in interest rates.

It may be that there are many specific tax law changes that meet these guiding principles. Some have suggested another round of tax rebate checks, but designated only for those who were not able to participate in the advance tax cut Congress passed in May of this year. Others are proposing the acceleration of the income tax rate cuts that were included in that same tax bill that are presently scheduled to take effect in future years. Still others insist that the stimulus package include new spending on our infrastructure or relief to ailing industries and to displaced employees.

In the end, the economic stimulus package signed into law will probably contain a combination of several of these ideas. Our political process will

require us to reach some kind of consensus, which means some of this idea and some of that idea will have to be included.

Knowing that the stimulus package will be a collage of ideas, I believe it is important that it include a core provision that almost everyone seems to agree meets the criteria of true economic stimulus, a strong inducement for businesses to invest in productive assets. The purpose of the bill I introduce today is to put before the Senate a bold plan that I believe would accomplish this goal.

The Economic Stimulus Through Bonus Depreciation Act of 2001 would provide businesses throughout America a very strong, but short-term, incentive to purchase business assets and put them to work over the next few months. A strong and concentrated surge in capital spending by U.S. businesses would provide a tremendous shot in the arm to our economy, as present inventories become depleted and manufacturers scramble to keep up with the new demand.

Specifically, my bill would provide a 50-percent bonus depreciation deduction for business assets purchased after September 10, 2001, and before July 1, 2002, and placed in service before January 1, 2003. This means that businesses that want to take advantage of this strong incentive, which generally provides more than twice the first year deduction than is allowed under current law, would have to act quickly and order the new business assets by next June 30, and take delivery by next December 31.

For example, suppose a business needed a new delivery truck that cost $50,000. Under current law, most trucks are considered 5-year property, and are generally depreciated over a 5-year period. If the business purchased the truck in 2002, the current-law depreciation deduction for the first year would be $10,000. In other words, the business would be able to write off one-fifth of the cost of the truck in the year of purchase.

Under my bill, that same business would be allowed a 50-percent first-year depreciation deduction, rather than the 20 percent. So, instead of a deduction of $10,000 in 2002, the business would be allowed to deduct $25,000 of the cost of the truck in the first year. This is a significant difference, and it should be enough of a difference to change behavior when coupled with a short window of opportunity.

The short time frame is a key to the success of a stimulus promotion bill like this one. My bill would require that a business make a decision and enter into a contract to purchase a new asset by next June 30, and then take delivery on the property by December 31, 2002.

I will note that the economic stimulus bill approved by the House Ways and Means Committee last week includes a somewhat similar provision, one that provides for 30 percent extra depreciation for certain business assets. However, that bill allows the purchaser to take almost 3 years to decide to buy a new asset, then allows another several months to place the property into service. With all respect to my colleagues on the Ways and Means Committee, I believe the window of opportunity for the enhanced deduction created by that bill is too long. It does not instill the sense of urgency that I believe is needed to truly create a significant stimulus.

It is important to note that my bill also applies to more types of business property than does the Ways and Means bill. The bill passed by the Ways and Means Committee would generally provide for an enhanced depreciation deduction for depreciable property with a recovery period of 20 years or less, except for leasehold improvements. The bill I am introducing today would apply to all types of depreciable property, including leasehold improvements and depreciable real estate.

As a practical matter, I realize that many real estate projects, as well as many larger build-to-order equipment projects, take longer than a year to build and place in service. However, it is also true that many larger and costly projects can be built within the time constraints of this bill, especially if there is a concerted attempt to do so. I believe that the short time frame of my bill would induce many companies to act much more quickly than they otherwise would, in order to get business assets ordered and built in time to qualify for the bonus depreciation. This is where the economic stimulus power of this bill comes into play. The more effort that is made to get real estate projects finished, or to get equipment ordered, delivered, and placed in service in time to meet the deadlines of this bill, the more economic stimulus is created.

Moreover, I believe this bill meets the three guiding principles I mentioned earlier. First, it provides a strong incentive for businesses to take stimulative action they would not otherwise take, in this case to purchase assets by June 30, 2002, in order to reap a significant tax savings. Second, because of the short deadline, this action will take place right away, when economic stimulus is really needed. Finally, the bill raises few risks of raising interest rates. Depreciation is a form of cost recovery over a period of time. Because our tax code allows the cost of assets to be recovered over time, a speed-up of the time of recovery has few long-term costs to the Federal budget. So, allowing businesses to write off a larger portion of the cost of assets for a short time period has a negative effect on the Treasury in the first two or three years, but begins to reverse itself afterward. Thus, much of the early year costs of my bill will be fully reversed within the 10-year budget window.

President Bush has indicated his support for the inclusion in the economic stimulus package of an enhanced depreciation provision. A number of Democrats and Republicans have also spoken out in support of this idea. And, as I mentioned, the Ways and Means Committee included a version of bonus depreciation in the bill it passed last week. Bonus depreciation is a solid economic stimulus idea. In crafting a consensus package, I urge my colleagues to include a depreciation provision that packs a punch by offering the promise of a large deduction for actions taken in a relatively short time frame. I believe the legislation I introduce today fits the bill nicely, and I urge its consideration.

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. 1553

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 ''Economic Stimulus Through Bonus Depreciation Act of 2001''.

SEC. 2. BONUS DEPRECIATION ALLOWANCE FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following:

''(k) BONUS ALLOWANCE FOR CERTAIN BUSINESS ASSETS.—

''(1) IN GENERAL.—In the case of any qualified property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall be an amount equal to 50 percent of the adjusted basis of the qualified property, and

''(B) subject to paragraph (2), the amount otherwise allowable as a depreciation deduction under this chapter for any subsequent taxable year shall be computed in the same manner as if this subsection had not been enacted.

''(2) ADJUSTED BASIS.—The aggregate deduction allowed under this section for taxable years described in paragraph (1)(B) with respect to any qualified property shall not exceed the adjusted basis of such property reduced by the amount of the deduction allowed under paragraph (1)(A).

''(3) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies, or

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(ii) the original use of which commences with the taxpayer on or after September 11, 2001,

''(iii) which is—

''(I) acquired by the taxpayer on or after September 11, 2001, and before July 1, 2002, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after September 11, 2001, and before July 1, 2002, and

''(iv) which is placed in service by the taxpayer before January 1, 2003.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(iii) REPAIRED OR RECONSTRUCTED PROPERTY.—Except as otherwise provided in regulations, the term 'qualified property' shall not include any repaired or reconstructed property.

''(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (ii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on or after September 11, 2001, and before January 1, 2003.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(i), if property—

''(I) is originally placed in service on or after September 11, 2001, by a person, and

''(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified equipment, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i), and decrease each other limitation under subparagraphs (A) and (B) of section 280F(a)(1), to appropriately reflect the amount of the deduction allowable under paragraph (1).

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

''(4) APPLICABLE CONVENTION.—Subsection (d)(3) shall not apply in determining the applicable convention with respect to qualified property.''.

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) of the Internal Revenue Code of 1986 (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following:

''(iii) ADDITIONAL ALLOWANCE FOR CERTAIN BUSINESS ASSETS.—The deduction under section 168(k) shall be allowed.''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) of such Code is amended by inserting ''or (iii)'' after ''(ii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after September 11, 2001, in taxable years ending on or after such date.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, and Mr. AKAKA):

S. 1555. A bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Security and Fair Enforcement in Arms Trafficking Act of 2001, cosponsored by Senators LEAHY and AKAKA.

Small arms and light weapons, such as assault rifles, machine guns, grenades, and portable launchers of anti-aircraft missile systems, are the weapons of choice for terrorists and their friends, and I fully believe that U.S. leadership is needed to stem the global torrent of illicit arms. All too often these arms fall into the hands of terrorists, drug cartels, and violent rebellions. Curbing the proliferation of these weapons must be a vital component of our efforts to combat international terrorism.

The rise of the Taliban in Afghanistan, in fact, is due in no small part to the ready availability of these weapons in that war torn country, and Afghanistan clearly demonstrates how a country can become a threat to regional and global security if it is flooded with small arms and light weapons. The Taliban and the al Qaeda network were able to gather more than 10 million small arms and light weapons from a variety of sources over the past decade, including AK–47s, hand grenades, and Stinger missiles. Today the United States and its allies are faced with these very weapons as we move forward with Operation Enduring Freedom.

The global networks of terrorism are clearly linked to the networks of the illicit arms trade and to the states that harbor terrorists, and terrorists around the globe also utilize the intertwined global networks of the illegal arms trade and the drug trade to generate financial resources for their destructive and threatening activities.

As I have previously discussed on the floor, the global proliferation of small arms and light weapons is a staggering problem.

An estimated 500 million illicit small arms and light weapons are in circulation around the globe.

In the past decade, an estimated 4 million people have been killed in civil war and bloody fighting. Nine out of ten of these deaths are attributed to small arms and light weapons.

The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Kosovo, among others, as well as the violence endemic to narco-trafficking.

The increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to U.S. forces overseas. For the United States, as we now engage in the war on terrorism, this issue is a very real force protection issue.

The conflicts fueled by small arms and light weapons undermine regional stability and endanger the spread of democracy and free markets around the world.

Clearly this is a huge problem, with profound implications for U.S. security interests.

I strongly believe that the U.S. Government must take the lead in the international community in addressing this issue. It is in the United States national interest to promote responsibility and restraint in the transfer of small arms and light weapons; to combat irresponsible practices in such transfers, to ensure that nations engaged in substandard practices are held accountable; to encourage other members of the international community to meet, as minimum standards U.S. law and practices; take strong action to negotiate and support making the trafficking of small arms traceable; bolster rules governing arms brokers; and eliminate the secrecy that permits millions of these weapons to circulate illicitly around the globe, fueling crime and war.

As a matter of fact, as a major supplier country in the legal arms trade, the United States has a special obligation to promote responsible practices in the transfer of these weapons.

That is what the Security and Fair Enforcement in Arms Trafficking Act of 2001 aims to do. It: Affirms U.S. policy to maintain the highest standards for the management and transfer of small arms and light weapons exports, and that it is U.S. policy to refrain from exports that could be used in internal repression, human rights abuses and international aggression; enforces the ban in international commercial transfers of military-style assault weapons and, improves end-use monitoring of U.S. arms transfers; urges the administration to enter into negotiations with the European Union and NATO member states, as well as other members of the international community to bring our allies into compliance with U.S. law and standards for the export and transfer of military-style assault weapons as well as on such critical issues as marking and tracing of small arms and light weapons, rules governing the conduct of arms brokers, and the enforcement of arms embargoes; calls on the administration to establish a U.S.-EU Coordinating Group on Small Arms, and to work to and implement and advance the Program of Action of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; improves the transparency of U.S. transfers in small arms and light weapons, and requires the establishment of a registry of all U.S. firearm exports; and, encourages all states that have not done so to ratify the OAS convention on small arms and light weapons.

And let me be clear: This legislation does not interfere with legitimate and responsible transfers of small arms or the lawful ownership and use of guns in the United States.

The United States needs to push hard to improve the international standards and the application of legally binding agreements to stem the illicit trade in these weapons. Fighting the proliferation of small arms is critical to our efforts to combat terrorism, narco-trafficking, international organized crime, regional and local war.

I believe that combating the proliferation of small arms and light weapons is a critical element of the fight against terrorism, and I look forward to working with my colleagues in the Senate and with the administration to pass the Security and Fair Enforcement in Arms Trafficking Act of 2001.

By Ms. STABENOW (for herself, Mr. KYL, Mrs. CLINTON, Mr. SCHUMER, Mr. ALLEN, Mr. WARNER, Ms. MIKULSKI, Mrs. BOXER, Mr. DAYTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mrs. CARNAHAN, Mr. NICKLES, Mr. LEVIN, Mr. CORZINE, Mr. KENNEDY, Mr. JOHNSON, Mr. DORGAN, and Mr. DURBIN):

S. 1556. A bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, we all witnessed a great national tragedy on September 11. While the deaths and damage occurred in New York, Washington, and the fields of Pennsylvania, a piece of all of us died that day.

Many people came up to me in the weeks after the attack and asked: ''What can I do? I've given blood. I've donated to relief efforts. But I want to do more.''

We all shared in the horror. Now everyone wants to share in the healing.

But how?

Then a constituent of mine, Bob Van Oosterhout, wrote me with an idea. Why not have the Federal Government devise a program that would encourage communities throughout the Nation to create something that would honor the memory of one of the victims lost in the attack? Together these local memorials to honor individuals would dot our Nation and collectively honor all those lost in the attack.

What could be simpler? Or more moving?

From that idea came the Unity in the Spirit of America Act, which I am introducing today along with my distinguished colleague Senator KYL.

Here's how it would work: Communities, it could be as small as a neighborhood block, or nonprofit organizations, houses of worship, businesses, or local governments would choose some kind of project that would unite them and their community.

Applications and the assigning of names for each project will be handled by the Thousand Points of Light Foundation in conjunction with the Corporation for National Service. Once the bill has passed, applications and procedures will be posted on the foundation's web page.

In the meantime, I urge people to meet with their neighbors, or coworkers, or fellow church members to start identifying projects that would make fitting memorials to the victims of the attack of September 11.

It could be cleaning or creating a park, adopting a school and mentoring students, creating a meals program for the homeless, or just about anything that would do honor to the memories of those who died on September 11.

The Thousand Points of Light Foundation will track each project's progress on their web page.

The only rule would be that qualified projects should be started by September 11, 2002.

Then on that day—as all over America we gather to grieve over the first anniversary of the attack that enraged the world—we'll also be able to look over thousands and thousands of selfless acts that made our world better.

In our sadness, we can create 6,000 points of life across our Nation. And we will show the world that our resolve was not fleeting, or our memories not short.

They will see Unity in the Spirit of America.

And what could bring more fitting honor to all those innocents we lost.

I am also pleased that this bipartisan legislation enjoys the support of the Senators from New York, Mr. SCHUMER and Mrs. CLINTON, and the Senators from Virginia, Senators WARNER and ALLEN.

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. 1556

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 ''Unity in Service to America Act'' or the ''USA Act''.

SEC. 2. PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS.

The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''SEC. 401. PROJECTS.

''(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

''(b) IDENTIFICATION OF PROJECTS.—

''(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

''(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

''(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

''(2) IDENTIFIED PROJECTS.—The Foundation shall identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

''(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, or a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization).

''(d) PROJECTS.—The Foundation shall name, under this section, projects—

''(1) that advance the goals of unity, and improving the quality of life in communities; and

''(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in Service to America Act, as determined by the Foundation.

''(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.''.

By Mr. SANTORUM (for himself and Mr. VOINOVICH):

S. 1558. A bill to provide for the issuance of certificates to social security beneficiaries guaranteeing their right to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today I am pleased to join with my colleague, Senator GEORGE VOINOVICH of Ohio, in introducing the Social Security Benefits Guarantee Act, legislation aimed at conferring upon current Social Security beneficiaries an explicit property right to their benefits.

As the President's Commission to Strengthen Social Security and Congress continue to consider options about how best to put our most vital social program on sound financial footing, it is increasingly important to assure today's beneficiaries that they are not going to be adversely affected by any reform proposal that Congress may ultimately enact into law.

Although reasonable people can disagree about how best to restore Social Security to a path of long-term solvency, philosophical or political leanings should not obstruct us from meeting our moral obligation to preserve and protect the benefits of current beneficiaries.

Both basic fairness and practicality dictate that individuals and families who are currently receiving Social Security benefits should not be expected to adapt to any of the steps necessary to shore up Social Security's long-range financial health. Indeed, President Bush outlined as his very first

principle in the creation of the present Commission that ''Modernization must not change Social Security benefits for retirees or near-retirees.''

No matter what reform plan Congress may consider, one of the more productive interim steps we can undertake is to create an environment where constructive, bipartisan policy options can be pursued. Toward this end, I believe that it is important to remove the ''demagoguery factor'' from the Social Security reform discussion by ensuring seniors that they receive every cent that the government has promised them, including an accurate annual cost-of-living increase. That is why we are introducing the Social Security Benefits Guarantee Act today.

Unfortunately, current law affords no such protection for our nation's elderly. In the Supreme Court's 1960 decision *Flemming* v. *Nestor*, 363 U.S. 603, the Court held that Americans have no property right to their Social Security benefits, and that Congress has the power to change Social Security benefits at any time. One unfortunate byproduct of this case law is that current beneficiaries have fallen victim to scare tactics from politicians, interest groups and others stating or implying that sustainable long-term Social Security reform will lead to a reduction or endangerment of their benefits.

Social Security reform is too important to working Americans to allow short-term political demagoguery to drown out serious bipartisan efforts to put our most vital social program on sound fiscal and actuarial footing. By passing an explicit property right to Social Security benefits for those eligible for and receiving benefits, Congress can assure seniors that their benefits will be protected and focus the reform discussion on the future, where it belongs, and how we can best preserve Social Security's financial dependence at a cost that future generations can bear.

In closing, it is my sincere hope that our colleagues will join Senator VOINOVICH and me in supporting this commonsense legislation to provide America's seniors peace of mind during the inevitable policy challenges that lie ahead for Social Security's financing.

I again thank Senator VOINOVICH for working with me in this effort, and 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. 1558

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 Social Security Benefits Guarantee Act of 2001''.

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue a benefit guarantee certificate to each individual who is determined by the Commissioner of Social Security as of the date of the issuance of the certificate to be entitled to benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.). The Secretary shall also issue such a certificate to any individual on the date such individual is determined thereafter to be entitled to benefits under such title.

(b) BENEFIT GUARANTEE CERTIFICATE.—The benefit guarantee certificate issued pursuant to subsection (a) shall represent a legally enforceable guarantee—

(1) of the timely payment of the full amount of future benefit payments to which the individual is entitled under title II of the Social Security Act (as determined under such title as in effect on the date of the issuance of the certificate); and

(2) that the benefits will be adjusted thereafter not less frequently than annually to the extent prescribed in provisions of such title (as in effect on the date of the issuance of the certificate) providing for accurate adjustments based on indices reflecting changes in consumer prices as determined by the Bureau of Labor Statistics or changes in wages as determined by the Commissioner of Social Security.

(c) OBLIGATION TO PROVIDE PAYMENTS AS GUARANTEED.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in amounts in accordance with the guarantee set forth in the certificate.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT PUBLIC SCHOOLS MAY DISPLAY THE WORDS ''GOD BLESS AMERICA'' AS AN EXPRESSION OF SUPPORT FOR THE NATION

Mr. THURMOND submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is consistent with the Constitution for public schools to display the words ''God Bless America'' as an expression of support for the Nation.

Mr. THURMOND. Mr. President, I rise today to introduce a resolution that would demonstrate the support of Congress for the renewed public patriotism in our country. It would express the sense of the Congress that public schools should be free to post the phrase ''God Bless America'' without the misguided fear that it is illegal and violates the Constitution.

In response to the terrorist attacks of September 11, the patriotism of the American people can be seen everywhere. The American flag is being flown all across our country, from homes and cars to schools and playing fields. Patriotic songs are being sung with a renewed enthusiasm at all public places.

One such patriotic song is ''God Bless America,'' which was written during World War I and became part of American life. Members of Congress spontaneously sang it on the steps of the Capitol the night of the attacks, and it has been played countless times across the country in recent weeks.

The outpouring of unity and love that our Nation has expressed is inspiring. It is truly a fitting response to the terrorists. After all, their goal was to tear us apart, but what they have actually done is bring us together.

One small expression of unity came from Breen Elementary School in Rocklin, California, which posted the phrase ''God Bless America'' on a marquee in front of the school.

Given the patriotism all across our country, this small expression of resolve would not seem to be newsworthy. After all, these words are part of the history and fabric of our country. These words demonstrate the spirit of America.

Unfortunately, there are a few who do not agree, and do not support Breen Elementary's display of patriotism. The American Civil Liberties Union has demanded that the school remove the slogan, saying that the school is clearly violating the Constitution. It even referred to the display of ''God Bless America'' as ''hurtful'' and ''divisive.''

To say that ''God Bless America'' is ''hurtful'' and ''divisive'' is absolutely ridiculous. The phrase is also in no way unconstitutional. I have disagreed with the ACLU many times over the years, but their response here is even hard for me to believe. It simply wrong for the ACLU to try to bully this school into supporting its extreme interpretation of the Constitution.

Fortunately, the school is not intimidated. Rocklin Unified School District Superintendent Kevin Brown has made it plain that the school is standing firm in its decision to keep ''God Bless America'' posted. It is a decision that is principled, appropriate, and entirely in keeping with the Constitution. We all should be proud of the school for taking this courageous stand.

Simply put, the ACLU has no support in the law for its position. While there does not appear to be any Federal cases ruling on the phrase ''God Bless America,'' various challenges have been made to a similar slogan, ''In God We Trust.'' The Ninth Circuit Court of Appeals, arguably the most liberal federal appeals court, held in Aronow v. United States that the use of this phrase on currency and as the national motto does not violate the establishment clause of the Constitution. The court said, ''Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise.'' It also said that ''it is quite obvious'' that the phrase ''has nothing whatsoever to do with the establishment of religion.''

While the ninth circuit is the most relevant here because the school is located in California, other circuit courts

have reached the same conclusion. The tenth circuit explained in Gaylor v. United States that the national motto ''through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief.'' In cases such as Lynch v. Donnelly, the Supreme Court has indicated its approval of these rulings. Even Justice William Brennan, one of the most liberal Supreme Court Justices of the modern era and one of the most strident advocates for the separation of church and state, even indicated his support for this view, saying that Americans have ''simply interwoven the motto so deeply into the fabric of our civil polity'' as to eliminate constitutional problems.

The same reasoning applies to Breen Elementary's use of ''God Bless America.'' Both of these phrases show the important role that religion plays in America, but they are not an establishment of religion or endorsement of religious belief.

It is also significant that even when the Supreme Court ruled that organized prayer in public schools was unconstitutional in Engel v. Vitale, it made it clear that the case did not apply to patriotic or ceremonial anthems that refer to God. While I have always viewed this case as misguided, and have for years introduced a constitutional amendment to reverse it, even this case supports Breen Elementary School.

The fact is that religion is central to our culture and our patriotic identity as a nation. As the Supreme Court said in Lynch v. Donnelly, there is an ''an unbroken history of official acknowledgement by all three branches of government of the role of religion in American life.''

This is not something we should ignore or hide. I have never understood why some have desperately tried to remove any acknowledgment of religion from American life.

Just the opposite should be the case. It is only fitting that we would turn to these expressions in times of great difficulty.

I hope that my colleagues will join me in supporting the patriotism displayed in Rocklin, California. Throughout the history of this great Nation, we have invoked the blessings of God without establishing religion. From prayers before legislative assembly meetings and invocations before college football games to the national motto embedded on our currency, our Constitution has allowed references to God. During this time of national tragedy and recovery, we should not allow extreme interpretations of the Constitution to dampen our patriotism and resolve.

This is an important matter that deserves our attention during these difficult times. A resolution very similar to this one has been introduced in the House by my friend, Representative HENRY BROWN. We should support Breen Elementary School and others like it as they personify the spirit of America.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 18, 2001, in SR–328A at 11 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Dr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, To conduct a hearing on ''The Failure of Superior Bank, FSB, Hinsdale, Illinois.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., to conduct a hearing to review the Federal Emergency Management Agency's response to the September 11, 2001, attacks on the Pentagon and the World Trade Center. The hearing will be held in SD–406.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, October 16, 2001, following the first vote of the day for a business meeting to consider pending committee business, including the nomination of Mark Everson, to be Controller, Office of Federal and Financial Management, Office of Management and Budget.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, October 16, 2001, at 3 p.m.

Agenda: Markup of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; S. 727, a bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; an original bill dealing with mental health and terrorism; and the nomination of Jean Scalia to be Solicitor General of the Department of Labor.

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

COMMITTEE ON SMALL BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a confirmation hearing on the nomination of Thomas M. Sullivan to be Chief Counsel for Advocacy at the U.S. Small Business Administration on Tuesday, October 16, 2001, beginning at 10:15 a.m., in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, for a hearing on the Department of Veterans Affairs' Fourth Mission: Caring for Veterans, Servicemembers, and the Public Following Conflicts and Crises. The meeting will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., on Emergency 911.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, at 2 p.m., in closed session to receive testimony on security of Department of Defense ammunition shipments.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Youth Violence be authorized to meet to conduct a hearing on Tuesday, October 16, 2001, at 10:30 a.m., in Dirksen 226.

''Defending America's Transportation Infrastructure'' panel: The Honorable Mike Parker, Assistant Secretary for the Army (Civil Works), Department of the Army, Washington, DC; Brian M. Jenkins, Senior Advisory to the President, RAND Corporation, Santa Monica, CA; Donald E. Brown, Chair of the Department of Systems Engineering, University of Virginia,

Charlottesville, VA; Jeffrey K. Beatty, President and CEO, Total Security Services International, Marrietta, GA; and Tony Chrestman, President, Ruan Transport, Des Moines, IA.

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

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2001 third quarter mass mailings is October 25, 2001. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 452 through 463 and the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

DEPARTMENT OF DEFENSE

William Winkenwerder, Jr., of Massachusetts, to be an Assistant Secretary of Defense.

AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Brubaker, 0000
Col. Michael W. Corbett, 0000

ARMY

The following named officer for appointment as the Assistant Judge Advocate General, United States Army and for appointment to the grade indicated under title 10, U.S.C. section 3037:

To be major general

Brig. Gen. Michael J. Marchand, 0000

The following named officer for appointment in the United Sates Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. John M. Le Moyne, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry R. Jordan, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Paul J. Kern, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen, Joseph R. Inge, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

Lt. Gen. John P. Abizaid, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. George W. Casey, Jr., 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard K. Gallagher, 0000
Capt. Thomas J. Kilcline, Jr., 0000

AIR FORCE

PN1132 Air Force nominations (36) beginning Gino L. Auteri, and ending Jesus E. Zarate, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 10, 2001.

PN1133 Air Force nominations (2065) beginning Richard E. Aaron, and ending *Delia Zorrilla, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 10, 2001.

ARMY

PN1074 Army nominations (2) beginning George M. Gouzy, III, and ending Carrol H. Kinsey, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 2001.

PN1075 Army nominations (3) beginning Jeffrey E. Arnold, and ending Timothy L. Sheppard, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 2001.

PN1101 Army nomination of Gregory A. Antoine, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 2, 2001.

PN1124 Army nomination of Stephen C. Burritt, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 9, 2001.

MARINE CORPS

PN1076 Marine Corps nomination of Henry J. Goodrum, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 2001.

NAVY

PN1077 Navy nominations (2) beginning Richard D. Anderson, III, and ending James P. Ingram, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 2001.

PN1078 Navy nomination of Bradley J. Smith, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 21, 2001.

PN1102 Navy nominations (2) beginning Richard A. Guerra, and ending Jeff B. Jorden, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 2, 2001.

PN1103 Navy nomination of Martin B. Harrison, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 2, 2001.

PN1125 Navy nomination of Michael S. Speicher, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 9, 2001.

PN1126 Navy nomination of Gary W. Latson, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 9, 2001.

PN1127 Navy nomination of Robert S. Sullivan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 9, 2001.

PN1134 Navy nominations (1442) beginning Kevin T. Aanestad, and ending John J. Zuhowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 10, 2001.

LEGISLATIVE SESSION

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

MEASURE READ THE FIRST TIME—H.R. 2646

Mr. REID. Further, I understand that H.R. 2646, which was received from the House, is at the desk. I ask for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 17, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 17; that following the prayer and the pledge, the Journal of

proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of the motion to proceed to the Foreign Operations Appropriations Act, with 1 hour of debate equally divided between the chairman and the ranking member, or their designees, prior to an 11 a.m. cloture vote on the motion to proceed.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:46 p.m., adjourned until Wednesday, October 17, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 16, 2001:

FEDERAL EMERGENCY MANAGEMENT AGENCY

R. DAVID PAULISON, OF FLORIDA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE CARRYE BURLEY BROWN.

DEPARTMENT OF COMMERCE

CONRAD LAUTENBACHER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE D. JAMES BAKER, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CONSTANCE BERRY NEWMAN, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE VIVIAN LOWERY DERRYCK, RESIGNED.

DEPARTMENT OF STATE

CHRISTOPHER BANCROFT BURNHAM, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE, VICE BERT T. EDWARDS.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE.

INTERNATIONAL BROADCASTING BUREAU

TERENCE J. DONOVAN, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

KEITH E. BROWN, OF VIRGINIA
CHRISTOPHER D. CROWLEY, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

GLENN E. ANDERS, OF FLORIDA
DESAIX B. MYERS III, OF CALIFORNIA
CAROLE SCHERRER-PALMA, OF TEXAS
MARK I. SILVERMAN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHARLES RICHARD AANENSON, OF WASHINGTON
HENRY LEE BARRETT, OF NORTH CAROLINA
JAMES ANDREW BEVER, OF VIRGINIA
JON HASKELL BRESLAR, OF VIRGINIA
MICHAEL FARBMAN, OF VIRGINIA
WILLIAM MICHAEL FREJ, OF CALIFORNIA
WILLARD L. GRIZZARD, OF FLORIDA
DEBORAH K. KENNEDY-IRAHETA, OF VIRGINIA
ERNA WILLIS KERST, OF CALIFORNIA
MARGARET ALISON NEUSE, OF THE DISTRICT OF COLUMBIA
DIANNE L. RAWL, OF VIRGINIA
ANDREW B. SISSON, OF NEW YORK
WILLIAM F. SUGRUE, OF CONNECTICUT
DIANA LEIGH SWAIN, OF VIRGINIA
CHARLES MAXWELL UPHAUS, OF VIRGINIA
LOUISE BERRY WISE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

OLIVIER C. CARDUNER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JAMES F. DOBBINS JR., OF NEW YORK
SHAUN EDWARD DONNELLY, OF MARYLAND
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
ANNE WOODS PATTERSON, OF ARKANSAS
C. DAVID WELCH, OF CALIFORNIA
MOLLY K. WILLIAMSON, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

CATHERINE BARRY, OF ILLINOIS
GREGORY L. BERRY, OF OREGON
RAYMOND A. BONESKI, OF FLORIDA
DONALD E. BOOTH, OF NEW JERSEY
MARTIN G. BRENNAN, OF CALIFORNIA
KATHLEEN A. BRION, OF VIRGINIA
WARRINGTON E. BROWN, OF NEW JERSEY
ROLAND W. BULLEN, OF CALIFORNIA
CAREY CAVANAUGH, OF FLORIDA
PHILLIP T. CHICOLA, OF FLORIDA
CHRISTOPHER WILLIAM DELL, OF NEW JERSEY
ANNE E. DERSE, OF MICHIGAN
PATRICK DENNIS DUDDY, OF MAINE
DAVID B. DUNN, OF CALIFORNIA
JUDITH RYAN FERGIN, OF MAINE
JANET E. GARVEY, OF MASSACHUSETTS
DAVID HAAS, OF VIRGINIA
RICHARD CHARLES HERMANN, OF IOWA
RICHARD EUGENE HOAGLAND, OF THE DISTRICT OF COLUMBIA
JANICE LEE JACOBS, OF ILLINOIS
SUSAN S. JACOBS, OF MICHIGAN
SIDNEY L. KAPLAN, OF CONNECTICUT
SCOTT FREDERIC KILNER, OF CALIFORNIA
ANN KELLY KORKY, OF NEW JERSEY
PETER JOHN KOVACH, OF MASSACHUSETTS
JOSEPH EVAN LEBARON, OF OREGON
ROSE MARIE LIKINS, OF VIRGINIA
JOHN W. LIMBERT, OF VERMONT
CARMEN MARIA MARTINEZ, OF FLORIDA
MARGARET K. MCMILLION, OF PENNSYLVANIA
GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA
MICHAEL C. MOZUR, OF VIRGINIA
STEPHEN D. MULL, OF PENNSYLVANIA
ROBERT K. NOVAK, OF WASHINGTON
LARRY LEON PALMER, OF GEORGIA
JO ELLEN POWELL, OF THE DISTRICT OF COLUMBIA
EVANS JOSEPH ROBERT REVERE, OF VIRGINIA
STEPHEN R. ROUNDS, OF NEW HAMPSHIRE
JANET A. SANDERSON, OF ARIZONA
RONALD LEWIS SCHLICHER, OF TENNESSEE
CHARLES N. SILVER, OF VIRGINIA
PAUL E. SIMONS, OF NEW JERSEY
STEPHEN T. SMITH, OF NEBRASKA
DORIS KATHLEEN STEPHENS, OF ARIZONA
GREGORY MICHAEL SUCHAN, OF OHIO
FRANK CHARLES URBANCIC, OF INDIANA
EDWARD H. VAZQUEZ, OF NEW JERSEY
STEVEN J. WHITE, OF FLORIDA
SHARON ANDERHOLM WIENER, OF OHIO
NICHOLAS M. WILLIAMS, OF NEW YORK
LAURENCE D. WOHLERS, OF WASHINGTON
WILLIAM BRAUCHER WOOD, OF NEW YORK
MARY CARLIN YATES, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

EDWARD M. ALFORD, OF VIRGINIA
JAY NICHOLAS ANANIA, OF CONNECTICUT
TIMOTHY DUANE ANDREWS, OF MISSOURI
EDMUND EARL ATKINS, OF CALIFORNIA
ANNE V. STENZEL BARBARO, OF CALIFORNIA
ROBERT O. BLAKE JR., OF THE DISTRICT OF COLUMBIA
MERRIE D. BLOCKER, OF FLORIDA
STUART VAUGHAN BROWN, OF THE DISTRICT OF COLUMBIA
LYNN L. CASSEL, OF ALASKA
KATHLEEN M. CAYER, OF MASSACHUSETTS
CATHY TAYLOR CHIKES, OF VIRGINIA
MARJORIE COFFIN, OF TEXAS
STEVEN P. COFFMAN, OF TEXAS
THOMAS MORE COUNTRYMAN, OF WASHINGTON
BARBARA CECELIA CUMMINGS, OF VIRGINIA
ROBERT E. DAVIS JR., OF WASHINGTON
PAUL DENIG, OF NEW JERSEY
ELIZABETH LINK DIBBLE, OF THE DISTRICT OF COLUMBIA
ROBERT WILLIAM DRY, OF FLORIDA
PHILIP HUGHES EGGER, OF TENNESSEE
ROBERT BRUCE EHRNMAN, OF NEW JERSEY
STEPHEN C. ENGELKEN, OF OHIO
GERALD MICHAEL FEIERSTEIN, OF PENNSYLVANIA
JANE CATHERINE GAFFNEY, OF MARYLAND
ROBERT F. GODEC, OF VIRGINIA
ANDREW LEWIS ALLEN GOODMAN, OF VIRGINIA
GORDON GRAY III, OF NEVADA
ELIZABETH P. HINSON, OF TEXAS
ERIC GRANT JOHN, OF THE DISTRICT OF COLUMBIA
SUSAN ROCKWELL JOHNSON, OF NEW YORK
DEBORAH K. JONES, OF CALIFORNIA
FRANCES THORNTON JONES, OF NORTH CAROLINA
PETER GRAHAM KAESTNER, OF MARYLAND
J. CHRISTIAN KENNEDY, OF INDIANA
SUSAN E. KEOGH-FISHER, OF CALIFORNIA
MICHAEL DAVID KIRBY, OF OHIO
ROBERT B. LAING, OF WASHINGTON
ALAN BRYAN CEDRICK LATIMER, OF GEORGIA
ALICE C. LEMAISTRE, OF ALABAMA
AN THANH LE, OF FLORIDA
JEFFREY DAVID LEVINE, OF CALIFORNIA
PATRICK JOSEPH LINEHAN, OF MAINE
KATHERINE J. M. MILLARD, OF THE DISTRICT OF COLUMBIA
LUIS G. MORENO, OF NEW YORK
JOHN D. MORRIS, OF GEORGIA
PATRICIA A. MURPHY, OF VIRGINIA
WAYNE EDWARD NEILL II, OF NEVADA
WILLIAM GREGORY PERETT, OF VIRGINIA
LISA A. PIASCIK, OF FLORIDA
ROBERT A. POLLARD, OF VIRGINIA
RONALD J. POST, OF CALIFORNIA
DOUGLAS K. RASMUSSEN, OF CALIFORNIA
JOHN ROBERT RIDDLE, OF TEXAS
CHRISTOPHER R. RICHE, OF WASHINGTON
LESLIE V. ROWE, OF WASHINGTON
ROBIN RENEE SANDERS, OF NEW YORK
DANIEL SANTOS, SANTOS JR., OF FLORIDA
FRANCIS T. SCANLAN JR., OF LOUISIANA
KYLE R. SCOTT, OF ARIZONA
FLORITA INDIRA SHEPPARD, OF TEXAS
JOSIE SLAUGHTER SHUMAKE, OF MISSISSIPPI
MARK JAY SMITH, OF CALIFORNIA
KAREN BREVARD STEWART, OF FLORIDA
CURTIS A. STONE, OF WASHINGTON
ANN SANBORN SYRETT, OF WASHINGTON
DONALD E. TERPSTRA, OF TEXAS
HARRY KEELS THOMAS JR., OF NEW YORK
LINDA THOMAS-GREENFIELD, OF LOUISIANA
D. BRUCE WHARTON, OF TEXAS
DANIEL FRANK WHITMAN, OF OHIO
PENELOPE ANN WILLIAMS, OF FLORIDA
MARK S. WOERNER, OF ILLINOIS
DAVID THOMAS WOLFSON, OF TEXAS
KARL EDWIN WYCOFF, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PLABAN K. BAGCHI, OF VIRGINIA
PATRICIA A. BEITH, OF CALIFORNIA
STANLEY BIELINSKI JR., OF VIRGINIA
JEAN ALDRIDGE BONILLA, OF CALIFORNIA
MARK C. BOYETT, OF TEXAS
PATRICIA A. HARTNETT-KELLY, OF MARYLAND
STEVE A. LAUDERDALE, OF TEXAS
BARRETT G. LEVINE, OF CALIFORNIA
NANCY LEE MANAHAN, OF FLORIDA
SANDRA M. MUENCH, OF FLORIDA
JOHN G. RENDEIRO JR., OF PENNSYLVANIA
GEORGE ROVDER, OF VIRGINIA
ELIZABETH U. SINES, OF CALIFORNIA
AGU SUVARI, OF RHODE ISLAND
LEVIA F. SWAIN JR., OF WEST VIRGINIA
KENNETH EDWARD SYKES, OF FLORIDA
CHARLES R. WILLS, OF WASHINGTON

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. HAL M. HORNBURG, 0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONALD W. DAWSON III, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL M. MACGUIRE, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER M. MURPHY, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL F. LEE, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 16, 2001:

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF DEFENSE

WILLIAM WINKENWERDER, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

AIR FORCE NOMINATION OF COL. DAVID F. BRUBAKER.

AIR FORCE NOMINATION OF COL. MICHAEL W. CORBETT.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS THE ASSISTANT JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 3037:

To be major general

ARMY NOMINATION OF BRIG. GEN. MICHAEL J. MARCHAND.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN M. LE MOYNE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. LARRY R. JORDAN.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. KEVIN P. BYRNES.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

ARMY NOMINATION OF LT. GEN. PAUL J. KERN.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOSEPH R. INGE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. JOHN P. ABIZAID.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. GEORGE W. CASEY JR.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. RICHARD K. GALLAGHER.

NAVY NOMINATION OF CAPT. THOMAS J. KILCLINE JR.

AIR FORCE NOMINATIONS BEGINNING GINO L AUTERI AND ENDING JESUS E ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 2001.

AIR FORCE NOMINATIONS BEGINNING RICHARD E AARON AND ENDING *DELIA ZORRILLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 2001.

ARMY NOMINATIONS BEGINNING GEORGE M. GOUZY III AND ENDING CARROL H. KINSEY JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

ARMY NOMINATIONS BEGINNING JEFFREY E. ARNOLD AND ENDING TIMOTHY L. SHEPPARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

ARMY NOMINATION OF GREGORY A. ANTOINE.

ARMY NOMINATION OF STEPHEN C. BURRITT.

MARINE CORPS NOMINATION OF HENRY J. GOODRUM.

NAVY NOMINATIONS BEGINNING RICHARD D. ANDERSON III AND ENDING JAMES P. INGRAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

NAVY NOMINATION OF BRADLEY J. SMITH.

NAVY NOMINATIONS BEGINNING RICHARD A. GUERRA AND ENDING JEFF B. JORDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 2, 2001.

NAVY NOMINATION OF MARTIN B. HARRISON.

NAVY NOMINATION OF MICHAEL S. SPEICHER.

NAVY NOMINATION OF GARY W. LATSON.

NAVY NOMINATION OF ROBERT S. SULLIVAN.

NAVY NOMINATIONS BEGINNING KEVIN T AANESTAD AND ENDING JOHN J. ZUHOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 2001.