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Senate

The Senate met at 10:30 a.m., and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. James A. Scudder of Quentin Road Bible Baptist Church in Lake Zurich, IL.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Dear Heavenly Father, sovereign of our Nation and our personal friend in time of trouble, we come before You with much gratitude for Your bountiful mercy. You are the governor of the universe and You are supremely good. Therefore, the laws You have promulgated must be the expression of a nature infinitely good.

What the terrorists have done is infinitely bad and cannot come from an infinitely good God. Your great goodness and providential loving care have been seen and understood, especially in the midst of a great turmoil our Nation has faced recently. Bestow power to these women and men of the Senate as they seek Your help in silent strength for the difficulties and pressures we are facing as a nation.

Psalms tell us that blessed is the nation whose God is the Lord. And so, Lord, we are blessed that You are our God. These Senators also bless our Nation with their leadership, and we thank You for each man and woman here. Like never before, we beseech You for Your holy strength. We ask for Your mighty hand of power and for Your divine wisdom to assist these Senators as they lead our Nation. Give them the clarity of thought they need to make their many decisions. Give them guidance and help today. Grant them courage for such a time as this. In the name of Your son, Jesus Christ, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BYRIN DORGAN 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The Senator from Illinois, Mr. FITZGERALD, is recognized.

THANKING REVEREND JAMES A. SCUDDER

Mr. FITZGERALD. Mr. President, I thank and acknowledge the invocation by Dr. James A. Scudder, the Pastor of Quentin Road Bible Baptist Church in Lake Zurich, IL. Reverend Scudder is one of my distinguished constituents from the State of Illinois. I have appeared before his congregation and I have known him for many years. I appreciate his friendship, and we are all eternally grateful for his being here this morning and giving the prayer.

Dr. Scudder is somewhat nationally known. He has a national television show that appears once a week on WGN–TV. He is an outstanding guest Chaplain for us to have today. I thank Dr. Scudder on behalf of the State of Illinois and the country for being here today.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business very shortly, with Senators permitted to speak for up to 10 minutes each.

At 11 o'clock, we will resume consideration of the election reform bill. As Senators know, cloture was filed yesterday. Therefore, all first-degree amendments are to be filed prior to 1 p.m. today.

Mr. President, once you announce our being in morning business, I ask unanimous consent that I be allowed to speak.

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

Mr. REID. I thank the Chair.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes.

Under the previous order, the Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

Mr. WELLSTONE. May I ask the Senator a question first? Other Senators are here. There are three or four of us on the floor, which would be a little over 30 minutes. I wonder if we can modify that request.

Mr. REID. Mr. President, I think we are going to have a lot of time for

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

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morning business today. I would not worry about that at all.

Mr. WELLSTONE. I thank the Senator.

ELECTION REFORM

Mr. REID. Mr. President, I see here one of the persons responsible for the amendment that has brought the Senate to a standstill—Senator WYDEN. I think it is really too bad that the amendment has brought the Senate to a standstill.

The opponents of the Schumer-Wyden amendment claim they are seeking to eliminate fraud and that is why they oppose the amendment. Well, of course, everybody in the Senate is against fraud. However, we over here believe that also we must do anything we can to stop disenfranchisement of voters.

I think it is so important to recognize that we need to encourage people to vote, and vote honestly. Nobody is encouraging people to vote by fraud. But by holding up this legislation—and that is what is happening—the opponents are preventing, among other things, $3 billion going to the States for election reform efforts.

My State, Nevada, needs this money very badly. We have the most modern machines you can buy in southern Nevada, in Las Vegas. They are electronic, beautiful, and they are without fail. But in the other 16 counties, we have a mishmash of other types of machines. In the 1998 election Senator ENSIGN had with me, we had a registrar of voters in Washoe County, Reno, NV, who wanted to save the county money, so she had printed the ballots herself. They were approximately a 16th or a 32nd of an inch off. A lot of them didn't count. They didn't match the machines. It created all kinds of problems. In addition to that, there were—because of the inappropriateness of the machines—a number of ballots that were not counted because they were not put into the machines correctly.

In other counties, we have old-fashioned, very old punchcard machines. This legislation would allow the State of Nevada to have all good machines. That is one of the things being held up here—$3 billion in funding going to the States for election reform efforts.

The secretary of state of Nevada, one of the most progressive secretaries of state, has been in conference with Senator DODD on this legislation. He is a Republican, by the way. He loves our legislation and thinks it should pass. He likes the amendment of the Senator from Oregon. We have letters from secretaries of state of Arkansas, Kentucky, and North Carolina, to name a few, who have strong reservations with the bill's original language dealing with identification.

Currently, there are 19 States and the District of Columbia that have signature verification. An additional 22 States use a signature system in conjunction with something else.

No eligible voter should be prevented from casting their vote. Remember, this bill still has to go to conference, and one of the things that so troubles me with the minority is the President of the United States is a member of their party. The leadership in the House is all Republican. So when we go to conference with this bill, we are in the minority because we are dealing with the President and the Republican leadership in the House. So I cannot understand why they will not let this legislation move on and go to conference. It is as if they are changing the rules in the middle of the game.

Legislation has come before the Senate, an amendment was offered and was adopted. Does that mean anytime legislation comes before this body and an amendment is offered to it we just close up and go on to something else? If that is the case, then we should do everything in committee and forget about action by the full Senate.

By holding up this important legislation, we are wasting valuable time that could be spent on, for example, the energy bill or campaign finance reform. I am terribly disappointed we are not moving forward. I hope cloture will be invoked tomorrow.

I say to my friend from Oregon, I have been tremendously impressed with the State of Oregon and their method of election. The two Senators from Oregon who voted in favor, of course, of the amendment that Senator WYDEN offered were elected by virtue of ballots cast by mail.

I followed very closely what went on in Oregon. I have not heard an iota from newspapers or any other commentary that there was anything wrong with the election. I have never known anyone to say there was any fraud in electing Senator WYDEN or Senator SMITH. They were elected by mail.

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

Mr. REID. I will be happy to yield for a question.

Mr. WYDEN. Not only is the Senator right, but Senator SMITH, in particular, deserves great credit because in a very close election, he made no assertions that there was any fraud in the election.

My question is, Is the Senator from Nevada aware of any evidence of any studies or analyses indicating that these vote-by-mail elections are tainted by fraud? I am not aware of any. Senator SMITH deserves a lot of credit because he could have raised that issue in our election, and he declined to do it.

Is the Senator aware of any evidence of fraud in these races?

Mr. REID. Mr. President, I say to my friend, the evidence speaks for itself. The Senator from Oregon courageously stepped forward yesterday and was the only Republican to vote in favor of Senator WYDEN's amendment. Why did he do that? Because he knows the process in Oregon is good.

I think we, as Senators, have to do everything we can to stimulate voter turnout, to make it easier. I am in favor of voting 2 days. In Nevada, I am in favor of—we are a 24-hour town—voting all night long. We have to do everything we can to allow more participation.

I am so impressed with what North Dakota does. In North Dakota, if you want to vote, come on in, we will let you vote. They have same-day registration. Imagine that. I have talked to my friend from North Dakota, and I have never heard—and I do not think he has either—of any fraud.

We live in a world of computers. People are going to cheat. It is easy to find out if they cheat.

We should do everything we can to move forward with allowing people to vote. We should not make it harder for them to vote. We should make it easier for them to vote.

I applaud my friend from Oregon for working on this legislation so hard and, I think, making the legislation so much better. Recognizing there is a problem with it, let us work it out in conference and not say we are going to close up shop and not allow us to move forward on this legislation.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I, too, compliment the distinguished Senator from Oregon for his outstanding work and leadership on this issue. He has gone the extra mile to find a way to resolve this matter. I know he has worked diligently over the last several weeks. He and I have talked about this matter on a number of occasions.

I think Oregon has been the leader in this country in innovative ways to encourage broader voter participation. He so ably represents his State. On this particular issue, no one has provided greater leadership and more insight on what we can do to improve participation than he has.

I join with my colleague from Nevada in thanking him and commending him for his efforts.

AMERICA'S STEEL INDUSTRY

Mr. DASCHLE. Mr. President, I ask the indulgence of my colleagues. I have a short statement that I will use my leader time to make. It involves a matter I know is of great concern to a number of our colleagues. I wish to make a couple of remarks with regard to the so-called 201 decision to be made by the administration relating to steel.

The last few years have been among the worst in history for the American steel industry. In just the last 2 years, 31 steel companies have filed for bankruptcy. Since January of 2000, more than 50 steel-making or related plants have shut down or been idle. Steel prices are now at their lowest level in 20 years.

This crisis has been devastating for steelworkers, their families, and communities. Over 43,000 steelworkers have

lost their jobs, and another 600,000 retirees and their surviving spouses are in danger of losing their health care benefits because the companies that once employed them are now facing bankruptcy.

A number of those families are in Washington today. In talking with them, one quickly realizes the numbers do not even begin to capture the pain they are feeling and the insecurity they face about their very future.

These families are hurting because this important sector of our economy is competing against global competitors who unfairly benefit from government subsidies or have resorted to flooding our Nation with imports.

Seven months ago, the President initiated what is called a section 201 investigation. This investigation, conducted by the International Trade Commission, found unanimously that imports have caused serious injury. That means under our trade laws the steel industry deserves an immediate and effective remedy.

In less than a week, by March 6, the President has to make his final ruling on what that remedy will be. But we already know the right remedy. The remedy is a 40-percent tariff rate for 4 years. That would be an effective enforcement of our trade laws and the right thing to do for hard-hit steelworker families.

There is one other action the President must take, and that is lead on the issue of promoting consolidation and the protection of retirement health benefits, the benefits that were promised years ago to workers by companies that are now teetering on the verge of bankruptcy.

These benefits are so-called legacy costs. They really are a lifeline for 600,000 retirees and their surviving spouses and a measure of our commitment to the healthy and decent retirement these workers have earned.

America's steelworkers have literally built this Nation, from skyscrapers that define us, to the military that defends us. In the process, they have proven they can compete against any workers anywhere in the world and win, so long as the rules are fair.

In a very real sense, the future of the steel industry in America hinges on the administration's decision. So today we are asking the administration to use this historic opportunity to do the right thing for America's steelworkers, their industry, and the retirement health benefits on which they depend.

I yield the floor, and I thank my colleagues for their willingness to accommodate me.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

ELECTION REFORM

Mr. BOND. Mr. President, I just happened to catch the last of the remarks of my very good friend, the distinguished majority whip, about what has happened with this election reform bill.

We ought to get the record straight. My good friend mentioned the fact that we seem to be holding this up over one little amendment. I will tell you what this is all about, Mr. President. We worked long and hard to come to a reasonable, responsible compromise because the Senator from Connecticut very eloquently made the case that we need to make it easier to vote, and I agree with that.

We worked on his portion of the bill. He made some compromises that took care of some of our concerns, but at the same time I tried to testify before the Rules Committee, and I came to the floor and made the case that there is another problem that is as serious a problem as making it difficult for somebody to vote, and that is diluting their vote with fraudulent, improper votes.

I have laid out for this body a number of times the fact that vote fraud continues to exist in Missouri and too many other States. So I proposed some solutions to give us some minimal protection against vote fraud in the future.

As part of the compromise, it was pointed out by my colleagues on the other side that requiring the photo ID may be too difficult, or requiring them to vote in person may be too difficult, although seven States do it, and I think that makes a lot of sense. St. Louis, MO, after we called attention to the vote fraud committed in November of 2000, decided to require photo IDs at the poll in the mayoral primary. Do you know something. It worked. We did not hear any complaints that people could not vote. They had an honest election in St. Louis.

I was willing to compromise with my colleagues, the Senator from Connecticut, the Senator from New York, and the Senator from New Jersey, and say if it is too burdensome to require a photo ID, let us go down the list and see what other things could be done. That is why we added that a bank statement with one's name and address can be used, or a utility bill, a government check, a paycheck, to try to make it possible so that one time in the process they would have to have proof that they were a real live human being.

Now our friends on the other side made fun of the fact that we had dogs registered to vote in Missouri and in Maryland. Well, that sounds kind of crazy, but the system is so sloppy, the motor voter law has made it possible for people to register dogs. I will guarantee there are a lot more fraudulent votes than just the dogs.

Some have objected and said we have not shown widespread fraud in St. Louis. Oh, yes, we have. Wherever we have looked, we have found fraud. Wherever we have looked, we have found ineligible people voting, dead people voting, felons voting—in Virginia, Wisconsin, California, Colorado, North Carolina, Indiana, Florida, and Texas.

What we found that in Missouri they had judges ordering people to be registered to vote. They went before a judge, and he said: Why are you not registered? One said: I am a Democrat. Another one said: I want to vote for Gore. Another one said: I have been a felon and forgot to reregister. Thirteen hundred people were registered by judge order. The secretary of state went back and did an exhaustive search on those 1,300 and found 97 percent of them were not lawful votes.

In the mayoral primary in 2001, 3,000 postcard registrations were dumped on the election board on the last day. At that point, my colleagues in the other party in St. Louis, who were a lot more concerned about stealing a mayor's race than they were about stealing a Governor's race or President's race or a Senate race, raised cane.

When those postcard registrations were looked at, they were all found to have had the same handwriting—many of them had the same handwriting. They were on one or two blocks. Those have all been turned over to the prosecuting authorities. We have not gotten any convictions yet.

We also know that right before the general election in November of 2000, 30,000 postcard registrations were dumped on the St. Louis city election board. Nobody has gone back and reviewed them, but the guess is that at least 15,000 of them were fraudulent. Is it not a little bit beyond credibility that St. Louis, which had 200,000 registered voters, would on the last 2 days of registration register 30,000 people, equal to 15 percent?

That is one of the reasons St. Louis has almost as many registered voters as it has adults. It would be truly remarkable if each one of those registrations equaled a registration of somebody who was an adult human being entitled to vote in Missouri. I do not believe it. We have not had the resources to go back and check.

Frankly, as the Senator from Pennsylvania pointed out yesterday, it is very difficult, particularly under motor voter, to prosecute people who register illegally. Why? Because there is nobody there. You sign somebody else's name, send it in, and say I promise to, with a signature affirmation and verification. I could register all my colleagues on the other side of the aisle in a Republican area of Missouri, and we would have signatures on their mail-in ballots every time. This time they might be voting our way rather than the other way.

I believe some of the people arguing against the bill yesterday were woefully uninformed about what this bill requires. I say to my friend from Oregon, this only applies to people registering after the bill becomes law. It only applies one time, either when you register or when you vote for the first time. You have to show something that would tend to prove you are a live human being, living where you said you were, entitled to vote.

Concern was expressed over provisional voting, and the registration—the identification goes into effect immediately. Right now, 39 States have either provisional voting or same-day registration. I did not draft that part of the bill that says provisional voting would only go into effect in 2004. We would be happy to move it up for the other 11 States so it takes effect immediately.

The Senator from Oregon made a very good point in his discussions yesterday: When a person registers, we ought to make sure when they register that they are legitimate voters. I agree 100 percent.

Do you know what. Motor voter prevents verification of the registration, as it now stands. That is why we had to amend it.

There was a lot of discussion yesterday about how many people we would disenfranchise, and they postulated hundreds of thousands, maybe millions, of people would be disenfranchised because they would not have a photo ID, a utility bill, a bank statement, a government check, that shows their address. I think that is hogwash.

There may be a handful of people who do not have that, but we have money in the bill for the States to go out and affirmatively identify and provide registration for people who fall through the cracks. I am happy to put a provision in there saying the States—if on application by somebody who is entitled to vote, who does not have any of these documents, they can get a State or an election board identification card. Put the burden on the States when somebody shows they have none of these articles or identifiers. I think that might be one-hundredth of a percent at the maximum.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DODD. I ask unanimous consent that the Senator from Missouri be allowed to speak for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. I ask unanimous consent that the time for morning business be extended until the hour of 11:45 a.m.

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

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Missouri be allowed to proceed for another 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I ask unanimous consent that the Senator be allowed to speak under the period for morning business.

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

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed after Senator BOND.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent to proceed after the Senator from Oregon.

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

The Senator from Missouri is recognized for an additional 10 minutes.

ELECTION REFORM

Mr. BOND. Mr. President, I do not need an additional 10 minutes. I have said all the things I need to say.

It is not just my view that signature affirmation or verification does not work. Professor Melody Rose of Portland State University in Oregon has pointed out the significant numbers, 60,000 to 80,000, perhaps, who signed someone else's ballot or had someone else mark it for them. There were problems in Oregon.

The Carter-Ford commission said signature verification and affirmation is not adequate, it is inaccurate. Check page 31 of the report. Why? You sign a mail-in registration which cannot be checked under motor voter; you put a signature on it—it could be a dog, a dead alderman, a neighbor, a fictitious brother—and every time you vote as that person, your signature will match the signature that you put on fraudulently when you registered that person.

I knew when we took on fraud, fraud would fight back. I want to make sure everybody understands that the deal we worked out was widely praised. The Senator from New York said we ought to come together because we have a good bill. I agree. I thought we had a good bill. We made a lot of compromises. There is money there to improve the voting system and get statewide registration to make it easier for those with disabilities to vote, to cut down on fraud, to have provisional voting. That is a reasonable, rational system.

I believe this body cannot go down the road saying we are making it easier to vote and harder to cheat. They blow a huge hole in the voter fraud section by saying all you have to do is sign your name or sign a dog's name or sign a dead person's name or sign a fictitious brother or sister's name. That is what this is all about.

I am not the one trying to torpedo this bill. We had a torpedo in midship, yesterday, from people who had been part of the compromise on grounds I do not think were legitimate. I think there was some misunderstanding by many. We talked to staff people who did not realize the aspects I just pointed out, the fact that it is a one-time registration, only for people who register after this goes into effect. They said, maybe people will be disenfranchised. We will do everything in our power to make sure that does not happen.

Fraud has been proven. Fraud is alive and well in Missouri. There is a whole list of other places where fraud exists.

Mr. SCHUMER. Will the Senator yield?

Mr. BOND. I am happy to yield the floor, and I am happy to respond to any of my colleagues.

Mr. SCHUMER. I have been listening to the Senator as we had a debate on the amendment. The Senator from Oregon and I have added to his proposal. I have been very mindful of the passion of the Senator from Missouri about fraud. I respect it, appreciate it, and do not belittle it in any way. He has been through it.

If the Senator says there has been a large amount of fraud in Missouri, I am not here to quarrel with that. He knows his State better than I do. All I ask is to understand where this Senator is coming from. The Senator from Oregon and I are coming from slightly different places because our systems are different. In New York—and I checked again yesterday; we called around the State, people not just of one party or another—there has been almost no allegation of any kind of fraud with our system, which is a signature system.

Yet I do know one thing. If we were to adopt the section he proposed, it would make it more difficult for many of our citizens to vote. We have 8 million people in New York. About 6 million, a little over than that, are above voting age. Only 3 million have driver's licenses. Half the people in New York City don't have driver's licenses. A good number of those—there are no statistics, as there are no statistics, really, on fraud in our State; it is what you hear and know of your State—a good number of those do not have a utility bill to exhibit.

Having spent a lot of time at polling places, which I do in New York, as does the Senator in Missouri, I know how worried and scared lots of our voters are—new voters, people who voted for the first time, even if they are 30 or 40 years old.

I say to the Senator, I respect his passion to try to deal with fraud. Fraud is terrible for the system. As the Senator knows, except for this provision, I have been fully supportive in our meetings of all the other items—the registration lists and everything else—that the Senator has added to the bill. I believe he has made it a better bill.

My question to the Senator: Is there a way we can deal with the problems in Missouri and still deal with the problems in New York and move this bill forward? That is what I would like to do. I know the Senator from Connecticut has some ideas and others have some ideas. I ask the Senator if he has any thoughts about that. Perhaps we are not—I pray, we are not—on an irreconcilable course.

I yield.

Mr. BOND. Mr. President, I am very pleased to hear that fraud does not exist in New York. That is reassuring.

I pointed out yesterday that 14,000 New York City residents were also registered to vote in south Florida. Would

the Senator care to make a friendly wager that none of them voted twice?

Mr. SCHUMER. In answer to my friend's question, I would ask the Senator to give me a single instance of people who voted twice. Here is why: The way our voting rolls work, it would be cleared up by the bill. You must remain on the voting rolls for a minimum, I believe, of 8 years once you stop voting. So every day probably 1,000 people from New York move to south Florida.

My guess is there are more than 14,000 people on the voting rolls in New York and south Florida because you are not stricken from the rolls in New York even if you have not voted for 6 years. That is not an indication of any fraud whatever. If the Senator from Missouri could come forward and show me even 10 cases where this happened—maybe it has, but we don't have evidence of it, and we certainly don't have evidence that anyone is organized to do it. It is just the way our system works.

I am sure there is occasional fraud in New York. I said to the Senator there is no instance of widespread or organized fraud, of large numbers of people who come in and vote fraudulently, organized by someone or not.

Mr. BOND. Mr. President, I make a friendly wager that maybe quite a few of those people voted twice.

I think the Senator from New York has raised a point we did not adequately address. It was a point raised by the Senator from Montana who said there has to be a more effective way of getting those voters no longer living in the State off the rolls. That causes confusion.

In Montana they have many people who come in and register while they are at college, then move away. If we are going to go back and compromise again, I told some people yesterday this compromise on election reform is like loading frogs in a wheelbarrow: I keep thinking I have a half wheelbarrow full, and I come back with the frogs and the wheelbarrow is empty.

We need to be able to clean up those rolls. Eight years means there is a lot of confusion and a lot of opportunity. We will be happy to work on that.

The second point the Senator from New York has pointed out is there may well be voters in New York who do not have a driver's license. Granted. When I lived in New York, I was scared to death to drive. I was scared to death of taxicabs, but I sure wouldn't take a bike. I did not keep a car in New York City when I lived there.

They may not have a paycheck. Some of them don't even get a government check of any kind.

Mr. SCHUMER. Right.

Mr. BOND. Some of them don't even have a bank account. I think that is a rather small universe. But I am willing to make explicit what I believe is already in the law—staff on the majority side has assured us it is already in the law—that money can be used. But I will be happy to make it explicit. If you have Joe or Jane Doe, who do not have any of those things, we should be providing the money to the registration authority to give them a card or to ascertain their registration and get them registered. If they don't have any of those items, they ought to have a chance to be registered. We ought to identify them.

The Carter-Ford commission says one should have an identifying number. That would help us a lot. Carter-Ford pointed out that, No. 1, signature verification doesn't work—and I can assure you, it doesn't work from our side, from what we have seen in Missouri.

Those are the outlines that I think would work.

The ACTING PRESIDENT pro tempore. The additional time allotted to the Senator from Missouri has expired. The Senator from Oregon is recognized under the previous order.

Mr. WYDEN. Mr. President, I see the Senator from Missouri is in the Chamber. I want to make a comment to address some of the concerns the Senator has voiced.

In particular, with respect to the process that has been followed, I was not involved in any of the negotiations with the Senator from Missouri. I made it very clear I am interested in meeting him halfway in trying to find some common ground. We have been talking since the vote yesterday—Senator DODD, Senator MCCONNELL, Senator SCHUMER, Senator BOND, myself—really, hour after hour since yesterday. I do believe at this point there is a framework for a genuine compromise that could allow this bill to go forward. I want to outline what I think that framework is because we all ought to try to come together and get a bill.

I was asked yesterday by the press and others: Maybe those on the other side just don't want a bill? I stuck up for the Senator from Missouri. I said I believe he wants a bill. I think he wants us to come together. We have some differences of opinion.

Here is the framework for what in my view is a genuine compromise. What we ought to try to do is tighten up at the front end of the process. Let's tighten up with respect to registration. That is the best way to deter fraud. Right now, the tough antifraud provisions with respect to registration don't kick in until a ways down the road. Let's figure out a way to make them kick in earlier. Let's tighten up at the front end so we all come together and make it clear we are interested in deterring fraud, we are not interested in deterring voting.

But at the same time, what we would ask in return for our effort to meet the concerns of our colleague from Missouri with respect to the registration process and tough antifraud processes—at the front end we ask to let the signature be valid when people vote because on our side, and in the State of Oregon, we believe very strongly in the 27 States where that is used, it works. We know our colleague does not share that view. Sincere people agree with him. But I would say when he cites studies in Oregon, which I have not seen, the colleague that sits just a few seats from him, Senator SMITH, made it clear—after a very difficult and contested election where he clearly could have said: I have some questions about how these votes were cast—Senator SMITH, to his credit, said the system worked and there were not the problems the Senator from Missouri has found.

So as of right now, without the legislation that has been drafted by the Senator from New York and me, it seems what we are doing is discouraging people from voting now but not putting in place the toughest antifraud provisions until 2004. We ought to keep negotiating. We ought to continue the work.

By the way, even when we were debating the Schumer and Wyden amendment, I suggested to my colleagues, and was very appreciative of what the chairman of the committee said—I went to him and said: We have the votes. We have the votes now. We have done our checking. We have the votes. But let's still reach out even before the vote and try to have a compromise.

That was echoed by the distinguished chairman of the committee, Senator DODD, who said even the night before the vote: Let's stay at it.

I didn't have a chance to be part of the negotiations and the process. I know there are some who have concerns about that process. But I said from the very beginning, because I was not part of that process, I would have to take steps—I was inclined to put a public hold on the bill to make sure my State wasn't rolled.

At every stage of the process that I had a chance to be part of, and this has been backed up by Senator DODD and Senator SCHUMER and the leadership, we have been trying to find a way to meet in a genuine compromise. I think the framework for that genuine compromise is to tighten up on the front end, come down as aggressively as we possibly can on fraud where we can best deter it, which is at the beginning of the process, through registration, but then let those signatures be valid for a ballot, a system that we believe works in 27 States, and not create new obstacles.

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

Mr. WYDEN. I am happy to yield.

Mr. BOND. First, the Senator is aware that we did take care of one of the Oregon problems. When he pointed out we could not send a second ballot, he is aware that we did agree to change the requirement in the underlying law. I understood it was at the request of the Senators from Oregon and Washington. We made the change.

Your staff asked for it and we did make the change.

Mr. WYDEN. I want to respond. The Senator clearly has been working in

good faith and we appreciate that. What I am trying to do this morning is to see if I can help get the rest of the way. I think in this arcane area of election law, where I think, frankly, the Senators from Missouri and Connecticut and New York know more about this nationally than do I, it is very complicated. But I think there is the framework for a genuine compromise. If we stick with that kind of outline, I think we can still get there and we ought to try with this bill which, as a result of efforts of the Senator from Missouri and the Senator from Connecticut, has a lot of good in it. It has a lot of useful provisions. I am for it, but we have to get over this particular problem.

Mr. BOND. Will the Senator yield?

Mr. WYDEN. Of course.

Mr. BOND. Just a further question. I stated very clearly that I applaud and support the Senator's premise that we ought to make sure the registration the first time is legitimate because that is where the problem begins. I will ask the Senator a two-part question: Does he understand that existing motor voter law does not permit effective ascertainment of the legitimacy of a registration upon registration, No. 1? And, No. 2, that the bill before us would not apply to anybody who is already registered?

We had set up these requirements. Is the Senator aware we set up these requirements only for people registering after the date of the act, and they only have to meet the requirements to prove they are a live, qualified human being, one time—either upon registration or upon the first vote? Is the Senator aware of those two things?

Mr. WYDEN. Mr. President, the Senator makes a valid point with respect to the first part. With respect to the second part, I and others think the motor voter law has been an important step forward. We are concerned about the implication that some of the spirit and substance of it could be unraveled. That is why we are trying to stay at the table with the distinguished Senator from Missouri and work this out.

I think if we can get an acceptance of the proposition that a signature should be valid to the ballot—if that basic proposition can be accepted, which is something we believe works in 27 States—I think we can do a great deal to reach out on the other concerns the Senator from Missouri has. He has raised them consistently. He understands the substance of this very well. We are trying to reach out to him in an effort to get this compromise.

But what we need in return is to know that when people actually vote after they have gone through what I would call a real gauntlet of steps to make sure there are antifraud provisions at the front end, then let us have a signature be valid for the ballot, a system which works very well in our State.

I will close by way of saying I think people are stunned by this. In the Senate special election in 1996, we trippled the rate of voter participation from the previous Senate special elections in this country. This is a system that has empowered voters.

That is why it is so important in those 27 States to seniors, the disabled, minorities, and others. With record turnouts, people are being prosecuted now in a small number of instances. Where there is fraud, we would like to find a way to protect against that as it relates to having a signature be valid to the ballot.

In return, we are willing to meet the Senator from Missouri halfway and more on the front end so that we come down aggressively on fraud in the area where we believe it can do the most.

My time has expired. I am inclined to get back to the negotiating table with the Senators from Missouri, Connecticut, and New York so we can get a bipartisan compromise.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, my chief of staff and my counsel negotiated 4 to 5 hours a day for 6 months, and they thought they had reached the end. If the Senator from Oregon and I are now talking about different things than what he has outlined, it would seem to make very good sense. No. 1, he says make sure there is a real, live person qualified to vote when they register. Hallelujah. If we can do that, then I agree that they sign a registration, and any time they go to vote, all they have to do is sign, whether it is a mail-in or whether it is voting in person.

But what I want to make sure of is when that first registration comes in, there is something to identify it. It is not a gauntlet. It is picking one of the pieces of evidence that shows they are a real, live human being, or, if we can find a better way, that we can even task the local election authorities to use money we provide them to verify.

If they confirm that the registrations are legitimate, and if they deal with the problem that the Senator from New York and the Senator from Connecticut laid out about the 8 years full of clogged rolls, there is no problem that I have with letting people vote by signature once it is proven they are real, live human beings at the beginning of the registration process. If that is the basis, we can start over again, and see all of you in July, maybe.

But the Senator from Connecticut is good humored, equally determined, and is willing to go at it again.

If what the Senator from Oregon laid out is what I said, then I think there is some good possibility that we can get agreement. But sending in a signature alone is not going to cut the mustard.

We will get back to the Senator from New York on the number of people doubledipping. The December 19th issue of the New York Post reports on doubledippers. We will get back with the information on that. That is a good reason to clean up the registration rolls. I hope we can do that as well.

I thank the Chair. I thank particularly my colleague from Connecticut for his good humor throughout this.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to speak in morning business for about 9 minutes.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1974 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2 o'clock.

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

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks of Mr. WELLSTONE pertaining to the submission of S.R. 213 are printed in Today's RECORD under ''Statements on Submitted Resolutions.'')

THE STEELWORKERS OF AMERICA

Mr. WELLSTONE. Mr. President, I thank the steelworkers of America for coming to Washington, DC, today. I think it is a historic gathering. Time is not neutral or on the side of these workers and their families, including the taconite workers in the Iron Range in Minnesota. I could spend hours on our trade policy and the ways in which I do not think we have a fair trade policy. But when you have the best workers who care fiercely about their families and their communities in our country and essentially the dumping of steel and, for that matter, semifinished steel in our market, way below the cost of production in other countries, much less quite often produced at wages that are deplorable wages, the effect is devastating.

The request and the demand of the White House, which follows up on an International Trade Commission recommendation, is for a 40-percent import fee. If we get that fee, then we will be able to compete effectively. If we don't get that fee, I think it will be very difficult to see a future for the steel industry in our country. There will be no way we can cover legacy costs, health care costs of retirees; and a whole lot of very decent, good, working people are going to be spat out of this economy.

Nobody is asking for a leg up on anybody else. Frankly, when you see the

import surge of the last several years—so much of this well below cost of production—and you see the impact on people, you know we ought to do something.

So the President has until the beginning of next week to act. We call on him to do the right thing. We believe it is the right thing. There are going to be steelworkers from all across the country today. There are going to be marching bands from high schools from all across the country today. I have been told there may be more than 10,000 steelworkers coming to Washington, DC, for themselves, for their children, their communities, and for the country. I hope their voice is listened to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. LANDRIEU). Without objection, it is so ordered.

The Senator from Alaska.

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

The PRESIDING OFFICER. There is a 10-minute time limitation. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and welcome the occupant, the Senator from Louisiana. I look forward to providing her with some factual information this morning, not that she has not been exposed to factual information before.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. MURKOWSKI. Madam President, I received a letter in my office from the respected former President Jimmy Carter. I suspect this letter went to every Member. It was an appeal on the issue of the energy bill which has been laid down by the majority leader and will be taken up at some point, probably next week.

In his letter, President Carter highlights the realization that every decade or so we have a great national debate about whether or not to preserve our national heritage. He indicated that in the sixties, it was over building dams in the Grand Canyon to oil drilling in Yosemite or Yellowstone. Clearly, there is no consideration for oil drilling in either Yosemite or Yellowstone, to both of which I would object. I know virtually every Member in this body would.

President Carter indicates in his letter that the significant issue before us today is the fate of the Coastal Plain of the Arctic National Wildlife Refuge, an area first set aside for protection by President Dwight Eisenhower. He is correct in that generalization, but what he does not add is that out of that area, so-called ANWR, there were 1.5 million acres, or the 1002 area, left out specifically at the declaration of President Eisenhower for Congress to make a determination of the disposition.

Since that time, the matter of opening ANWR has been debated before this body. Many of us will recall that in 1995, in the omnibus bill, ANWR had prevailed and President Clinton vetoed it.

It is important to recognize the sequence of events because they are not necessarily as recounted in President Carter's letter. He states that he has enjoyed the extraordinary beauty of the peninsula and Beaufort Sea, watching the musk ox circle their young. He has wandered on the tundra near the Jago River as the caribou streamed through. He has watched this timeless migration from vital calving grounds. He has watched the dens of wolves, large flocks of Dall sheep, and isolated polar bears. ''These phenomena,'' he terms it, ''of the untrammeled earth are what lead wildlife experts to characterize the coastal plain as America's Serengeti.''

I live there. I have spent all my life there. I have spent a good deal of time in the Arctic. His description is not without some further explanation.

The difference with the American Serengeti is, of course, the wildlife concentration is virtually year round, and the caribou, which is a nomadic animal, moves through the area. It is quite inspiring when they move through the area, but they are not residents.

In the wintertime, which is 9½ to 10 months of the year, there is virtually no activity of any kind relative to wildlife and bird life. Nonetheless, we have an obligation to address the compatibility of the natural wildlife and the wildlife experience of visitors and the realization that we also have a tremendous amount of reserves of oil in this area. There is a compatibility.

President Carter further states:

> Having traveled extensively in this unique wilderness, I feel very strongly about its incredible natural values.

I do, too.

He hopes Members ''will not be distracted by the argument that oil exploration and development will have minimal impact because the 'footprint' of modern drilling technology will be small amid the 1,500,000 acres of the coastal plain.''

This is where we depart because what he fails to take into consideration is the people who live there and their thoughts and aspirations. I will perhaps go into that a little later.

One realizes in his letter he assumes this area is an absolute wilderness devoid of any villages, devoid of any footprint, and devoid of any personal expression of attitude from the Eskimo people who live on the Coastal Plain, whether they live in Barrow or Kaktovik, or whether the activities in Prudhoe Bay have, in fact, been a distraction.

He further suggests a precise measurement of activity in the 1002 area would involve a web of drilling pads, gravel pits, access roads, and air fields. While these might not exceed 2,000 acres, they would be spread across a far wider expanse covering hundreds of square miles, connected by a network of what he calls modern transportation routes.

As those who follow the debate recognize, that simply is not the case. We have developed the technology dramatically, and that technology is evidenced in the transition from Prudhoe Bay, which is the 30-year-old technology which uses large areas of surface for roads and so forth, to the development of Endicott, which came on as the 10th largest field, and the actual footprint was 56 acres.

So the point is, we have this technology. It will be advanced if indeed ANWR is opened. It would be further advanced to have ice roads as the access for development of drilling, not roads. We would not open up gravel pits; that would not be necessary because we have technology now that allows us to move only in the wintertime and not leave a footprint in the summer. Further, the directional drilling technology suggests if we were to drill on the Capitol Grounds, we could focus on an oilfield as far away as the Reagan Airport, outside the edge of Washington, DC. That is the technology we have.

So it is an entirely different set of circumstances. To suggest that somehow this would be an expanse covering hundreds of miles, with airports and so forth, is totally inaccurate.

I have a picture. This is children in Kaktovik. To indicate where Kaktovik is, this is in the 1002 area. This is a village that has been there for a long time. There are real people there. They have hopes and aspirations. We have other pictures of Kaktovik which can give an idea of the realism that President Carter simply overlooks in his letter. He suggests this is an unspoiled wilderness. Here is a village that is actually in the 1002 area. There is an old radar site. Here is the community hall.

These people happen to support opening the area. Why? They want a better opportunity. They want health care. They want toilets that flush. They want running water. They want to have opportunities for the children.

It is one thing to simply address the environmental aspects, but that is hardly fair when you have to consider the fact that there are real people living here.

I want to show a little bit about how we develop the Arctic and show some of the activity. Some of the technology we have developed—and I know the occupant of the chair is quite familiar with it—that is used now more often than not is called directional drilling.

This was an article that appeared in the New York Times, and it shows how

in one drill pad you can access a huge area that otherwise was unaccessible. This is called directional drilling. You do this through a process called 3D sizement. That has only come about in the last decade.

Before, we used to have to drill down, and if we hit one of those pockets of oil—they are the dark areas—we would hit them or we would miss them. With 3D sizing, you can spot where these other pockets are and directionally drill from one pad. That is the technology of today. That is why President Carter's generalization that this area is going to be covered with roads and air fields and pipelines, and so forth, is totally inaccurate.

Now let me show you how we operate. I said we are not going to have roads. We are not going to open up gravel pits. That is drilling in the Arctic. That is the same as in the 1002 area of ANWR. That is a winter road. It is a road that is frozen. It works fine. You have a drill pad that is on frozen ground. This ground is permafrost. It is frozen year round. On the surface, it does thaw, but remember, winter is just about 9½, 10 months. So you have a long period of time when you can do development. This is what it looks like in the summertime as a consequence of not having to have a road into the area. That is a spot as well.

So when he says the impacts on the fragile tundra, ecosystem, migratory waterfowl, and other wildlife would be devastated by oil activity, that is not necessarily true.

The Senator from Louisiana knows how you operate in the State of Louisiana. You have numerous areas where you have oil and gas drilling. You have commercial shrimping. You have sport fishing. You have access for waterfowl because you consciously protect them. But there is a compatibility by doing it right and using technology. You do it in monuments that have been set aside by Congress, and you do it correctly.

There is some suggestion that this somehow is of a magnitude to parallel dams on the Colorado River, that we have to make choices: We cannot have the untouched, sublime wilderness on one hand compatible with oil development.

If we look at this map, we note that few people have an idea of the distance and the vastness of the State of Alaska. It is one-fifth the size of the United States. It overlays the United States dramatically in a proportional view that hopefully we have with us—but I guess we do not. It shows Alaska overlaying the United States. It shows an overlay, and Alaska runs basically from Florida to California. It runs from Canada to Mexico on a proportionate overlay. It is a big piece of real estate.

We have this entire area of portions of Alaska associated with wilderness. We have 56 million acres of wilderness, and what we do not really reflect on in the issue of opening up ANWR is the fact there are already footprints in the area; there is a community of Kaktovikians, and the Coastal Plain is the green area that would be proposed to be leased. The rest of the 19 million acres is split between a wilderness area, which is about 8½ million acres. That is the light buff color on the chart, and the darker buff color is already in the wilderness. So we are talking about a very small area.

We are also talking about, in the House bill, which authorized the opening, only 2,000 acres. That is the size of that little red dot in the chart. That is about the size of a small farm.

So what does 19 million acres equate to? A lot of people do not recognize that. ANWR and the State of South Carolina are about the same size, 19 million acres. So we are talking about 2,000 acres out of 19 million acres of development, which is hardly reflected in the President's letter to each Member. He says: Opening of the Coastal Plain for oil exploration and development would be, despite all the much-vaunted technological promises, severely damaging to wildlife and the ecosystem.

Let me show what our evidence is in Prudhoe Bay. I am sure we have a chart of the caribou and the bear. This is Prudhoe Bay. We had about 3,000 or 4,000 caribou in Prudhoe Bay when the development started in that particular area. Today we have over 20,000 caribou. The issue is, you cannot shoot them, you cannot run them down with a snow machine, so they propagate dramatically. And those are not stuffed; those are real caribou wandering around. So there is a compatibility.

There is a compatibility with the bears. Here are the bears. I know the occupant of the chair has seen this chart many times. They are walking on the pipeline because it beats walking on the snow. You cannot shoot them. You cannot take a gun in there.

People are concerned about polar bears and polar bear dens, but they never tell you it is against the law to shoot a polar bear in the United States. And Alaska is in the United States. You can go out and get a guide in Canada, you can get a guide in Russia, and take a polar bear, but not in the United States.

Talking about conservation, one of the best ways is to make sure they are protected, and they are. So to suggest a mild amount of activity is going to displace their dens is absolutely balderdash.

They talk about the wilderness qualities. You are talking about huge areas. Fifty-six million acres of wilderness is what we have in the State of Alaska alone. We are very proud of it. To suggest we cannot open this area is totally unrealistic.

Let me show some of the other areas in the United States where we have oil and gas exploration. These two charts show oil production facilities in the Nation's wildlife refuges and wetland management districts. We have 9 in Texas, 12 in Louisiana, 4 in California. The other charts oil production in national wildlife refuges and wetland management districts. We have them in Texas, Oklahoma, North Dakota, New Mexico, Montana, Mississippi, Alabama, Arkansas, one in Alaska, California, Kansas, Louisiana, and Michigan.

We have oil and gas development and mineral development in refuges. It is common. Can we do it safely? That is the question. The answer is yes.

Former President Jimmy Carter's letter fails to recognize people have dreams and aspirations and certain rights. He says:

> It is inherently fatal to the wilderness qualities of this matchless example of America's heritage.

The letter does not say there are 56 million acres of wilderness in Alaska, and we are proud. He implies somehow if the area is open to modest development, it will be detrimental.

He makes another mistake when he says:

> Through compromises that began more than four decades ago and were concluded when I signed the Alaska National Interest Lands Conservation Act in 1980, 95 percent of Alaska's North Slope has already been made available for oil exploration.

We have charts that show the upper Arctic area. This chart illustrates the Arctic Coast from Canada, the area we are talking about, and next is the Prudhoe Bay area, and from Prudhoe Bay we go across the Naval Petroleum Reserve in Alaska. The suggestion that 95 percent is open is inaccurate; 95 percent of it is closed. I guarantee, one cannot get a drilling permit on public land in these areas. This area is the National Petroleum Reserve, and the dark area shows the concentration of lakes. That is where the bird life is. That is Lake Nestia Puk. That is a delicate area. The Department of Interior refused to open leases in those areas. They have leases issued which have been modestly successful, but to make the statement that 95 percent is open, and therefore why not leave the area, is false.

The President has inaccurate information. He said we should not sacrifice the last 5 percent. Well, 95 percent is closed. Furthermore, in his letter he says this issue has assumed gigantic symbolic stature. He is right on target. It is symbolic. It has nothing to do with scientific evidence. It has nothing to do with whether or not there is enough oil to offset the amount of oil we import from Iraq or Saudi Arabia. Some have indicated that this issue is all about our national security. To a large extent, they are right. We are 58-percent dependent upon imported oil in this country. The ramifications of that are very real. As we increase our dependence, we are going to be more and more beholden to those who supply the energy.

We have seen the power of OPEC in reducing the supply and the price goes up. I have discussed time and time again the issue of Iraq. We wonder how we will deal with Saddam Hussein. On September 11, we imported 1 million

barrels a day from Iraq; today it is 780,000 barrels. We are still maintaining a no-fly zone, an area blockade, over that country. We put the lives of men and women at risk each day enforcing that no-fly zone. We take out Saddam Hussein's targets, and he tries to shoot us down, but we are taking his oil. We take his oil, put it in our airplanes, and go back. But he takes our money and develops missile capability, maybe aimed at Israel. We have not had an inspector in that country in 6 or 7 years. When will we deal with that? When we have an unfortunate issue such as a terrorist development that might emanate from there we will wish we would have moved sooner?

These are the questions the administration has to deal with and each Member has to deal with in his or her own conscience. These are very real.

From the Persian Gulf we get almost 3 million barrels; from OPEC producing countries, 5.5 million barrels of oil. That is where we get the oil. We need all the conservation we can get—CAFE, wind power, solar power—but America and the world moves on nothing but oil. We do not have the technology. We will continue to be more dependent.

The question is, How can we relieve that dependence? Obviously, in the Gulf of Mexico and off Louisiana and Texas they have extraordinary technology. They are drilling in 2,500 and 3,000 feet of water. The record has been very good because we have that technology. Can we open up ANWR safely? Absolutely.

This next chart is important. What we are doing is rather interesting. We have substantial prospects for oil and gas off the Atlantic Ocean, off our coastal States, including Florida clear up to Maine. Those States do not want development. That is fine if they do not want development. They have taken 31 trillion cubic feet of natural gas that is believed to be off the east coast and said they do not want to develop it. We should respect that. Off Florida on the gulf side, 24 trillion cubic feet, we have taken that off limits.

Now the west coast—Washington, Oregon, California—they do not want drilling offshore where the risks are relatively high. There are storms and all kinds of bad things that can happen. We have taken the middle area of the country, the overthrust zone of Montana, to a degree, Wyoming, Colorado, Utah, and said we will not allow any road access in public lands. We have taken that off. We take these off because the people do not want it. We should respect those areas where people support drilling. In my State of Alaska they do. We are not talking about offshore. We are talking about on land. There is a difference. There is much less risk.

These are the arguments used that frustrate those in the Alaska delegation. It is fair to say we probably include Texas, Louisiana, Mississippi, and Alabama, who do want responsible development offshore. It provides a standard of living. It provides a tax base. Those are very important for working men and women.

This is a jobs issue. If we open ANWR, we are putting up for lease in the area of 1.5 million acres out of 19 million acres. That will be competitive lease sale. Companies will put up money to have the opportunity to lease those lands. How much money? It is estimated somewhere in the area of close to $3 billion. That means $3 billion coming into the Federal Treasury. That, in itself, should interest our budgeteers. In addition, it is jobs for Americans at a time when we are losing jobs. It is payback time to American labor. These people are entitled to these jobs as opposed to sending our dollars overseas and bringing back the oil from Iraq or Saudi Arabia. We have the know-how, we have the technical ability, and we can bring these jobs home.

How many jobs are we talking about with ANWR? Somewhere in the area of 250,000. Talk about stimulus; show me a better stimulus that does not cost the taxpayer a red cent. That is $3 billion in revenue and 250,000 jobs, all paid for and put up by the private sector, not the government and not the taxpayer.

These are some of the issues to which we should relate. It is a matter of what is in the national security interests of our country as well as the realism associated with sound jobs in this country.

President Carter goes on to say the truth: We can drill in every national park, wildlife refuge, et cetera.

We are not talking about that. We are talking about a small area, a footprint of 2,000 acres out of 19 million acres. To suggest we can get there through conservation is unrealistic. It will be an interesting issue to watch the debate on CAFE. Some are going to say we are going to do it, and we will mandate the type of cars or public businesses. We are going to compromise safety. We are going to bring in more foreign cars. That is not the answer.

We need better mileage. There is no question about it. But you just can't get there from here because this particular CAFE is going to be effective in the year 2015, 15 years from now. Some of us are not going to be here to be held accountable.

It is very easy to vote and say, yes, we ought to do that; get 37 miles per gallon by the year 2015. Technically, they say you can't get there without a mandate by the Government telling you what kind of car you are going to drive.

We will have that debate later. Nevertheless, I think we have to address the national energy security of this country.

I am always reminded of the statement of Mark Hatfield, a very respected Member of this body from the State of Oregon, who stood here time and time again and said: I'll vote for ANWR any day rather than send a young man or woman overseas to fight a war on foreign land over oil.

This is leaving us more dependent on foreign oil, and then we know just what happens. Some people forget what happened in 1973 during the Arab oil embargo, the Yom Kippur War, because, I guess, they were too young. We had gas lines around the block. People were indignant. They said: How could Government let this happen?

We were 37-percent dependent on imported oil at that time. Now we are 58-percent dependent.

What does the Department of Energy say? In the year 2007, 2008, we will be somewhere up to 63 or 64 percent dependent. That is reality.

I hope when Members reflect on their vote and recognize the pressures that have been brought about by environmental groups, by President Carter in his letter to each Member, and others, they reflect somewhat on accuracy, factual information, and not the emotional arguments that suggest this is only a 6-month supply; that it is going to take 10 years to go on line; that it is not going to make any difference.

They recognize reality. I hope they recognize their vote should be what is right for America, not what is right to satisfy the environmental lobbyists' desires to use this issue for what it has been used, and that is to generate a tremendous amount of membership and dollars. Once they lose on ANWR, they will go to another major environmental issue and that is understood.

They make a significant contribution. But on this issue they are simply wrong. We can do it right. We can do it safely. It is a significant amount of oil because it is somewhere between 5.6 billion barrels and 16 billion barrels. If it is half that, it is as big as Prudhoe Bay, which has supplied the Nation with 25 percent of the total crude oil produced in this country in the last 27 years.

I will have a chart later. I didn't want to run the risk of having one of my friends from Texas acknowledge that, indeed, ANWR has more oil in it than the proven reserves in one of our largest producer States, and that is the State of Texas.

I think we have to keep the argument in perspective. We have the technology. We can do it right.

When we get on the debate, I trust Members will reflect on the reality that this is one of the biggest jobs issues in the country. Organized labor feels very strongly about the reality of keeping these jobs in the United States.

I will make one more point. As the occupant of the chair is aware, there is a great deal of shipbuilding in Louisiana, Mississippi, and southern California. There is a whole new fleet of tankers being built. They are being built because U.S. law mandates that the movement of oil between two States goes in a U.S.-flagged vessel built in a U.S. shipyard with U.S.

crews. Let me tell you, our oil that goes from the Port of Valdez down there, clear down to the west coast of the United States, primarily in the Puget Sound area, the San Francisco Bay area, and the Los Angeles harbor area—these new ships mean jobs in the shipyards, jobs on the ship, and U.S.-documented vessels.

So it is a big jobs issue. The most significant portions of our merchant marine are these tankers that haul the oil.

Washington, Oregon, and California are going to get oil. What happens? They will get it from Iraq, Iran, and Saudi Arabia. It is going to come over in foreign vessels that do not have double bottoms—all our new vessels have double bottoms—and it is going to come over with foreign crews, and they are not going to have the deep pockets of Exxon. I point out what this means in terms of sound, high-paying U.S. jobs.

Let's do what is right for America. I appreciate the time allotted to me and unless there is another Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. 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.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be recognized as in morning business for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 1796 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Florida.

BLACK HISTORY MONTH

Mr. NELSON of Florida. Mr. President, as our celebration of Black History Month now comes to a close, I want to acknowledge some of the rich and ongoing contributions made by my State's African-American citizens. Of course, the efforts of African Americans in Florida and throughout our Nation's history should be recognized every day, not just during Black History Month. Back home in Florida, our State has been blessed with a remarkable number of prominent African-American citizens who have served our State and Nation with distinction in a variety of fields. I want to mention a few.

Although not a Florida native, just think of the contributions of Mary McLeod Bethune. She founded one of the oldest and most prestigious black colleges, Bethune-Cookman College. In addition to serving as President of Bethune-Cookman, she also was one of the leading civil rights activists of her time, and the first African-American woman to serve on a Presidential commission. Bethune-Cookman College is one of our stellar institutions of higher learning. It is located in Daytona Beach. I have had the privilege of attending that college and visiting with the distinguished president, who has been there over 2 decades, Dr. Oswald Bronson.

The spirit that school has today carries on in the memory of Mrs. Mary McLeod Bethune. It is just amazing. I have seen that in the classrooms. I have seen it in their auditorium. I have seen it on the football field and the band performing at half time. It is a wonderful and rich part of our heritage in Florida.

That is just one. Let me name another: Justice Joe Hatcher. He was born in Clearwater and, in 1975, Judge Hatcher became the first African American elected a justice of the Supreme Court of Florida. He later went on to serve with distinction on the Federal court of appeals, a body that sits in Atlanta, although he maintained his office right there in Tallahassee. His election to the State supreme court marked the first time an African American won a statewide office since Reconstruction.

I will give you another one: James Weldon Johnson, the first African-American executive director of the NAACP, author, lyricist, creator of the National Negro Anthem, and poet. He was born in Jacksonville.

And then Eatonville, Florida's native, Zora Neale Hurston. She was a folklorist, anthropologist, and acclaimed author of such works as "Their Eyes Were Watching God," and "Of Mules and Men." I got to know about her heritage when I had the privilege, as a young Congressman, of representing Eatonville, FL, in the late 1970s as part of my congressional district.

I will give you another one: Timothy Thomas Fortune. He was born up in the panhandle in Marianna, FL, Jackson County, in 1856. He was the editor and publisher of a paper called the New York Age, and his paper was a platform for defending the civil rights of both northern and southern Blacks.

Here is one you will recognize: Asa Philip Randolph, founder of the Brotherhood of Sleeping Car Porters. He was born in Crescent City, FL. The Brotherhood was the first union founded by and for African Americans.

Not far from there was born, in Palatka, FL, John Henry Lloyd. He was a baseball player and a manager in the Negro leagues, and was considered one of the greatest shortstops in the game. In 1930, as a member of the New York Lincoln Giants, he played in the first Negro League game in Yankee Stadium against the Baltimore Black Sox.

Now I am going to tell you a name that everybody recognizes today: Sidney Poitier, the renowned actor who won an Academy Award in 1964 for his performance in "Lilies of the Field." He was born in Miami.

And our contemporary, my colleague, Winston Scott, one of our Nation's pioneering African-American astronauts, was born in Miami. In 1992, Winston was selected by NASA and served as a mission specialist on flights in 1996 and 1997, and today he has returned to his alma mater, Florida State, where he serves as the dean of students. Winston had logged a total of 24 days, 14 hours, and 34 minutes in space.

Augusta Christine Savage was born in Green Cove Springs, just south of Jacksonville. In 1923, Augusta Christine Savage was among 100 young American women selected to attend the summer program at Fontainebleau, outside of Paris, but was refused admission once the program directors became aware of her race. In the mid-1930s she founded and became the first director of the Harlem Community Arts Theater, which played a crucial role in the development of many young African-American artists. In addition, she became the first Black elected to the National Association of Women Painters and Sculptors.

A Washington hero, GEN Chappie James, the first African-American four-star general, was born in Pensacola. As a young State legislator, I had the privilege of meeting General James. He was right back from Vietnam where he had flown so many combat missions. He became one of the famed Tuskegee Airmen, earning his wings back in World War II and going on to serve as a pilot, a fighter pilot in Korea and Vietnam. In 1975 he received his fourth star and he became the commander of the North American Air Defense System.

I could go on. As we remember the contributions of these and many others, and so many other African-American citizens, duty calls us to remember the difficulties this community faced as our Nation traveled through the struggle to achieve full civil rights for all people. I want to highlight two small initiatives that should help us preserve these important memories.

Florida now is home to more than a dozen former Negro League baseball players. These men are nearing the end of their lives, and they have never received a pension for their time in the league, unlike their counterparts who played Major League baseball. Although Jackie Robinson broke baseball's color barrier in 1947, baseball didn't truly integrate until a decade after Robinson's historic feat. It took all the way up to 1959 for Major League baseball to integrate the last team.

No doubt their fans appreciate their contribution to baseball, but by refusing to grant a pension to these oldtimers who played in a segregated society, Major League baseball is denying

them an appropriate reward in their efforts. I am trying to help these men resolve their dispute with Major League baseball so that they can receive a small but important token for their contributions to sports history.

Also throughout the era of segregation, when public facilities were segregated by law, the African-American community of Miami was forbidden to use all of the area's beaches but one, Virginia Key Beach, in Biscayne Bay known as ''the Negro beach.''

Known in those days as the ''Colored Only Beach,'' Virginia Key Beach was an important place in the lives of African-American families—a place for them to gather and enjoy the pleasures of relaxation beside the ocean. The memories of this place are sweet, even mixed and intertwined with the bitterness and memories of segregation.

Together with my friend and colleague, Congresswoman CARRIE MEEK of Miami, we have sponsored legislation that will help preserve this historic place. Our bill would require the Secretary of the Interior to study and report to Congress on the feasibility of incorporating Virginia Key Beach into the National Park System.

By enacting this legislation, we can preserve its 77 acres of beach and wildlife, while honoring its past and present importance to the people of Florida.

These are examples of some of the small ways in which we can honor the lives and memories of our Nation's African-Americans.

My own State, Florida, has an especially proud history in this regard, as well as a willingness to correct past mistakes.

In 1994, for example, the Florida Legislature passed, and the late Gov. Lawton Chiles signed, the Rosewood claims bill, which provided $2.1 million to survivors and the families of victims of the 1923 Rosewood Massacre.

Last year, the legislature enacted sweeping reforms to give every person an equal opportunity to have his or her vote counted.

You don't want any State to ever have to go through what we went through in Florida in the last Presidential election because there were votes that were not counted. So the Florida Legislature, in 2001, in trying to correct the voting rights abuses, passed legislation to help modernize the system in a Presidential election.

Unfortunately, a $50-billion State budget proposed by the Florida House last week left out the second of two installments of $12 million to help counties replace antiquated, punch-card voting machines.

African-Americans were disproportionately affected by flaws in the election system. And Florida lawmakers have made a commitment not only to that community but also to all the people of Florida to fix the system.

Without this funding, they will have broken their promise.

It would be appropriate at this time of recognizing the achievements of African-Americans for the State House to do its duty and to keep its word so that every vote gets counted.

Today—and every day—let us celebrate African-American achievement both by remembering our past and by recommitting ourselves to the current fight for social, political, and economic equality for everyone.

I thank the Chair for the time to address the Senate.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 3 o'clock today.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, for the edification of Members, Senator DODD has been working. I talked to him not long ago. He indicated progress was being made. Even though it appears we are not doing anything, there is a lot of committee work going on around the Hill. With this most important election reform legislation, there is a last-ditch attempt by Senator DODD to see if it can be rescued.

As a number of Members indicated this morning, it would be a real shame if this were held up by virtue of a filibuster, especially when we know that matters go to conference, and with the present makeup we have in Washington, with a Republican President and a Republican House, certainly they should be willing to take their chances with a Democratic Senate.

I hope progress is made and we can resolve the Schumer-Wyden matter. But if we can't, I hope Members look forward to invoking cloture on this most important legislation tomorrow when the vote is scheduled.

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. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I seek recognition and ask unanimous consent that upon the completion of my comments, the Senator from North Dakota, who is sitting in the chair at the moment, be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

PLEA TO THE FLORIDA LEGISLATURE

Mr. NELSON of Florida. Mr. President, I want to follow my remarks of a few minutes ago about Black History Month with an underlining of my concern of what is happening in the Florida Legislature as we speak, which is meeting in the capital city of Tallahassee.

It is almost ironic that at the very time the Senate is considering an election reform bill, of which for that legislation we are having discussions, negotiations, and awaiting agreements to finally come forth so we do not have to come to the Chamber to break a filibuster to pass it—and it is legislation that is going to get wide support once we get to final passage—but it is almost ironic what has happened in the Florida Legislature since we started this legislation 2½ weeks ago when I spoke in this Chamber in favor of the legislation. At that time, I took to the floor complimenting the Florida Legislature.

In the State of Florida, we went through a grueling experience in the Presidential election of 2000. We saw so many ballots that were not counted. We saw clear voter intent that was not followed. There was confusion over the ballots. There was confusion in the construction of the ballot, how it fit together. There was the famous butterfly ballot. We saw how even when voter intent was so clear for example, a first-time voter, who was not familiar with the ballot, would go down the Presidential names and select one name and mark that on a punchcard ballot, and then at the bottom of the Presidential names there was a line, and it said: ''Write-in,'' and they would write in the same Presidential candidate—the voter intent was clear, but that ballot was not counted.

So after that awful experience, before which I had never known anything about error rates in ballot counting—and thank the Good Lord I never had a close election, and little did I ever know there could be the confusion and so many people, in effect, disenfranchised in an election—when we started our election reform bill in this Chamber a couple weeks ago, I took to the floor and complimented the Florida Legislature because it changed all of the punchcard ballots and it appropriated, out of a $50 billion annual budget, $24 million so that the counties could buy new voting equipment and they would never have to go through the confusion of that punchcard voting system again. They would have an optical scan system with a much lower error rate.

That was my compliment to the Florida Legislature. They did right. That was a year ago. But just last week, the Florida House of Representatives did not appropriate, in its appropriations bill, the second $12 million installment to modernize the election system. What in the world are we thinking in the year 2002, when it is almost taken for granted that it is a bedrock principle that registered voters should have the right to vote and to have their vote counted?

So as we continue to discuss and debate—and ultimately we will pass—this election reform bill at the Federal level, let me make a plea to the Florida Legislature: You were so gallant, as leaders in the Nation, after the debacle and the disenfranchisement of the 2000 election, to first step forward with an election reform bill and providing the appropriations to fund that election reform.

Please do not falter now, Florida Legislature. Please, appropriate the second half of that appropriation that was promised a year ago so Florida will not have any serious questions about every Floridian's vote being counted.

I thank you, Mr. President, for the opportunity to speak.

I yield the floor.

The ACTING PRESIDENT pro tempore. Does the Senator suggest the absence of a quorum?

Mr. NELSON of Florida. Yes. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

UNFAIR TRADE

Mr. DORGAN. Mr. President, Senator DASCHLE, the majority leader, was in the Chamber today talking about a decision that will be made in the coming days by the Bush administration on the subject of trade disputes that exist with respect to the American steel industry.

What is all this about? It is that the steel industry, as with many other American industries, has been under assault. It has been under assault by unfair trade coming from abroad, products being dumped in our country into our marketplace below their acquisition cost, undercutting our domestic producers. This is unfair trade. It is trade that violates our trade laws. In fact, an International Trade Commission investigation has recently determined that the flood of foreign steel has significantly hurt the U.S. steel industry.

The question the President will decide next week is: What will be the remedy? What will be done about it? If our steel industry is being threatened and assaulted by unfair trade and it is closing plants, going into bankruptcy, laying off workers, what is the remedy? That is the question this administration will answer next Wednesday.

My hope is they will answer this question in an aggressive way. My hope is they will say, we intend to stand up for American steel. My hope is they will say, we intend to stand up for all American producers when confronted with unfair trade. How do you stand up for producers when confronted with unfair trade? You take action against those perpetrating that unfair trade against our producers.

We have something like 10,000 steelworkers in Washington, DC, today who are here demonstrating the point that they are losing their jobs and their companies are going bankrupt. This is about them and their families and their future. They are saying: Give us some fairness in international trade. Stand up for our interests.

It is not steelworkers saying, we want our country to be protectionist. It is not them saying, we want to build a wall around our country and prevent imports from coming in. It is a group of workers who have come to Washington to say: When we are confronted with unfair trade, we expect our Government to be in our corner. We expect our Government to stand with us.

It is interesting that the steel dispute is very much like a dispute we have with Canada on the issue of wheat. The North Dakota wheat producers, with a 301 case, brought a trade case against Canada. That case, after investigation, was recently resolved by the United States Trade Representative saying, yes, the Canadian Wheat Board is a state-sponsored monopoly that engages in unfair trade practices that harm United States wheat growers.

If we have decided Canada is guilty of unfair trade with respect to wheat, what have we done about it? USTR's answer was: We are not going to have any remedies. If we provide relief at this moment, it will violate NAFTA and it will violate our World Trade Organization commitments. Therefore, even though we have decided Canada is guilty of unfair trade practices that injure American farmers, we essentially will do nothing at the moment; we will instead take this to the WTO.

That means that our great grandchildren, if we are lucky, may see action by the WTO. Although they probably won't see it because the WTO considers and takes action behind closed doors. And anyway, it is likely not to take much action at all; if it does, it will be years in the future.

I have talked about the steel dispute and the wheat dispute. In both cases, our producers have been told that those who are competing against us, foreign producers, are doing so unfairly, injuring our workers and our farmers. Yet it is very hard to get relief, to get this country to stand up for its producers.

There are some real storm clouds on the horizon. Our trade deficit keeps rising year after year. The more trade agreements we have, the higher the trade deficit.

This chart shows what has happened. We have the GATT Tokyo Round, and then we have the Uruguay Round, the WTO agreement, and then the NAFTA. We can see what has happened to the trade deficit—up, up, up, over a long period of time.

The U.S. Constitution has something to say about international trade. Article I, section 8, says: The Congress shall have the power to regulate commerce with foreign nations and among the several States, and with the Indian tribes.

That means the authority vested by the U.S. Constitution on matters affecting international trade rests here—not at the White House, but in the Congress, and only here. Yet to listen to Republican and Democratic administrations over the last 30 or 40 years, you realize that, by and large, they think they are the ones in control of trade. Administrations empower negotiators to go out and work out trade agreements that they bring back to the Congress under a provision called fast track. Fast track allows administrations to tie the hands of Members of Congress behind their backs and say: Here is the trade agreement we negotiated—mostly in secret—and you have no right to offer any amendment to change any of it at any time. That is fast track.

Fast track is fundamentally undemocratic. I voted against it in the past. I would not support giving it to President Clinton; I will not support giving it to President Bush. Go negotiate treaties, if you wish—but good ones. If you do, the Congress will approve them. If you don't, they deserve to be changed or killed.

Let me talk for a bit about some of these treaties. We've had fast track in the past; fast track was something given to previous Presidents, including President Reagan and the first President Bush. We negotiated an agreement with Canada, and the agreement with Canada went through the House Ways and Means Committee. I was serving in the House at the time. The vote for the United States-Canada trade agreement was 34 to 1. I cast the lone vote against it. There were 34 for it, 1 against.

I believed I was right at the time, and events certainly demonstrated that was the case. We took a small deficit with Canada and doubled it very quickly. They dumped grain into this country, injuring our farmers, and we have had trouble ever since. Do you know why we could not do anything about the provisions in that agreement that traded away the interests of family farmers? Because you can't offer amendments to trade agreements with fast track. So the administration said: Here it is. We negotiated it and, by the way, we had secret side agreements we will not tell you about. You accept it, yes or no. If you don't like it, there can be no amendments because fast track ties your hands behind your back. That is what happened with that trade agreement.

Not long after that, I drove up to Canada with a man named Earl in a 12-year-old, orange, 2-ton truck. The truck was carrying 150 bushels of U.S. durum wheat. All the way to the Canadian border, we saw Canadian 18-wheelers coming into this country, hauling Canadian wheat into this country.

There was 18-wheeler after 18-wheeler. In fact, it was a windy day, and even though they had tarps on their trucks, the grain kept spilling off, and it was hitting our windshield all the way to the border. We had that 12-year-old, little, 2-ton orange truck. We arrived at the border having seen dozens of Canadian trucks hauling grain into this country. We were stopped at the border and told: You can't take that 150 bushels of U.S. durum wheat into Canada. We asked: Why not? They said: Because we won't let you in.

All the way to the border, we saw them coming into our country, but we could not take the product of one little orange truck into Canada. Is that fair trade? I don't think so.

The administration turned from Canada to Mexico and did a trade agreement with Mexico called NAFTA. We wrapped Canada and Mexico together. NAFTA sure didn't work. I voted against that as well. We had a very small trade surplus before NAFTA, and we turned that into a very big deficit. Now we are up to our neck in troubles with NAFTA. We have troubles trying to get high-fructose corn syrup in, we have unfair trade with potatoes—you name it.

After we negotiated to reduce tariffs from United States goods going into Mexico, the Mexicans devalued their peso 50 percent, which meant that all the work done to get rid of the 10- or 15-percent tariffs didn't mean anything. They obliterated that by simply devaluing the peso.

What else are we facing? I will give you some examples. Automobiles. We don't make automobiles in North Dakota, but this is a national issue. Let me show you this chart. Absurdities in trade. Last year, we had automobiles coming into the United States from Korea. Last year, we imported into the United States 570,000 automobiles from the country of Korea—570,000 cars. Do you know how many cars the United States sent to Korea? One thousand, seven hundred. I will say that again. We had 570,000 Korean cars driven off boats to be sold in the United States. Going the other way, we had 1,700 United States cars into Korea. Do you know why? If you try to sell an American car in Korea, they will find all kinds of ways to stop you. Not just tariffs, but all kinds of non-tariff barriers, like intimidation of potential buyers with the threat of a tax audit. They want to just ship their cars to our country, and make it one-way trade. If you are somebody working for a car company in this country, you have a right to ask: Who on Earth is minding the store if you let this go on? Is this fair trade? Clearly, no. Somebody ought to stand up on behalf of workers in this country and say we are not going to let that happen.

What about beef to Japan? Every pound of American beef going to Japan has a 38.5-percent tariff on it, and that is 12 years after a beef agreement with Japan. Every pound of T-bone steak going to Tokyo has a 38.5-percent tariff. That is absurd.

Right now, we are fighting and trying to get soybeans into China because they are trying to squeeze the neck of the bottle, just after we had a bilateral trade agreement with China. The list goes on and on and on.

We have a trade agreement with Canada, as I mentioned. Do you know what happens with Canada? They move sugar from Brazil into this country, in contravention of American law, in what they call stuffed molasses. Then they take the sugar out of the molasses and send the molasses back, and they do it again and call it stuffed molasses. It is done every day. That is fundamentally wrong. Yet nobody is willing to stand up on behalf of producers.

Winston Churchill said that when he was a kid, he got into a debate with Atlee in Parliament. As the story went—it was an aggressive debate—he told Atlee: When I was a child, my parents took me to the carnival, and they had a sideshow. At the sideshow, they had these canvas flaps that described what wonderful, extraordinary, outrageous things you were going to see in the sideshow. One of them advertised the boneless wonder—a man apparently born without bones, if you can imagine.

Churchill said: My parents felt I was far too tender in age to be taken into a sideshow to see the boneless wonder. Then, standing on the floor of the Parliament when he was in this debate with Atlee, he said: It has taken 50 years, but I can finally put my eyes on another boneless wonder.

When I think about the boneless wonder, I think about the people who are supposed to be negotiating trade for us and enforcing it and standing up for American interests. They should be working hard on behalf of farmers, steelworkers, auto workers, and so many others in this country, who are part now of a global economy, demanding on their behalf that the rules of trade be fair.

We had a hearing in Congress in which we heard about conditions under which carpets or rugs were made for export to this country. We heard about warehouses where young children, 9, 10, 11, and 12 years old, are using needles to make these carpets that will be sent to Pittsburgh, Los Angeles, and Denver—into the American marketplace. Locked in these warehouses, the children had gunpowder put on the tips of their fingers, and it was lit with a match; their fingertips were burned so they would scar, and these 10- and 12-year-old kids, with scarred fingertips, could then use these needles with impunity, making these carpets, and it would never hurt their fingers because they were now scarred sufficiently to be able to resist the needle's sting. That is how they got more productivity out of 10- and 12-year-old kids. They were making carpets that were being sent to this country.

The question is: Is that something we ought to allow? Is that fair trade? Is that a product we want on American markets? The answer is no, it is not fair trade. We have the marketplace being flooded with products—the products of forced child labor anywhere in the world. It is not fair trade for someone to be paid 16 cents an hour to make shoes in a factory somewhere, and ship it to Pittsburgh, and compete with somebody working in a factory in this country who would be required to be paid some sort of a living wage—and to work in a factory that will not pollute the water and air.

We fought 75 years in this country for those basic conditions. Now we have people saying, let's pole-vault over those issues, and we will go to Bangladesh, or to Indonesia—we will go someplace where we don't have to worry so much about those restrictions, and we will ship the product back in to Toledo, or Buffalo, or Los Angeles.

The global economy needs to define fair trade. We in the U.S. Government need to define for ourselves when and under what conditions we will stand up for American producers. Or is there not a case at all where our Government is willing to stand up for American producers and demand fair trade?

This is an issue that is not going to go away. We will have the debate over so-called trade protection authority. That is a euphemism. You know, in this town, when something becomes controversial, you just change the name.

Fast track became TPA, trade promotion authority. But a hog by any other name is a hog. We are talking about fast track.

In the coming weeks, the President will ask for fast track. I keep coming back to article I, section 8, which says that:

> The Congress shall have Power To . . . regulate Commerce with foreign Nations. . . .

I just ask all of those who are concerned about the decision being made next Wednesday on steel, to ask whether the next group of trade negotiators should go out, lock the door, keep the American public out, negotiate a deal, and then come back to the Congress and say: you have no business suggesting any change under any circumstance to the deal we made.

My hope is we could just once find an administration, Democrat or Republican—it does not matter to me—who would hire trade negotiators and have the will and the backbone and the strength to stand up on behalf of American producers and demand fair trade.

I am so tired of these mountains of Jell-O that serve in public office and negotiate incompetent agreements, sell away the interests of American producers, and then say to us: Oh, by the way, you are correct; this trade is unfair, but we elect not to do anything about it. That is just wrong. I guess on every occasion I have spoken about this, I have suggested—mostly in jest—we ought to have jerseys for our trade negotiators. We have them for the

Olympians and they can look down and know they are for the USA. What about jerseys for trade negotiators so that occasionally when they are in meetings, behind those locked doors, they can look down and say: Oh, yes, that's right, now I remember for whom I am negotiating.

Most of our trade policy has been negotiated as foreign policy. Most of it has been eggheaded foreign policy now almost a quarter of a century. For the first quarter century after the Second World War, it was all foreign policy. We just granted trade concessions everywhere, and it did not matter because we were bigger, tougher, and we could compete with anybody around the world with one hand tied behind our back. So our trade policy was almost exclusively foreign policy. Then we had competitors who developed into shrewd, tough, international competitors in the global economy, and we are still running around giving away concessions, tying our hands behind our back, negotiating agreements we will not enforce, and shame on us for doing that.

This country needs an economy with a manufacturing base. We cannot remain a world-class economy unless we have a manufacturing base. We need good jobs that pay well, that sustain a strong manufacturing base in our country.

There are those in this town who divide the trade debate into two thoughtless categories: You are either a smart, incisive person who can see over the horizon and understand that global trade is benefitting our country, or if you say anything at all on the other side of the issue, you are some xenophobic stooge who does not get it, has never gotten it, and wants to build walls around America to keep foreign products out. Of course, that is a thoughtless way to describe relative positions on trade. There is a much better way to describe this country's trade interests, in my judgment, and that is to say this country ought to be willing, ready, and able to compete anywhere in the world with any product as long as the competition is fair.

The doctrine of comparative advantage is a fair doctrine, in my judgment. If someone can make a product better than we can, then by all means let's find a way to acquire that product from a country that has a natural advantage. But the impediments to fair trade have very little to do with comparative advantage; they have to do with political advantage. They have to do with countries that decided they do not want minimum wages; that think it is fine to have 16-year-old kids working 16 hours a day being paid 16 cents an hour; they think that is fine.

This country fought 75 years to say it is not fine, and the American marketplace ought not be open to any and all schemes of production around the globe, regardless of how inhumane and unjust they might be. It is not acceptable to us as consumers and ought not be acceptable to us as public officials who have an obligation to stand up for American producers, for fair trade.

Mr. President, that is a long meandering road to describe the decision next Wednesday that this administration has to make on the subject of steel. My hope is that the administration will make the right decision. I have not seen an administration in some 20 years that has a record in international trade that I think benefits this country and its producers in a way that is fair.

UNANIMOUS CONSENT REQUEST—S. 94

Mr. DORGAN. Mr. President, I notice my colleague from Wyoming is in the Chamber. I did give notice that I was going to propound a unanimous consent request, and if he is in the Chamber for the purpose of representing the minority, I will propound that unanimous request at this point in time.

I spoke yesterday about the subject of the wind energy production tax credit, which expired at the end of last year. The expiration occurred because it became embroiled in the back and forth over the economic recovery package and the stimulus plan. The fact is, the Congress ended its year and its work without having extended the tax extenders—there are some half dozen of them—one of which is the tax credit for wind energy.

In my judgment, it is just fundamentally wrong for us not to take the action we need to take right now to extend that production tax credit for wind energy.

I had a conference in Grand Forks, ND, last week when the Senate was not in session. The conference was on wind energy. Over 700 people showed up. There is great interest in this from all over the country. North Dakota is No. 1 in wind energy potential. The new technology wind turbines are remarkable. To be able to take energy from the wind, put it in a transmission line and move it around the country is remarkable.

There are plans on the books right now. A CEO from one of the largest companies came to see me 3 weeks ago. He said: I have plans for 150 megawatts, 150 one-megawatt towers. It is going to cost $130 million to $150 million. The plans are done. He said: They are ready; I have the money. That is already developed. But it had to be put on the shelf until Congress extends the production tax credit.

We do not seem to think it is urgent. I believe it is urgent.

My colleague, Senator REID, asked he be remembered on this issue because he supports this. He has companies in Nevada with plans on the shelf. They are ready to go, but they are held up. The same is true in many other States in the country.

For that reason, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 94, a bill to extend tax credits for wind energy; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I understood there would be an objection. I want to demonstrate again—and I hope I can do this in the coming days—there are many Republicans and Democrats serving in the Senate who know we ought to pass this bill, who want to get this done. We need to find a way to make this happen. This is urgent. Yet we are sort of at a parade rest on a range of areas.

We can talk about who is at fault. I do not intend to do that. I am much more interested in trying to get this started than I am in trying to figure out why it stalled. Let's see if we can work together to accomplish this goal. We know it needs doing. We are going to turn to the energy bill next. We know having this production tax credit extended is important. It ought to be done now, not later.

Mr. President, I understand my colleague from Wyoming was required to object to this. I will not go beyond that except to say I hope he joins me and others as we find a way to extend these tax credits and that we do so soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I, too, am supportive of wind energy and the alternatives, of course, but we have been waiting—talk about waiting, we have been waiting for months to get to an energy bill, which has been objected to and held up by the folks on the other side of the aisle. We are finally going to get to it, and certainly this issue ought to be part of an overall energy policy, not a stand-alone bill.

So hopefully next week we will have a chance to get to energy. I do not think there is anything more important before this Congress than to have an energy policy in this country. We have talked about it now for months. I am on the Energy Committee, as well as the Finance Committee. We have talked about energy for a very long time. We did not have a chance to put it together in the committee but, rather, the majority leader took it away from the committee and brought it to the floor.

So now we find ourselves in a very difficult position by putting together a very complex bill, but hopefully starting in the next day or two we will have an opportunity to do that. I hope my friend from North Dakota will have an opportunity to talk about wind energy and the opportunities to do something with it at that time. It seems to me that is the appropriate time to do it.

ELECTION REFORM

Mr. THOMAS. Mr. President, I will now talk a little bit about election reform. Of course, that is the bill that is before us now, but we have not been able to move it forward in the last day and a half or so. Whether we will be able to or not, I do not know. No one disagrees, of course, with seeking to do something to make elections fair; to make the changes, if there need to be changes made, to make elections available to everyone on a free basis, an open basis, and a legal basis.

I am glad the Senate has taken up this bill. I happen to believe the major responsibility for voting, whether it be in Florida or whether it be in Wyoming, lies with the State. Where there are problems with voting, the State election officers, it seems to me, have the primary responsibility to do that.

One of the issues that has come up—not unusually, I suppose; it comes up in many areas such as health care, education—there is a difference between how you do things in New York City and Meeteetsi, WY. That has kind of become an interesting issue with regard to setting up voting standards and the requirements that need to be made for voting precincts. When one has a precinct that has thousands of people in it, that is one thing. Go to Wapiti, WY, with a precinct that may only have 30 to 40 people in it; that is quite different.

When I went home last weekend, we were talking about the proposal initially that there had to be a paved parking lot and access for the disabled. Everyone wants the disabled to be able to vote, and they were saying sometimes we have to look hard to find a place that has a toilet, so we need to do something about that.

I have talked with the chairman, and certainly we could, I think, come to some kind of an agreement. This bill currently requires each polling place to have a machine that is adaptable for ADA. I am a great supporter of ADA, as a matter of fact, and have worked very hard on that, but I think we have to be realistic about how it is dealt with. We have curbside voting, for example. We can do that for people who are disabled. We have these certain kinds of machines in every county seat, but to require that in some 400 rural polling places, as we have in Wyoming, would be extremely difficult. Even though the return sometimes is, ''Well, the Government is going to pay for it,'' regardless of who pays for it, some of it is not good use of taxpayer dollars.

I do not know exactly how it will end up. Perhaps we will not be having a bill if we cannot move it any more than we have. Perhaps we can continue to talk to the chairman, who seems to be receptive, knowing there are differences in how it is dealt with in one place or another.

I do want to say we have talked with the elected officials in Wyoming. As I said, our voting has been very satisfactory. We have a good many registered voters. We had more voters last time than we had registered before the election who came in and could register on election day. It is really quite simple.

We are concerned, if we were required to have very complicated machines in every polling place, that that would not be appropriate. Instead, if we could offer the flexibility to where they could make proposals as to how to deal with voting for disabled and other voters, those could be viewed, and if they were acceptable, then they could do it the way they wanted to do it in that community.

In any event, I do not know whether we will have an amendment. If that becomes necessary—or perhaps we could have a colloquy with the chairman to deal with this in the conference committee—we can do that.

TRADE AUTHORITY

Mr. THOMAS. Mr. President, I have to respond just a little bit to my friend from North Dakota who talked about trade. Obviously, trade is very important for all of us. I am a little interested in how he thinks 435 people could negotiate a trade agreement. The idea is that the trade agreement needs to be negotiated and then brought to the Congress for approval. If it is not approved, it is not approved. I cannot imagine us trying to set up a trade bill and 435 folks trying to deal with that.

So I am not in agreement entirely that we ought to take away the trade authority to negotiate and then bring it to the Congress. Presidents have had that, and hopefully they will continue to have that.

The main constituency of the Senator from North Dakota, of course, is agriculture. Forty percent of agricultural products go into foreign trade. Obviously, we all want trade agreements to be fair and advantageous.

I also have to respond a little bit to the molasses issue. We worked on that for several months, and it has been cured, as a matter of fact. The idea that nobody stood up to it is not accurate. The court has ruled, and that is no longer being done. It was being done, and it was wrong, but we brought it up through the court, and it is no longer the case.

So trade is always difficult, and certainly I feel strongly about it from time to time, too. We are in a world where billions of dollars move around the world every day. We are going to have to trade. We are behind other countries in making trade agreements in South America, for example. So hopefully we can find a way to come up with agreements that will allow us to trade with other countries and, at the same time, of course, be as fair as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I have been meeting with Senator SCHUMER, Senator DODD, and others. There is some hope we can resolve this vexatious issue that has been so troublesome on this legislation. We are in the process of trying to work this out now. Senator DODD has been conferring with members of the minority all day in hopes that something can be resolved.

I ask unanimous consent that morning business be extended until the hour of 4 p.m. today.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 4:30 p.m.

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

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

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be allowed to speak up to 15 minutes in morning business.

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

DUMPED STEEL

Mr. SPECTER. Mr. President, I have sought recognition to comment on a meeting which has been held with President Bush and Members of Congress from steel States concerning the plight of the steel industry and the decision which the President is scheduled to make on or before March 6, 2002. The President has initiated proceedings under Section 201, which activated an inquiry by the International Trade Commission. The International Trade Commission has made a recommendation that there be remedies to stop subsidized and dumped steel from coming

into the United States in violation of U.S. law and international trade law. The President granted our request for a meeting so that we could state to him our views on this important subject.

The Senate Steel Caucus has 34 members from 24 States. The House Steel Caucus has 133 members. I was Chairman of the Senate Steel Caucus until Senator JEFFORDS made his famous declaration. Now I am Vice Chairman with Senator JAY ROCKEFELLER serving as Chairman.

Senator ROCKEFELLER and I were at the meeting with the President, as were Senator SANTORUM, Senator DURBIN, Senator SESSIONS, and Congressman ENGLISH, Chairman of the House Steel Caucus. We presented the case to the President that this is really the critical stage, that it is not inaccurate to say at this time that it is a do-or-die situation.

There have been tens of thousands—really hundreds of thousands—of jobs lost in the steel industry. There have been bankruptcies literally too numerous to count from the steel companies, and there has been an onslaught of steel coming into the United States which is subsidized and dumped.

When the term ''dumping'' is used, it means that steel is sold in the United States at a price lower than it is sold, for example, in Brazil where it is manufactured. So it is a calculated effort to sell at a cost so low that it undercuts the legitimate costs of American steel, and the costs are customarily calculated at the cost of production, plus a reasonable profit. The steel which comes into the United States, in addition to being dumped, is subsidized very heavily by foreign governments, so an American steel company is compelled to compete against a foreign government. That is something you cannot compete with, leading to the characterization of the playing field, which is not level.

We presented to the President the consideration that it really require what Commissioners on the International Trade Commission have recommended. The President said: Where did you come up with the idea of a 40 percent tariff for 4 years? The response was: Well, that is what the Republican members of the International Trade Commission said. That is necessary in order to give the American steel industry an opportunity to restructure itself.

There have been very extensive conversations with Mr. Leo Gerard, President of the United Steelworkers of America, and Mr. Tom Usher, President of USX, regarding the steel tariffs. In discussing the remedy, one of the critical parts about imposing a tariff is that it will call upon the foreign steel companies to restructure their steel. There is excess capacity in the world at the present time, and it comes to the United States where it is dumped because we are a great market. We have an open market. We believe in free trade, and I believe in free trade. An essential ingredient of free trade is to not allow subsidies or dumping, which is illegal. Free trade also has the critical component of fair trade, which is a part of free trade.

These considerations were presented. The issue arose as to what the impact would be upon the American consumer. It has been carefully calculated. A tariff of 40 percent would lead to a price increase on steel to around 8.4 percent, a negligible cost on the purchase of an automobile or a refrigerator. It is not going to change the American economy, but it is shortsighted for consumers to seek that kind of cheaper steel because we know for sure that if, as, or when the American steel industry is unable to meet domestic demands, we are at the mercy of foreign steel prices, which are going to go up. It is a boomerang consideration. It is not in the consumers' interest in the long run to have that kind of illegal competition come in and drive the American steel industry out of business.

All of these arguments were presented to the President, a meeting which lasted for the better part of an hour. The President was noncommittal, subjective as to how he was regarding the arguments. He made a number of comments. I think it is fair to say that he was sympathetic to the arguments. He made the point that he was prepared to make the tough decision without regard to political costs or whether Europe was going to be mad over what the decision would be.

President Bush has shown a remarkable tendency to be willing to make his own judgment, to go his own way. He has shown that in the War on Terrorism. He has sometimes been criticized for unilateralism by the United States, but he is a person who studies a situation very carefully, a very good listener who makes up his mind and then is prepared to make a judgment, in accordance with what his conscience says is in the national interest.

Overall, I thought it was a very good meeting, and I am optimistic. It is hard to say much more than that without creating false hope or false impressions.

Earlier in the day there was a rally on the Ellipse, which was calculated to be within earshot of the President. The speaker's stand was set up. The Chair was there, as were many of our colleagues in the Senate. We heard quite a number of speeches, and an enormous number of steelworkers, men and women, were there. The crowd was estimated to be at 25,000. I think that was a conservative estimate. Mr. Leo Gerard, President of the United Steelworkers of America, said they gave out 18,000 tokens. They had to bus people into RFK Stadium—there was no place to park the buses—and have them take the subway. Even when the rally had run for almost an hour, there were still people streaming in.

As I was on the speaker's podium and looked over at the South Portico, I could not tell if the President was there listening or not. However, I think he was within earshot. One of the great things about America is our right to assemble, even within earshot of the White House, as well as the right to freedom of speech and the right to petition the Government.

This whole issue has had a very thorough hearing. It is a matter of great importance. It is a matter of importance to America to have a steel industry. Without a steel industry, what do you do for national defense in time of a national emergency? Without a steel industry, what do you do if you are at the mercy of foreign suppliers? We have laws to stop dumping in subsidy. They are not enforced.

Years ago, I introduced legislation for a private right of action. It has been very difficult to get enforcement proceedings. Through the International Trade Commission, they are laborious. They can be upset easily. By the time they take effect, the critical period has passed. They have not been adequate.

Now, that the President has introduced, to his credit, the Section 201 proceedings, there is a chance for real action. Under the law, the decision has to be made by March 6, 2002, which is next Wednesday. To repeat, I am optimistic there will be a good result.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATIONS

Mr. SPECTER. Mr. President, I have sought again recognition to comment on the pending nomination of District Court Judge Charles Pickering who is up for consideration for the Court of Appeals for the Fifth Circuit. I had spoken briefly on this subject yesterday and had stated my intention to support Judge Pickering because he is a different man in 2002 than he was in the early 1970s when he was a Mississippi State senator.

The world has come a long way in the intervening 30 years. Attitudes have evolved. Judge Pickering has evidenced his sensitivity to civil rights issues. He has been praised broadly by people who know him from Laurel, MS, for taking on the leader of the Ku Klux Klan in a way which was physically endangering to Judge Pickering himself.

I noted yesterday, and I think it worth commenting today, the votes probably will not be there to send Judge Pickering from the Judiciary Committee with an affirmative vote. It looks to me as if it will be a party-line vote of 10 to 9. Regrettably, there is a great deal of partisan politics in the way judges are confirmed by the Senate. Regrettably, that is a practice regardless of which party is in control of

the White House and which party has control of the Senate.

When President Clinton, a Democrat, was in the White House, sending over nominations, I expressed my personal dissatisfaction at the way they were handled by the Republican-controlled Senate, Republican-controlled Judiciary Committee. I crossed party lines and voted for Judge Paez, Judge Berzon, Judge Gregory, and the nomination of Bill Lann Lee. Now we have the situation reversed: A Republican President, President George W. Bush, and a Judiciary Committee controlled by the Democrats.

It is time for a truce. It is time for an armistice. We ought to sign a declaration if necessary to set forth a procedure to take partisan politics out of judicial confirmations. That is present very decisively with Judge Pickering. There is an element expressed by some members of the Judiciary Committee on the so-called litmus test, with some people believing that unless a judicial nominee is willing to endorse Roe v. Wade on a woman's right to choose, that individual should not be confirmed to the Supreme Court—really, an effort to place Roe v. Wade on a level with Brown v. Board of Education. But it is clear no one can be confirmed today who said Brown v. Board of Education should be reversed.

When the nominees are questioned before the Judiciary Committee, they frequently will say: I won't answer that question; it is a matter which may come before the court. That is customarily accepted. If someone were to say that about Brown v. Board of Education, not affirming that conclusion—that the decision ending segregation is a vital part of America—I think that person could not be confirmed. To establish that standard for Roe v. Wade I think is very contentious, but that awaits another day.

The issue of taking partisan politics out of judicial selection is one with us right now. Earlier this week, Judge D. Brooks Smith, who is a chief judge of the U.S. District Court for the Western District of Pennsylvania, a person recommended for that position by Senator Heinz and myself back in 1988, was confirmed and is now up for the Court of Appeals for the Third Circuit. Although not as heavily overlaid as Judge Pickering's confirmation was, there is an element of partisanship as to Judge Smith. I believe he has answered the questions adequately, and I am cautiously confident he will be confirmed.

It is my hope that if I am right—hopefully, I am not right and Judge Pickering will be confirmed by a majority here—if it turns out to be a vote along party lines, I am hopeful the Judiciary Committee will send Judge Pickering for action by the full Senate. There is precedence for that. Judge Thomas was not recommended by the committee and received a tie, 7-to-7, vote. That meant it failed. But by a 13-to-1 vote, the Judiciary Committee sent Judge Thomas, who was then a circuit judge, to the Senate, where they voted 13-to-1 that the full Senate should consider him. The full Senate confirmed him 52 to 48.

Judge Bork received a negative vote of 5 in favor and 9 against, and then on a motion to send to the floor, Judge Bork got 9 votes that the full Senate should consider him, with 5 members of the Judiciary Committee dissenting.

In the old days, we used to have the Judiciary Committee bottleneck civil rights litigation, stopping it from coming to the floor.

I believe on the judicial nominations with the overtones of partisanship, this is a matter which ought to be decided by the full Senate. I urge my colleagues to give consideration that in the event there is not an affirmative vote in committee, at least Judge Pickering ought to have standing to have the full Senate consider his nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be extended to the hour of 5:30 today.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, there have been discussions all day long with regard to the so-called Schumer amendment, the matter involving photo identification and the election reform legislation. I think it is accurate to say that while no resolution has been reached, the discussions continue.

This has been an unfortunate and very unproductive period of time, but nonetheless I think it is appropriate at this point to announce there will be no more rollcall votes today. We will be in session tomorrow, and there is a likelihood that we will have at least a cloture vote. There may be other votes as well. So Senators should be advised that at least in the morning tomorrow there will be votes, perhaps beginning at 10 o'clock.

So we will keep Senators informed of our progress. We will not be going out of session tonight. My hope is we might still resume debate and further consideration of the election reform bill, but I think the time has come to recognize that at least if votes could be cast, we could postpone those votes until tomorrow. So no votes tonight but votes certainly in the morning.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes.

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

ELECTION REFORM

Ms. STABENOW. Madam President, I would like to express my strong support for the Schumer-Wyden amendment to S. 565, the Martin Luther King Jr., Equal Protection of Voting Rights Act of 2001. While one of the important goals of this legislation is to prevent voter fraud, we must be careful that we do not go so far that we keep eligible voters out of the electoral process.

This bill currently requires first-time voters who registered by mail to provide either a photo ID or a copy of a utility bill, bank statement, a Government paycheck or other government document that shows the name or address of the voter when they go to cast their vote. While this may sound like a reasonable requirement on the surface, the practical consequences of this requirement could easily prevent countless eligible voters from voting.

For example, senior citizens, who vote in large numbers, often do not drive and therefore, do not have a driver's license to use as a photo ID. Voting age high school and college students, a group that we need to encourage to vote and participate in the democratic process, may not have a photo ID, and certainly will not have a Government paycheck or a utility bill in their name. A photo ID requirement also would place a heavy burden on the millions of Americans with disabilities who do not drive or do not live independently so that their name would be listed on a bank statement or utility bill.

Finally, a photo ID requirement could have an adverse impact on minority voters. Immigrants who have newly become U.S. citizens and come

from countries where governments instill fear instead of trust, could be intimidated by these requirements and might be afraid to vote.

The Schumer-Wyden amendment allows States to use signature verification and attestation, in addition to a photo ID and government checks, to verify voters; or a State can opt to use only a signature verification system. This amendment will allow us to be just as tough on voter fraud without turning away eligible voters.

In Michigan, we have several laws that effectively prevent voter fraud, without disenfranchising eligible voters. First-time voters who registered by mail are required to vote in person the first time they cast a ballot. Michigan also requires a voter signature for all voters at the polls, and has a signature verification system to confirm a voter's identity. These measures protect our electoral system against fraud, without undermining voter participation.

I urge my colleagues to support the Schumer-Wyden amendment that protects our electoral system, without preventing eligible voters from exercising their right to vote.

AFRICAN AMERICAN HISTORY MONTH

Mr. LEVIN. Madam President, today, I join the many Americans who this month reflect on the rich and extraordinary achievements of African Americans. We do so in keeping with the spirit and the vision of Dr. Carter G. Woodson, son of a former slave, who in 1926, proposed such a recognition as a way of preserving the history of the Negro. Each year, during the month of February, we celebrate African American History Month.

Dr. Woodson was, himself, an extraordinary individual and I would like to pay tribute to him, as well as several courageous and accomplished individuals claimed by my state of Michigan, all of whom have earned a unique place in African American history.

Dr. Woodson overcame seemingly insurmountable challenges in his rise from the coal mines of West Virginia to one of the highest levels of academic achievement of his time. Author Lerone Bennett, writes of the struggles and successes of Carter G. Woodson, who was an untutored coal miner at the age of 17; and at the age of 19, after teaching himself the fundamentals of English and arithmetic, entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College in Kentucky, Woodson returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where be became the second African American to receive a doctorate in history. The rest, of course, is history.

Dr. Benjamin Solomon Carson, Sr., who was born and raised in Detroit, had a childhood dream of becoming a physician. In his books, Gifted Hands. THINK BIG, and The Big Picture he reveals how growing up in dire poverty with horrible grades and being called ''dummy'' as well as having a horrible temper, and low self-esteem,'' appeared to preclude the realization of that dream. He writes about an inspiring mother, with a third grade education, who worked two and sometimes three jobs as a domestic to care for her two sons, determined that they would succeed. Carson remembers, ''we had to read two books a week from the Detroit Public Library, and submit to her written book reports, which she could not read, but we didn't know that . . . my mother was one of twenty four children, went through the foster care system and married at the age of 13—a marriage that rapidly deteriorated.''

Today, despite all of the odds stacked against her and him, Sonya Carson's son is one of the world's most gifted surgeons, performing over 500 critical operations on children in dire need each year, over triple the average neurosurgeon's caseload. Dr. Ben Carson is Director of Pediatric Neurosurgery at the Johns Hopkins Medical Institutions, a position he had held since 1984 when he was 32 years old, then the youngest surgeon in the nation to hold this distinguished title. He is also a professor of neurosurgery, oncology, plastic surgery, and pediatrics. On the occasion of its 200th anniversary the Library of Congress named him one of the 89 ''Living Legends.'' In 2001, he was chosen by CNN and Time Magazine as one of America's top 20 physicians and scientists. After graduating with honors from high school, Ben Carson was accepted to Yale University on a scholarship. He received his M.D. from the University of Michigan.

In 1987, he gained worldwide recognition as the principal surgeon in the 22-hour separation of the Binder Siamese twins from Germany. This was the first time occipital craniopagus twins had been separated with both surviving. In 1997, Dr. Carson was the primary surgeon in the team of South African and Zambian surgeons that separated type-2 vertical carniopagus twins (joined at the top of the head) in a 28-hour operation. It represents the first time such complexly joined siamese twins have been separated with both remaining neurologically normal. He is noted for his use of cerebral hemispherectomy to control intractable seizures as well as for his work in craniofacial reconstructive surgery, achondroplasia (human dwarfism), and pediatric neuro-oncology (brain tumors).

Dr. Carson is the president and cofounder of the Carson's Scholars Fund, which recognizes young people of all backgrounds for exceptional academic and humanitarian accomplishments, which he hopes will positively change the perception of high academic achievers among their peers across our nation.

Madam President, I would also like to pay tribute to two women who played a pivotal role in addressing American injustice and inequality. They are Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day, on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of quality for women. Michigan honored her several years ago with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999.

Sojourner Truth had an extraordinary life. She was born Isabella Baumfree in 1797, served as a slave under several different masters, and was eventually freed in 1828 when New York state outlawed slavery. In 1851, Sojourner Truth delivered her famous ''Ain't I a Woman?'' speech at the Women's Convention in Akron, Ohio. In the speech, Truth attacked both racism and sexism. Truth made her case for equality in plain-spoken English when she said, ''Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a woman? Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him''

By the mid-1850s, Truth had settled in Battle Creek, Michigan. She continued to travel and speak out for equality. During the Civil War, Truth traveled throughout Michigan, gathering food and clothing for Negro volunteer regiments. Truth's travels during the war eventually led her to a meeting with President Abraham Lincoln in 1864, at which she presented her ideas on assisting freed slaves. Truth remained in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. Due to bad health, Sojourner Truth returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. The Congressional Gold Medal was presented to Rosa Parks on June 15, 1999 during an elaborate ceremony in the U.S. Capitol Rotunda. I was pleased to cosponsor this fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal

bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty six years ago in Montgomery, Alabama the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. My home state of Michigan proudly claims Rosa Parks as one of our own. Rosa Parks and her husband made the journey to Michigan in 1957. Unceasing threats on their lives and persistent harassment by phone prompted the move to Detroit where Rosa Parks' brother resided.

Rosa Parks' arrest for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. For instance, twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws, which required African Americans to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom Rosa Parks would have her confrontation 12 years later.

The rest is history. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

Mr. CLELAND. Madam President, Thomas Carlyle once said, ''a mystic bond of brotherhood makes all men one.'' In light of the events of September 11, this statement has never rung truer. To see the firefighters, police, and rescue teams working side by side in the recovery effort at the World Trade Center, seeking peace for their fallen comrades whether black, white, Hispanic or Asian reminds us just how far we have come in only a few short decades.

And yet there is still a great distance to travel. This month, as we celebrate Black History and the contributions made by members of the African American community, we must remember that work still remains to be done. Senior leadership at Fortune 500 companies and even our own Congress fails to reflect America's racial demographics. But we are certainly moving in the right direction.

Less than 50 years ago, it was unthinkable that a black man or woman be an elected official, or university president, or hold any number of other prestigious positions across our Nation. That started to change, though, with the bravery of men like Doctors Martin Luther King, Jr. and Benjamin E. Mays.

While most everyone has heard of the former, Dr. Mays' name is not as easily recognized by most Americans, but he is every bit as important in the annals of history. Born in South Carolina in 1895, Benjamin Mays distinguished himself as a dean at Howard University and president of Morehouse College. Throughout his life, he served his community, speaking early and often against segregation and on behalf of education.

Mays urged his students to strive for academic excellence, fight for racial justice, and introduced his students to Gandhi's philosophy of non-violence. Years after graduating from Morehouse College, Dr. Martin Luther King, Jr. called Mays his most important ''spiritual and intellectual mentor.''

Dr. Mays was Martin Luther King, Jr.'s teacher, inspiration, and friend. He stood beside Dr. King as during the struggle for racial equality, and walked behind his casket during one of the darkest times in our Nation's history.

The son of former slaves, Dr. Mays had to fight every day of his life for many of the advantages Americans today take for granted. Mays was a civil and human rights leader, noted theologian, educator, and the recipient of 56 honorary degrees.

It was with great pleasure that I submitted, and witnessed the passage of a resolution encouraging President Bush to award the Presidential Medal of Freedom, the highest honor the U.S. government can bestow upon a civilian, posthumously to Dr. Mays. It is an honor that is well overdue, and rightfully deserved.

Benjamin Mays understood disappointment and pain, and dealt with both during his long life of public service, but he never lost site of his ultimate goals. He explained why when he said, ''The tragedy in life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream. . . . It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim, is sin.''

It is with those words in mind that we must continue to fight for more equity in our society. Certainly we have come a long way in a relatively short period of time, but let us not lose site of how far away the horizon still lies.

Mr. REED. Madam President, as we conclude Black History Month, I rise to join in the celebration of the achievements of African Americans throughout our Nation's history, and especially in my home State of Rhode Island. Indeed, African Americans have contributed a great deal to my State, and I am honored to be able to acknowledge two such individuals today, the late Reverend Mahlon Van Horne of Newport, and the late John Hope of Brown University.

Reverend Van Horne was one of Newport's most prominent African Americans in the late 1800's. He was an avid civil rights activist, a three term State representative, and was also one of the Nations first black diplomats. Reverend Van Horne came to Newport, RI, in 1868 after being ordained, and graduating from Lincoln University in Pennsylvania. He began his ministry in Rhode Island as the Acting Pastor of the Colored Union Congregational Church of Newport. Despite the times in which he lived, due to his charismatic leadership and scholarly sermons, his congregation was made up of both black and white Rhode Islanders, and the many black professionals from New York, Washington, D.C., and Philadelphia who would come to Newport during the summer months. By 1871, his congregation had grown to the point where they had to tear down the old church to make way for a larger building which was renamed the Union Congregational Church. Despite his success as a minister, Reverend Van Horne did not stop there, in 1871 he was able to successfully draw votes from both blacks and whites to win election to the Newport School Committee, the first African American ever to serve in this capacity. As a member of the school committee, he used his position to continue his civil rights movement and pressed for integration and better education for Newport's black children. In 1885, he was elected to the Rhode Island General Assembly, becoming the first African American to ever serve in the State legislature. He was re-elected in 1886, and 1887, and after his last term he continued in his role as pastor of the Union Congregational Church. His service did not end there. In 1896, President William McKinley appointed Reverend Van Horne as the United States Counsel to the Danish West Indies, in where he served his Nation honorably for 12 more years.

Another great Rhode Islander that I would like to bring attention to was a champion of education; John Hope. Mr. Hope first came to Rhode Island in 1890 when he enrolled as a freshmen at Brown. While in school he became very involved in the African-American community, and later joined the Second Free Will Baptist Church in Providence. While a member of the Church, he started a literary club with the help of other prominent African Americans in the community. In honor of his work in Providence, in 1944, the community center on Burgess street was renamed the John Hope Settlement House and continues to be a vital resource for many of the residents of Providence today. In addition to his community involvement and dedication to the education of blacks in Providence, John Hope was a founding editorial board member of the Daily Herald and a campus correspondent for the New York Tribune, and wrote many articles for the Providence Journal and the Chicago Tribune. After his graduation from Brown, John Hope continued his mission of improving educational opportunities for blacks by taking a position teaching Greek and Latin at the

Roger Williams University in Nashville, Tennessee an all black institution. From there, he moved on to become the President of one of the most prestigious historically black institutions of higher education Morehouse College, from 1906 to 1929. He culminated his career in education as the President of Atlanta University, which was the only black graduate school in the Nation at the time, where he served until his death in 1936. John Hope's vision that education is the key to improving the quality of life for not only African Americans, but for all Americans, is one I share.

It is truly my honor and privilege to acknowledge such great Rhode Islander's during Black History Month, and it is my hope that these and other African American leaders from both past and present will continue to inspire our Nation's youth.

SONNY MONTGOMERY AWARD TO SENATOR ROBERTS

Mr. WARNER. Madam President, on Monday night Senator PAT ROBERTS was recognized as the 2002 recipient of the National Guard Bureau's ''Sonny Montgomery'' Award.

Senator ROBERTS' comments upon receiving this award highlight, in a most thoughtful and eloquent manner, the absolutely critical role our Nation's National Guard plays in the defense of our homeland and our own strategic defense in critical areas beyond our shores—an example being the 29th Division, with elements from Virginia, now serving in Bosnia.

This vital role is nowhere more evident than in Virginia where our National Guard men and women patrol the skies over our Nation's Capital and help defend key military posts and bases across the State.

I would like to highlight my colleague's wise admonition that we must ''preserve our founding fathers intent with respect to the National Guard, specifically preserving the connection between military forces and the States, between our national defense and America's local cities and towns.'' Excellent advice, we in the Congress must be very careful to heed it.

As America is continuing its preparations to defend our homeland against territorial threats, we owe a debt of gratitude to our respected colleague, from the great State of Kansas, as he, serving as chairman of the ''Subcommittee on Emerging Threats'' of the Armed Services Committee during the 106th Congress, laid foundations—at times in the face of skepticism and resistance—before the attacks of September 11, foundations we are rapidly building on today to strengthen our Homeland Defense.

As Americans reflect, with deep gratitude, on the proud history of America's military, let us never forget that the Guard was our first, being founded in 1636.

I ask unanimous consent that Senator ROBERTS' remarks be printed in the RECORD along with introductory comments by the distinguished Chief of the National Guard Bureau, Lieutenant General Russell C. Davis.

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

REMARKS BY CHIEF OF THE NATIONAL GUARD BUREAU (GENERAL RUSS DAVIS) PRESENTING THE SONNY MONTGOMERY AWARD TO SENATOR PAT ROBERTS OF KANSAS, MONDAY, 25, 2002

This evening we gather to bestow the 6th Annual Major General G.V. ''Sonny'' Montgomery Award. This award was established in 1996 to honor an outstanding individual whose accomplishments were of major significance to the National Guard of the United States. Specifically, it is presented to an individual: who has demonstrated exemplary service to the National Guard at the national level; whose performance exceeded the normal scope of public or private service in support to the Nation's defense; who demonstrated skill and initiative to introduce new policies or procedures that significantly advance the mission of the National Guard; and who exhibited integrity, competence, and the ability to inspire others.

This year we are very pleased to present this Award to Senator Pat Roberts of Kansas. Throughout his career, Senator Roberts has been an industrious and effective advocate for a robust national security posture for the United States. Today he is a member of the Senate Armed Services Committee. He plays a key, forward-thinking role in making certain that America is ready to counter post-Cold War and terrorist threats. He was the first chairman and today is the ranking member of the Emerging Threats and Capabilities Subcommittee.

Senator Roberts has led the way in strengthening America's ability to meet the threat posed by Weapons of Mass Destruction. Years before the events of September 11, Senator Roberts was at the forefront of the debate on increasing the security of the United States homeland.

His strong support for the creation, expansion and sustainment of the National Guard's Weapons of Mass Destruction Civil Support Teams is but one example of the demonstrated leadership, wisdom and foresight of Senator Roberts.

We are joined tonight by a number of other highly distinguished Kansans including the Nation's Chairman of the Joint Chiefs of Staff, General Richard Meyers and the Adjutant General of Kansas, Major General Greg Gardner. I would ask the Honorable Sonny Montgomery to come forward to make the presentation of the award that bears his name.

STATEMENT OF SENATOR PAT ROBERTS, RECIPIENT, THE NATIONAL GUARD BUREAU G.V. ''SONNY'' MONTGOMERY AWARD

Thank you General Myers, General Davis, General Rees, General Gardner, the Kansas Guard, and distinguished visitors to the Capitol. It is truly an honor to receive the Sonny Montgomery Award from the National Guard Bureau and from the Guardsman and women currently serving our Nation here at home as well as around the world.

2001 was a challenging year for America and her National Guard. Determined enemies attacked America and our way of life, killing thousands, but the Guard sprung into action. Army Guard personnel were tasked to secure our airports, harbors, military bases and other critical infrastructure while Air Guard personnel, along with their active brothers and sisters, were tasked to secure our airspace and yes, if need be, take out the threat of another hijacked jetliner bearing down on an America city.

Guard personnel are participating in the ongoing mission in Afghanistan to kill or capture remaining al Qaeda. On top of that, the Guard continues to develop its primary role in the evolving Homeland security mission area.

Indeed, the National Guard was deployed and in action well before September 11: Southwest Asia, Former Yugoslavia, South America, disaster relief and other missions here at home. The list goes on.

However, I wanted to specifically mention your performance since the attacks: outstanding and inspiring. Your country needs you now more than ever. Keep up the good work and know there are those in Congress who will champion your mission and cause.

It is a privilege to receive an award for ''exceptional support to the nation's defense for significantly advancing the mission of the National Guard.'' I hope I have indeed done so and can live up to Sonny's namesake in the months and years ahead.

And, what a privilege it is to receive and award so deservedly named after the veteran's all time champion Sonny Montgomery: successful businessman; decorated Veteran of World War II & Korea; champion of the Guard; congressman; general; chairman; and colleague, Southern Gentleman.

I don't want to leave the podium tonight without discussing an issue of great importance to the Guard and to our Nation.

This past year I was a part of the dialogue between the Department of Defense and the Air Guard on the future of the active component-National Guard relationship.

Indeed, we can and ought to discuss new missions for various units be they active component, Army Guard, or Air Guard.

Any changes, however, must preserve our founding fathers intent with respect to the National Guard, specifically preserving the connection between military forces and the states, between our national defense and America's local cities and towns.

This relationship serves a critical practical purpose today: when America goes to war, which we are doing often, so to do America's States, cities, and towns.

That kind of connection between the people and their military helps to ensure our forces are not used without at least the knowledge, if not consent and support, of the American people.

So let us have a discussion on transformation, the weapons and tactics of the future, and the future of the active component, National Guard relationship.

But let us not consider severing a critical link between the American people and their military. Let us not make the mistake of taking down flags, consolidating all authority and control in Washington, DC, and broadening whatever gap already exists between the military and civilian sectors.

America needs her Guard now more than ever but not just your outstanding skills, capability and dedication.

For the current international obligations, the War Against Terrorism, and the wars of the future, America must bring to the fight every state, city, town, and community.

Thank you again for this honor and I look forward to working with you in the years ahead.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last

year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 11, 1993 in New Orleans, LA. A group of attackers stabbed a gay man to death and injured his friend. The assailants, several men, chased the victims, beat them, and yelled anti-gay slurs.

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.

ABDUCTION AND DEATH OF DANIEL PEARL

Mrs. BOXER. Madam President, the shock of September 11 has been replaced with a focus on rebuilding and recovery, but the abduction and death of Daniel Pearl remind us that cold-blooded terrorism continues and that its casualties are too often innocent individuals: moms, dads, sisters, brothers, husbands, wives, and children.

A writer for The Wall Street Journal since 1990, Daniel Pearl, was abducted in Karachi, Pakistan on January 23, while going, he thought, to conduct an interview about the Islamic militant underground. Instead of being granted that interview, Mr. Pearl was abducted, and it is now clear that his kidnappers intended all along to kill him, in the most horrifying fashion.

Born in Princeton, NJ, Daniel Pearl moved as a young man with his family to California's San Fernando Valley, where his parents still reside. He attended Birmingham High School in Van Nuys, and went onto Stanford University where he graduated with a degree in Communications.

Journalism was clearly his calling, and he returned to the northeast to begin his career. Following a stint with a newspaper in Massachusetts, he joined the staff of The Wall Street Journal. Over the next decade, he would see the world, beginning with postings in Atlanta and Washington, and later in London and Paris.

Wherever he went, people were drawn to and delighted by Daniel Pearl. His warmth and wit, his kindness and intelligence, defined him as a person and were gifts that he shared generally with those around him.

I offer my deepest condolences to Daniel Pearl's wife Mariane, 7 months pregnant with their first child; to his parents Dr. Yehuda and Ruth Pearl, and to his sisters Tamara and Michelle, who describe their brother, son and husband as ''such a gentle soul . . . the musician, the writer, the storyteller, the bridge builder.''

Their courage and dignity in the face of this tragic loss is nothing short of inspirational, and my heart goes out to them.

It is time for the terrorism to stop. In the name of Daniel Pearl and the other innocent victims, we must seek to understand the roots of terrorism in the world and bring to an end the ever-escalating cycle of violence.

U2'S CONTRIBUTION TO A LOST GENERATION

Mr. FRIST. Madam President, I would like to take this time to congratulate Bono and the band U2 on receiving four Grammy Awards at last night's ceremony. While music listeners across the globe recognize Bono's music is well deserving of such accolades, I believe that another aspect of his career is also deserving of recognition.

I was first introduced to Bono when he came by my office to talk about Africa and the struggles many third world countries face, including the issues of debt relief and the global HIV/AIDS epidemic. As chair of the Senate subcommittee on African Affairs and an active participant in medical missionary work in Africa, I was interested in learning how a rock star could contribute to international policy. I quickly found out that Bono was much more than a music icon. He is a serious person, well versed in the many issues that plague third world countries. More importantly, I found a person who was willing to use his time and talent to champion issues that will help end poverty and disease throughout the world.

In January, Bono joined me on my trip to Uganda, where we visited health centers and AIDS clinics to learn how countries are coping with what's become the world's greatest health crisis. In a region where over half the population is under 15, Bono was able to carefully balance compassion and pragmatism. He asked the hard questions that countries like Uganda now face and how we, as a world, can aid in the fight. His interest was genuine. His commitment to making a difference was concrete. And because of his efforts, countries like Uganda and many others have a viable spokesperson committed to ending their strife.

U2's music has always been one of compassion and humanity, committed as much to what their lyrics say as to how the music sounds. But this higher level of political consciousness goes far beyond U2's music. It's a part of their advocacy efforts and apparent in their ability to stay committed to the issues they support. Just as U2 is still being honored for their music after 25 years, I fully expect them to also be remembered for their efforts to improve international policy 25 years from now.

Taking home four of music's most prestigious honors is, in itself, an inspiring feat. But it's Bono and U2's ability to be a voice for a lost generation that deserves the real honor.

WATER INVESTMENT ACT OF 2002

Mr. SMITH of New Hampshire. Madam President, I am pleased to join my colleagues on the Environment & Public Works Committee in introducing the Water Investment Act of 2002. The introduction of this bill to provide clean water for our nation comes in the year that we are celebrating the 30th anniversary of the Clean Water Act. When I became chairman of the committee in 1999, one of my top priorities was a renewed commitment to our nation's water systems and the Americans served by them. Since that time, the committee has held a number of hearings, both at the subcommittee level, chaired by my good friend from Idaho, Senator CRAPO, and at the full committee level. I am pleased that Senators JEFFORDS and GRAHAM have continued to make this a priority in their new roles as full committee and subcommittee chairmen. Today that effort culminates with the introduction of this bipartisan piece of legislation that will address the many water infrastructure problems facing our local communities.

So much of our nation's water infrastructure is aging and in desperate need of replacement. Coupled with the aging problem is the cost burden that local communities face in order to comply with ever increasing State and Federal clean water mandates. This bill addresses these problems and makes structural changes to ensure that we avoid a national crisis now and in the future.

I am a strong advocate of limited government and when it comes to water infrastructure, I do not believe the primary responsibility of financing local water needs lies with the Federal government. I am equally adamant, however, that the Federal government shouldn't place unfunded mandates on our local communities. This bill recognizes both of these principles and strikes a responsible balance. The legislation authorizes $35 billion over the next five years in Federal contribution to the total water infrastructure need to help defray the cost of the mandates placed on communities. This is a substantial increase in Federal commitment, but not nearly as high as some would have preferred. Even so, this commitment does not come without additional responsibilities. When the Clean Water Act was amended by Congress in 1987, a debate I remember well, we set up a revolving fund so more federal money would not be required. The fund would continually revolve providing a continual pool of money for water needs. Unfortunately, many officials did not meet their commitment to properly plan for future needs and what was not to be Federal responsibility became a Federal necessity. Now we are faced with a near crisis situation. This bill makes certain that we do not go down that road again. The Federal government will help to defray the costs of Federal mandates, but with the new money comes a new requirement that all utilities do a better job of managing their funds and plan for future costs. The Federal trough

will not continue to be filled up every so many years because there is a dereliction of responsibility—so that 15 years from now, these utilities will not be coming back to Congress looking for an additional $57 billion. The bill requires utilities to assess the condition of their facility and pipes and develop a plan to pay for the long-term repair and replacement of these assets. That plan will include Federal assistance, but it will be limited assistance.

We also make additional structural changes to the law both to address financial concerns and to help achieve improved management of these water systems. One such change to the Clean Water Act is to incorporate a Drinking Water Act provision that allows States, at their discretion, to provide principal forgiveness on loans and to extend the repayment period for loans to disadvantaged communities. This flexibility will provide help to communities struggling with high combined sewer overflow cost to secure additional financial help. This bill also promotes other important cost saving measures that many communities are ready experimenting with throughout the country.

Finally Madam President, New Hampshire is the midst of our worst drought in 50 years. In an effort to help communities facing water shortages, this bill directs the U.S. Geological survey to assess the state of water resources. The USGS is then to share with localities information on water shortages and surplus, planning models and streamlined procedures for local interaction with federal agencies responsible for water resources. This type of information will be helpful to New Hampshire communities facing a severe water shortage.

I am pleased that Republicans and Democrats worked together to introduce this bipartisan bill to address one of the very urgent needs of the nation. It will be a tremendous help to many struggling communities in New Hampshire and across the country. It is my hope that we can move it through the committee process and see it passed by the Senate in short order. Madam President, I want to express my appreciation to Senator CRAPO, who has been my partner in this for over two years. I also want to thank Senators JEFFORDS and GRAHAM for their work in getting us to this point—their leadership will be crucial in getting this bill to the President's desk.

UNIVERSITY OF WISCONSIN BIG TEN CONFERENCE CHAMPIONS

Mr. KOHL. Madam President, it is with great pride that I rise today to honor the University of Wisconsin's men's basketball team. On Wednesday, the Badgers beat Michigan, 74–54, in Madison to finish 11–5 and clinch at least a share of the Big Ten Conference Championship and a No. 1 seed in next week's Conference Tournament. The players and coaches on the University of Wisconsin men's basketball team provide an example of commitment, skill and sportsmanship as they bring the school its first Big Ten Conference title in men's basketball since 1947.

Not too many people gave this young team a chance to succeed before the season began. Based on the preseason consensus, this was to be a rebuilding year and the Badgers would finish near or at the bottom of the league standings. However, in the spirit of the Wisconsin faithful who have supported the men's basketball program both in times of glory and moments of frustration, the Badgers proved themselves to be a hardworking, highly motivated and resilient team.

I especially want to recognize the phenomenal job of first-year UW coach Bo Ryan, who, from day one, brought a winning atmosphere. Likewise, the close-knit group of players committed themselves to improving throughout the season. It all culminated with the team winning its last six Big Ten games. Coach Ryan and his players have given the State of Wisconsin a lot of great basketball to look forward to in the years to come.

Winning the Big Ten is an impressive achievement, one that the players, coaches, and fans should be proud of for as long as they live. The Badgers' season, however, is not done yet. I look forward to cheering the team on during ''March Madness,'' and hope to watch this hard-working team make it all the way to Atlanta for the Final Four. On Wisconsin!

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE 100TH ANNIVERSARY OF 4–H

• Mr. ALLARD. Mr. President, today, it is with great pride that I congratulate one of the finest organizations in the United States for a truly remarkable accomplishment. This year marks the centennial anniversary of 4–H, a youth organization that was launched by a group of volunteer visionaries who wanted to challenge America's youth to become a fundamental building block of our Nation's communities. With the motto, ''To make the best better,'' the organization has grown from an agriculture based institution into a well balanced mix of 7 million urban and rural members.

4–H encourages service; it promotes civility; broadens life experiences; and pushes a better way of life through a healthy spirit and healthy living. After 100 years of existence, the organization has grown to more than 50 million alumni, of which 55 are Members of Congress.

In an interview with Roll Call Daily, I had the chance to reflect on my 4–H experience. I remember well how 4–H taught me how to be a leader, how to prioritize and organize, as well as running meetings with efficiency and purpose. 4–H projects paid for nearly all of my tuition to become a Doctor of Veterinary Medicine.

The value of 4–H to America's youth can be measured in the accomplishments of its members—both past and present, and in the hours and hours of service the many 4–H clubs across the country have dedicated to service projects and personal development. Congratulations, and, I wish the organization many more successful years.•

TRIBUTE TO DREW HENDERSON OF HENRY CLAY HIGH SCHOOL

• Mr. BUNNING. Madam President, I proudly pay tribute to Drew Henderson of Henry Clay High School in Lexington, KY for his most recent academic accomplishment.

Drew Henderson recently discovered, via his mom's delivery bright and early one morning, that he belongs to an elite academic category. He is one of only 12 students nationwide to score a perfect 36 on the ACT Assessment. Drew has been blessed with natural learning abilities and has worked extremely hard to ensure that these talents are not ignored or denied the proper attention. Drew has already applied to 11 schools, with his top choices being Harvard, Princeton, and Penn State. He wants to focus his studies primarily on biology during his time as an undergraduate and then pursue a career in the area of medicine. Besides his commitment to his studies, Drew serves as the National Honor Society treasurer at Henry Clay High School, belongs to both the debate team and beta club, and is the captain for the golf team.

I applaud Drew for his academic as well as his extra curricular achievements and wish him the best of luck in his future endeavors. Drew has made Henry Clay High School and the Commonwealth of Kentucky very proud.•

CONGRATULATIONS TO DAVIESS COUNTY HIGH SCHOOL

• Mr. BUNNING. Madam President, I stand today among my distinguished colleagues to congratulate the students, administration, and faculty of Daviess County High School for winning a Preparing America's Future Award from the U.S. Department of Education.

This recent accolade is just one in the line of many bestowed upon the diligent students and devout faculty of Daviess County High School. In 2001, the U.S. Department of Education selected Daviess County High School as a 1999–2000 National Blue Ribbon School shortly after the Commonwealth awarded them with a Kentucky Blue Ribbon award.

The prestigious Preparing America's Future prize is presented to six high schools throughout the entire Nation that have taken significant strides in improving their academic standards for all students. Daviess County High School was among this elite group

based specifically upon their reputation for excellence and a rigorous evaluation of their progress in 12 key school improvement strategies. The review showed above all else that the school is accurately meeting the needs and expectations of today's students. I would like to offer a special thanks to Principal Brad Stanley for his inspiring leadership and robust commitment to the education of our nation's and the Commonwealth's future. With this competent captain at the helm, Daviess County High School will surely experience smooth sailing ahead.

I hope Daviess County High School is as proud of this accomplishment as I am. This award highly reflects upon not only the students and faculty but also the overall community and its dedication to its children. I thank you all for working towards a better educated Kentucky.●

RECOGNIZING SARAH CONN AND JEWELL OF WINCHESTER, KENTUCKY

● Mr. BUNNING. Madam President, I have the distinct honor today of recognizing the recent accomplishments of Sarah Conn and Jewell, both residents of Winchester, KY.

At this year's 126th Westminster Kennel Club Dog Show held in New York City, 12-year-old Sarah Conn and her graceful Boston Terrier, Jewell, put on quite a performance, taking Best in Breed and winning the prestigious Open Junior Handler title. In winning Best in Breed, Sarah amazingly bested a woman who has been showing Boston Terriers for an astonishing 50 years and a man who is rated the top handler in the Boston Terrier category. Sarah and Jewell rose to the occasion, overcoming all obstacles to prove that they do indeed belong at the top.

Sarah and Jewell have obviously worked extremely hard to earn this honorable distinction and deserve our praise for their diligent efforts. I know that the people of Winchester as well as the people of the Commonwealth of Kentucky are proud of their achievements. I finally ask my colleagues to join me in thanking Sarah and Jewell for proudly representing the Commonwealth of Kentucky in this year's Westminster Dog Show.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1542. An act to deregulate the Internet and high speed data services, and for other purposes.

The message also announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), the Speaker has appointed the following member on the part of the House to the Board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon: Mr. Hans P. Blascheck of Champaign, Illinois.

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 311. Concurrent resolution recognizing the Civil Air Patrol for 60 years of service to the United States.

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Agriculture, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. COMBEST, Mr. BOEHNER, Mr. GOODLATTE, Mr. POMBO, Mr. EVERETT, Mr. LUCAS of Oklahoma, Mr. CHAMBLISS, Mr. MORAN of Kansas, Mr. STENHOLM, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. DOOLEY of California, Mrs. CLAYTON, and Mr. HOLDEN.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that the following Members be the managers of the conference on the part of the House.

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BILIRAKIS, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. SHIMKUS, Mr. DINGELL, Mr. WAXMAN, and Mr. BROWN of Ohio: Provided, that Mr. PALLONE is appointed in lieu of Mr. BROWN of Ohio for consideration of title IV of the House bill, and modifications committed to conference.

From the Committee on Agriculture, for consideration of title II of the House bill and section 216 and title V of the Senate amendment, and modifications committed to conference: Mr. COMBEST, Mr. LUCAS of Oklahoma, Mr. CHAMBLISS, Mr. STENHOLM, and Mr. HOLDEN.

From the Committee on the Judiciary, for consideration of title II of the House bill and sections 216 and 401 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

MEASURES REFERRED

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

H.R. 1542. An act to deregulate the Internet and high speed data services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 311. Concurrent resolution recognizing the Civil Air Patrol for 60 years of service to the United States; to the Committee on Armed Services.

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time on February 27, 2002, and placed on the calendar:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

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–5558. A communication from the Acting General Counsel, National Endowment for the Humanities, transmitting, pursuant to law, the report of a vacancy and a nomination confirmed for the position of Chairman of the National Endowment for the Humanities, received on February 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5559. A communication from the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report dated February 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5560. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance'' (FRL6822–7) received on February 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5561. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Book-Entry Treasury Bonds, Notes and Bills—Interim Rule with Request for Comments'' (31 CFR Part 357) received on February 12, 2002; to the Committee on Finance.

EC–5562. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's Budget Request for Fiscal Year 2003, the Commission's Information Technology Strategic Plan for Fiscal Years 2002–2007, and the Commission's Performance Plan for Fiscal Year 2003; to the Committee on Rules and Administration.

EC–5563. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wrangell—St. Elias National Park and Preservation—Resident Zone Communities'' (RIN1024–AC83) received on February 25, 2002; to the Committee on Energy and Natural Resources.

EC–5564. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Parks Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Appalachian National Scenic Trails—Designation of Snowmobile Routes'' (RIN1024–AC67) received on February 25, 2002; to the Committee on Energy and Natural Resources.

EC–5565. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC–5566. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report concerning the Foreign Agents Registration Act for the period beginning January 1, 2001 through June 30, 2001; to the Committee on Foreign Relations.

EC–5567. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, the Annual Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5568. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Department's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5569. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for Fiscal Year 2001 and the Commission's Inspector General Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5570. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Annual Report on Performance and Accountability for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5571. 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; California State Implementation Plan Revision; Interim Final Determination that State has Corrected the Deficiencies'' (FRL7149–7) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5572. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL7151–7) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5573. 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 Operating Permits Program; State of Iowa'' (FRL7151–9) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5574. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''North Carolina: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL7150–6) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5575. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, El Dorado Air Pollution Control District'' (FRL7149–6) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5576. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL7148–8) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5577. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL7150–9) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5578. A communication from the Chairman of the Office of Economics, Environmental Analysis and Administration, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Electronic Access to Case Filings'' (Ex Parte No. 576) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5579. A communication from the Senior Regulations Analyst, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Securities Programs for Aircraft 12,500 Pounds or More'' (RIN2110–AA04) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5580. A communication from the Senior Regulations Analyst, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Aviation Security Infrastructure Fees'' (RIN2110–AA02) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5581. A communication from the Senior Regulations Analyst, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Aviation Security Rules'' (RIN2110–AA03) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5582. 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 Model DH 125, HS 125, BH 125, and BAe 125 Series Airplanes; Model Hawker 800, 800 (U–125A), 800XP, and 1000 Airplanes; Correction'' ((RIN2120–AA64)(2002–0113)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5583. 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: Short Brothers Model SD3 Series Airplanes'' ((RIN2120–AA64)(2002–0114)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5584. 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 Series Airplanes'' ((RIN2120–AA64)(2002–0112)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5585. 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: General Electric Company GE90 Series Turbofan Engines'' ((RIN2120–AA64)(2002–0111)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5586. 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 RB211–524G and –524H Series Turbofan Engines'' ((RIN2120–AA64)(2002–0119)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5587. 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: McDonnell Douglas Model DC 9–81, –82, –83, and –87 Series Airplanes; and Model MD 88 Airplanes'' ((RIN2120–AA64)(2002–0118)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5588. 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 Model Beech 400, 400A, and 400T Series Airplanes; Model Beech MU 300–10 Airplanes; and Model Mitsubishi MU 300 Airplanes'' ((RIN2120–AA64)(2002–0166)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5589. 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: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes'' ((RIN2120–AA64)(2002–0117)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5590. 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: Bombardier Model DHC 8–100, –200, and –300 Series Airplanes'' ((RIN2120–AA64)(2002–0115)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5591. 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 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(2002–0124)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5592. 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: Pilatus Aircraft Ltd. Models PC7, PC12, and PC12/45 Airplanes'' ((RIN2120–AA64)(2002–0123)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5593. 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 Canada Model 430 Helicopters'' ((RIN2120–AA64)(2002–0122)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5594. 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: Fairchild Aircraft, Inc. SA26, SA226, and SA227 Series Airplanes'' ((RIN2120–AA64)(2002–0121)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5595. 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: Israel Aircraft Industries, Ltd., Model 1124 and 1124A, and Model 1125 Westwind Astra Series Airplanes'' ((RIN2120–AA64)(2002–0120)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5596. 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: BAE Systems Limited Model BAe 146–200A Series Airplanes'' ((RIN2120–AA64)(2002–0126)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5597. 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 A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(2002–0125)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 3005: A bill to extend trade authorities procedures with respect to reciprocal trade agreements. (Rept. No. 107–139).

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. HAGEL (for himself, Mr. DAYTON, Mr. SESSIONS, Mr. CLELAND, Mr. WARNER, Mr. BREAUX, Mr. BUNNING, Ms. MIKULSKI, and Mrs. BOXER):

S. 1973. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1974. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself and Mrs. LINCOLN):

S. 1975. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. JEFFORDS, Mrs. CLINTON, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER , Ms. COLLINS, Ms. LANDRIEU, Mr. CHAFEE, Mrs. MURRAY, Mrs. LINCOLN, Ms. STABENOW, Ms. CANTWELL, Mrs. CARNAHAN, Mr. SCHUMER, Mr. TORRICELLI, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. REED, Mr. BREAUX, Mr. CORZINE, Mr. LEAHY, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, Mr. GRAHAM, and Mr. DODD):

S. 1976. A bill to provide for a comprehensive Federal effort relating to treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THURMOND:

S. 1977. A bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WELLSTONE (for himself and Mr. BROWNBACK):

S. Res. 213. A resolution condemning human rights violations in Chechnya and urging a political solution to the conflict; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. CARPER):

S. Con. Res. 99. A concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued honoring Felix Octavius Carr Darley; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. CLELAND, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 946

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 957

At the request of Mr. WELLSTONE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1335

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1335, a bill to support business incubation in academic settings.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1912

At the request of Mr. SMITH of Oregon, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1912, a bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior and the Secretary of Commerce to give greater weights to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Michigan (Ms. STABENOW), the Senator from Missouri (Mrs. CARNAHAN), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1917, supra.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. RES. 206

At the request of Mr. MURKOWSKI, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as ''National Inhalants and Poison Prevention Week.''

S. RES. 208

At the request of Ms. COLLINS, the names of the Senator from Montana (Mr. BURNS), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. DEWINE), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 208, a resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002.

S. RES. 211

At the request of Ms. COLLINS, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from New Hampshire (Mr. GREGG), the Senator from Indiana (Mr. LUGAR), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 211, a resolution designating March 2, 2002, as ''Read Across America Day.''

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 98

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 98, a concurrent resolution commemorating the 30th anniversary of the inauguration of Sino-American relations and the sale of the first commercial jet aircraft to China.

AMENDMENT NO. 2907

At the request of Mr. ROBERTS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 2907 intended to be proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. DAYTON, Mr. SESSIONS, Mr. CLELAND, Mr. WARNER, Mr. BREAUX, Mr. BUNNING, Ms. MIKULSKI, and Mrs. BOXER):

S. 1973. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HAGEL. Madam President, 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. 1973

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

SECTION 1. EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

''(7) EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.—For the 2-year period beginning on the date of enactment of this paragraph, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of a member of a uniformed service for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code, or any related provision of law, shall not be considered to be income for the purpose of determining the eligibility of a child of the member for free or reduced price lunches under this Act.''.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1974. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the committee on the Judiciary.

Mr. LEAHY. Madam President, I rise today, joined by my good friend Senator GRASSLEY, to introduce the FBI Reform Act of 2002. This bill stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning last June. Even more recently, the important changes which are being made under the FBI's new leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming an pressing matter of national importance.

Since the attacks of September 11, 2001, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. I think that we have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been an outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at

the FBI. We must face the mistakes of the past, and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fibre of the FBI based on lessons learned from recent problems the Bureau has experienced.

This view is not mine alone. When Director Bob Mueller testified at his confirmation hearings last July, he forthrightly acknowledged ''that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen, and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges.'' Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased powers, with our increased reliance on them to stop terrorism, and with the increased funding requested in the President's budget will come increased scrutiny. Until the Bureau's problems are resolved and new challenges overcome, we have to take a hands-on approach.

Indeed our hearings and other oversight activities have highlighted tangible steps the Congress should take in an FBI reform bill as part of this hands-on approach. Last year's hearings demonstrated the need to improve FBI internal accountability, extend whistleblower protection, end the double-standard for discipline of senior FBI executives, enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case, and modernize the FBI's information technology systems. Since last year's oversight hearings, the committee has explored additional management issues that are reflected in the FBI Reform Act. Senator GRASSLEY called attention to concerns about the practices of the FBI and other Federal criminal investigative agencies in reporting and using statistics on their investigations. In addition, FBI officials responsible for protecting its facilities informed us of difficulties in retaining the most qualified people on the FBI's own police force to protect some of our nation's most important and, unfortunately, most targeted facilities.

When Director Mueller announced the first stage of his FBI reorganization last December, he stressed the importance of taking a comprehensive look at the FBI's missions for the future, and Deputy Attorney General Thompson's office has told us that the Attorney General's management review of the FBI is considering this matter. Director Mueller has stated that the second phase of FBI reorganization will be part of a ''comprehensive plan to address not only the new challenges of terrorism, but to modernize and streamline the Bureau's more traditional functions. . . .'' Thus, through our hearings, our other oversight efforts, and the statements and efforts of the new management team at the FBI, an initial list of challenges facing the FBI has been developed.

The provisions in the FBI Reform Act address each of these challenges.

Titles I, II, and VII of the FBI Reform Act strengthen the system for uncovering and reviewing FBI misconduct and imposing appropriate discipline, so that there is appropriate accountability. Title I creates statutory jurisdiction for the DOJ Inspector General over allegations of misconduct in the FBI. It brings the statutory authorities of the Justice Department's Inspector General into line with the administrative regulations adopted by the Attorney General on July 11, 2001, ensuring that there will be no return to a system in which the FBI enjoyed unique exemption for scrutiny by an independent Inspector General. Title II strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. Title VII eliminates statutory disparities in disciplinary penalties for Senior Executive Service and non-SES personnel.

The committee received testimony in our oversight hearings showing that, too often, the independence that is part of the FBI's culture crossed the line into arrogance. Senator Danforth expressed concern to the committee about entrenched executives at the FBI who had created a closed and insular culture resistant to disclosure of mistakes and to reforms. His concern was echoed in testimony the committee heard from experienced FBI Special Agents, including a unit chief in the FBI's own Office of Professional Responsibility, who told us of a ''club'' mentality among some Bureau executives who viewed any criticism or change as a threat to their careers.

If there was one message from these witnesses, it was that FBI executives needed to be more willing to admit their mistakes. Too often their response was to shield the Bureau from embarrassment by sacrificing accountability and needed reform. For example, Senator Danforth testified that the FBI helped fan the flames of conspiracy theories at Waco by covering up evidence that it used pyrotechnic rounds, even though they had nothing to do with starting the fire. The FBI culture demanded covering up rather than admitting a mistake. Of course, as the FBI painfully discovered, the price for circling the wagons in this way can be the loss of public confidence.

The Justice Department Inspector General is in a position to conduct an independent investigation that enables the Attorney General and the FBI Director to hold FBI personnel accountable and learn the necessary lessons from mistakes. When Director Mueller was asked at his confirmation hearing about a separate FBI Inspector General, he replied, ''If I were the Attorney General I might have some concern about a separate Inspector General feeding the perception that the FBI was a separate institution accountable only to itself. And I'm not certain in my own mind whether or not what the accountability you seek cannot be discharged by an Inspector General with appropriate personnel in the Department of Justice, as opposed to establishing another Inspector General in the FBI.'' Attorney General Ashcroft decided to follow this route, and Title I of the FBI Reform Act codifies his action.

The committee also heard disturbing testimony about retaliation against FBI Agents who are tasked to investigate their colleagues or who discuss issues with the Congress, either directly or through cooperation with the General Accounting Office, which assists in congressional oversight. Therefore, Title II is important to ensure that the Federal whistleblower protection laws protect FBI personnel to the greatest extent possible. Senator GRASSLEY deserves great credit for stressing the need for this provision and developing the language in the bill. The bill extends whistleblower protections to employees who report wrongdoing to their supervisors or to Congress, and ensures that whistleblowers will enjoy basic procedural protections, including the normal procedures and judicial review provided under the Administrative Procedure Act, if they are subjected to retaliation. It also ensures that those who report wrongdoing to the Office of the Special Counsel have access to the normal Merit System Protection Board rights if retaliated against.

Title VII addresses the issue of a double standard for discipline of senior executives. Internal investigations must lead to fair and just discipline. A troubling internal FBI study that was released at the committee's July hearing documented a double standard at work, with senior FBI executives receiving a slap on the wrist for the same kind of conduct that would result in serious discipline for lower level employees. At his confirmation hearing, Director Mueller said it is ''very important that there be no double standards in accountability. I know there have been allegations that senior FBI officials are sometimes treated more leniently than more junior employees. Any such double standard would be fundamentally unfair and enormously destructive to employee morale.'' Title VII embodies that principle by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees.

The Hanssen espionage case was a tremendous shock to the nation and to the FBI. A trusted and experienced FBI Supervisory Special Agent was found

to have sold many of the nation's most sensitive national security secrets to the Soviet Union and to Russia. Just as the Ames case forced the CIA to revamp its security program after 1994, the Hanssen case requires major changes in FBI security. Former FBI and CIA Director William Webster chairs a commission that is completing its review of lessons learned from the Hanssen case for the Attorney General and the FBI Director. It is my hope that Judge Webster will testify before the Judiciary Committee when his report is complete to present his unclassified findings and recommendations. The FBI Reform Act includes provisions that are based on the Judiciary Committee's initial oversight hearings and we remain open to incorporating the considered recommendations and reforms for which the Webster Commission may call.

Title III of the FBI Reform Act would establish a Career Security Program in the FBI and Title IV would establish an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards. In addition, as a result of concerns about terrorist attacks against FBI targets, Title V would authorize an FBI police force as part of comprehensive security enhancements.

The FBI Career Security Program would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. The challenges of espionage, information technology vulnerability, and the FBI's high profile as a target of terrorist attack require that the FBI match or exceed the best security programs in the intelligence and national security community. This can only be achieved by a fundamental change that reverses the tendency, found too often in civilian agencies, to treat security as a secondary mission and security assignments as obstacles to career advancement. Before the Hanssen case, an FBI Special Agent experienced as a criminal investigator might be assigned for a few years to a security position and then move on without building continuity of security expertise. Turnover in FBI security work was high, the top rank was Headquarters Section Chief.

Director Mueller has changed direction by creating a Assistant Director position to head a new Security Division and supporting the principle of a Security Career Program. I support this change. Title II of the FBI Reform Act provides the statutory mandate and tools to achieve this goal based on the experience of the Defense Department in reforming its acquisition career program. The key requirements are leadership and accountability in a Security Director, creation of security career program boards, designation of security positions, identification of security career paths requiring appropriate training and experience, and development of education programs for security professionals. To help ensure that security professionals gain stature comparable to Special Agents, the program would limit the preference for Special Agents in considering persons for security positions. FBI security managers would complete a security management course accredited by the Joint Security Training Consortium recently formed by the Intelligence Community and the Department of Defense.

The FBI Counterintelligence Polygraph Program that would be established under Title III of the Act also addresses the security issue. Title III recognizes the security value of polygraph screening, but provides specific safeguards for those who may be subject to adverse action based on polygraph exams. Screening procedures must address the problems of ''false positive'' responses, limit adverse actions taken solely by reason of physiological reactions in an examination, ensure quality assurance and control, and allow subjects to have prompt access to unclassified reports on examinations that relate to adverse actions against them. Title III is based upon the simple conviction that increased security and protection of employee rights can and must coexist at the FBI.

Title IV of the Act provides long overdue statutory authorization for a permanent FBI Police force, to protect critical FBI facilities. It would provide the men and women who currently guard the highest risk targets with the same pay and benefits as members of the Uniformed Division of the United States Secret Service. Today the FBI police force operating under delegated authority from the General Services Administration has been unable to retain skilled personnel at a rate commensurate with the threat and the need for experienced leadership. The FBI Reform Act would bring the FBI police force generally into line not only with the Uniformed Division of the Secret Service, but also with the Capitol Police and the Supreme Court police. It is intended to be consistent with the current Memorandum of Agreement between the FBI and the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds covered in Washington, D.C..

The Attorney General has directed Deputy Attorney General Thompson to lead a management review of the FBI, while Director Mueller has already begun reorganizing the Bureau. Congress must participate in reviewing the FBI's structure and identifying its future priorities. The FBI is being called on today to protect the national security from terrorist and intelligence threats mounted from abroad. FBI investigations now extend overseas far more often because of our government's decision to use law enforcement as an instrument of national security along with diplomacy, military deployments, and intelligence operations. At the same time, it must continue with other uniquely Federal areas of enforcement. Title VI requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

To help Congress participate in charting the FBI's course, Title VI directs the Attorney General to submit a comprehensive report on the legal authorities for FBI programs and activities. In the late 1970s the Judiciary Committee considered enactment of a legislative charter for the FBI that would spell out its authorities and responsibilities. That proposal was set aside in 1980 despite determined efforts by then-Judiciary Committee Chairman KENNEDY, Judge Webster and Attorney General Civiletti to reach agreement. The time is ripe to revive consideration of this effort.

In addition to a comprehensive charter, Congress should consider whether the FBI should continue to have responsibility for the broad range of investigations that it is currently expected to conduct. I believe we have gone too far in federalizing criminal law enforcement and that more responsibilities which are not uniquely federal can be transferred back to the states. In addition, even within the Federal law enforcement family, numerous agencies perform redundant functions. The Attorney General's report would recommend whether the FBI should continue to have all its current investigative responsibilities, whether existing legal authority for any FBI program or activity should be modified or repealed, and whether the FBI must or should have express statutory authority for new or existing programs or activities.

Title VI also recognizes that the task of modernizing FBI's information technology and management is as important as setting the FBI's future missions. Judiciary Committee oversight hearings have documented, and Director Mueller has acknowledged, that the FBI must overcome years of neglect in this regard. Congress is providing the funds, especially in the FY 2002 Counterterrorim Supplemental for technology assistance. We must ensure, however, that the FBI can and does use these funds effectively. There is concern that the FBI may need greater flexibility than is allowed under current law to procure new technologies. Congress also needs to see detailed plans as to how the FBI plans to update its information technology systems. Unfortunately, the Department of Justice and the FBI have not provided quarterly status reports on the principal FBI computer upgrade program, known as TRILOGY, as requested in the Appropriations act for FY 2001. Title VI directs the Attorney General to address these concerns in a comprehensive report on FBI information management and technology.

Finally, Title VI requires the Comptroller General to investigate and complete a report on how statistics are reported and used by Federal law enforcement agencies, including the FBI. Senator GRASSLEY has focused attention on the question whether the FBI and other agencies may be double-counting criminal investigations and arrests in the reporting of accomplishments. We also need to ascertain whether the FBI and other agencies properly use the statistics which they compile in making management decisions. It is important to get the facts and recommendations that put the FBI into the context of the full spectrum of Federal law enforcement agencies. Title VI ensures that the GAO can complete this important task by requiring agencies to comply with its requests for the information that is necessary to assist in preparing this report.

The legislation which Senator GRASSLEY and I introduce today is just one part of a bipartisan, hands-on approach to FBI reform. The committee plans additional oversight hearings to consider the Justice Department Inspector General's report on the belated production of documents in the Oklahoma City bombing case and the report of Judge Webster's Commission on the security lessons of the Robert Hanssen espionage case. The committee also intends to hear from Director Mueller and Deputy Attorney General Thompson on their response to these reports and on their actions and goals in reorganizing the FBI and charting its management course for the future.

At the same time, we are focusing oversight attention on key aspects of FBI and law enforcement performance in connection with the September 11 terrorist attacks and the lessons learned for developing an effective counterterrorism and homeland security program. As contemplated by the sunset provisions in the USA PATRIOT Act, we must monitor the implementation of new surveillance and investigative powers provided to strengthen counterterrorism efforts and, in some provisions, law enforcement and counterintelligence generally.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional legislation may prove necessary. Especially important will be the lessons from the attacks of September 11, 2001, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures. Strengthening the FBI cannot be accomplished overnight, but today, with the introduction of FBI Reform Act, we take an important step into the future.

For all of these reasons, I am pleased to introduce this legislation with Senator GRASSLEY. I ask unanimous consent that the text of the bill be printed in the RECORD along with the sectional analysis.

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

S. 1974

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 ''Federal Bureau of Investigation Reform Act of 2002''.

TITLE I—IMPROVING FBI OVERSIGHT

SEC. 101. AUTHORITY OF THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

''(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice; and

''(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility.''; and

(2) by adding at the end the following:

''(d) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice shall report that information to the Inspector General.''.

SEC. 102. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN THE OFFICE OF INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2003.

(2) CONTINUATION OF OVERSIGHT.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2003, at the discretion of the Inspector General.

(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Chairman and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives, a plan for oversight of the Federal Bureau of Investigation, which plan may include—

(1) an audit of the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation;

(2) an audit and evaluation of programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action;

(3) a review of the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility;

(4) an investigation of allegations of serious misconduct by personnel of the Federal Bureau of Investigation;

(5) a review of matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review; and

(6) an identification of resources needed by the Inspector General to implement a plan for oversight of the Federal Bureau of Investigation.

(c) REPORT ON INSPECTOR GENERAL FOR FEDERAL BUREAU OF INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report and recommendation to the Chairman and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives concerning whether there should be established, within the Department of Justice, a separate office of the Inspector General for the Federal Bureau of Investigation that shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation.

TITLE II—WHISTLEBLOWER PROTECTION

SEC. 201. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

''§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

''(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

''(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

''(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

''(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

''(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not

be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.''.

TITLE III—FBI SECURITY CAREER PROGRAM

SEC. 301. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 302. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the ''Director'') shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation.

SEC. 303. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 304. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 305. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 306. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a ''Special Agent'') is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 307. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 308. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 309. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 307 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 307 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE IV—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 401. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term ''polygraph program'' means the counterintelligence screening polygraph program established under section 402.

(2) POLYGRAPH REVIEW.—The term ''Polygraph Review'' means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 402. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after publication of the results of the Polygraph Review, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.±

SEC. 403. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 404. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

TITLE V—FBI POLICE

SEC. 501. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Federal Bureau of Investigation.

(2) FBI BUILDINGS AND GROUNDS.—

(A) IN GENERAL.—The term ''FBI buildings and grounds'' means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) INCLUSION.—The term ''FBI buildings and grounds'' includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI POLICE.—The term ''FBI police'' means the permanent police force established under section 502.

SEC. 502. ESTABLISHMENT OF FBI POLICE; DUTIES.

(a) IN GENERAL.—Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(b) DUTIES.—The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(c) UNIFORMED REPRESENTATIVE.—The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(d) AUTHORITY.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(A) police the FBI buildings and grounds for the purpose of protecting persons and property;

(B) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(C) carry firearms as may be required for the performance of duties;

(D) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(E) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(2) EXCEPTION.—The authority and policing powers of FBI police under this subsection shall not include the service of civil process.

(e) PAY AND BENEFITS.—

(1) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(2) APPLICATION.—Pay and benefits for the FBI police under paragraph (1)—

(A) shall be established by regulation;

(B) shall apply with respect to pay periods beginning after January 1, 2003; and

(C) shall not result in any decrease in the rates of pay or benefits of any individual.

SEC. 503. AUTHORITY OF METROPOLITAN POLICE FORCE.

This title does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

TITLE VI—REPORTS

SEC. 601. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

SEC. 602. REPORT ON FBI INFORMATION MANAGEMENT AND TECHNOLOGY.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report on the information management and technology programs of the Federal Bureau of Investigation including recommendations for any legislation that may be necessary to enhance the effectiveness of those programs.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall provide—

(1) an analysis and evaluation of whether authority for waiver of any provision of procurement law (including any regulation implementing such a law) is necessary to expeditiously and cost-effectively acquire information technology to meet the unique need of the Federal Bureau of Investigation to improve its investigative operations in order to respond better to national law enforcement, intelligence, and counterintelligence requirements;

(2) the results of the studies and audits conducted by the Strategic Management Council and the Inspector General of the Department of Justice to evaluate the information management and technology programs of the Federal Bureau of Investigation, including systems, policies, procedures, practices, and operations; and

(3) a plan for improving the information management and technology programs of the Federal Bureau of Investigation.

(c) RESULTS.—The results provided under subsection (b)(2) shall include an evaluation of—

(1) information technology procedures and practices regarding procurement, training, and systems maintenance;

(2) record keeping policies, procedures, and practices of the Federal Bureau of Investigation, focusing particularly on how information is inputted, stored, managed, utilized, and shared within the Federal Bureau of Investigation;

(3) how information in a given database is related or compared to, or integrated with, information in other technology databases within the Federal Bureau of Investigation;

(4) the effectiveness of the existing information technology infrastructure of the Federal Bureau of Investigation in supporting and accomplishing the overall mission of the Federal Bureau of Investigation;

(5) the management of information technology projects of the Federal Bureau of Investigation, focusing on how the Federal Bureau of Investigation—

(A) selects its information technology projects;

(B) ensures that projects under development deliver benefits; and

(C) ensures that completed projects deliver the expected results; and

(6) the security and access control techniques for classified and sensitive but unclassified information systems in the Federal Bureau of Investigation.

(d) CONTENTS OF PLAN.—The plan provided under subsection (b)(3) shall ensure that—

(1) appropriate key technology management positions in the Federal Bureau of Investigation are filled by personnel with experience in the commercial sector;

(2) access to the most sensitive information is audited in such a manner that suspicious activity is subject to near contemporaneous security review;

(3) critical information systems employ a public key infrastructure to validate both users and recipients of messages or records;

(4) security features are tested by the National Security Agency to meet national information systems security standards;

(5) all employees in the Federal Bureau of Investigation receive annual instruction in records and information management policies and procedures relevant to their positions;

(6) a reserve is established for research and development to guide strategic information management and technology investment decisions;

(7) unnecessary administrative requirements for software purchases under $2,000,000 are eliminated;

(8) full consideration is given to contacting with an expert technology partner to provide technical support for the information technology procurement for the Federal Bureau of Investigation;

(9) procedures are instituted to procure products and services through contracts of other agencies, as necessary; and

(10) a systems integration and test center, with the participation of field personnel, tests each series of information systems upgrades or application changes before their operational deployment to confirm that they meet proper requirements.

SEC. 603. GAO REPORT ON CRIME STATISTICS REPORTING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the issue of how statistics are reported and used by Federal law enforcement agencies.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify the current regulations, procedures, internal policies, or other conditions that allow the investigation or arrest of an individual to be claimed or reported by more than 1 Federal or State agency charged with law enforcement responsibility;

(2) identify and examine the conditions that allow the investigation or arrest of an individual to be claimed or reported by the Offices of Inspectors General and any other Federal agency charged with law enforcement responsibility;

(3) examine the statistics reported by Federal law enforcement agencies, and document those instances in which more than 1 agency, bureau, or office claimed or reported the same investigation or arrest during the years 1998 through 2001;

(4) examine the issue of Federal agencies simultaneously claiming arrest credit for in-custody situations that have already occurred pursuant to a State or local agency arrest situation during the years 1998 through 2001;

(5) examine the issue of how such statistics are used for administrative and management purposes;

(6) set forth a comprehensive definition of the terms ''investigation'' and ''arrest'' as those terms apply to Federal agencies charged with law enforcement responsibilities; and

(7) include recommendations, that when implemented, would eliminate unwarranted and duplicative reporting of investigation and arrest statistics by all Federal agencies charged with law enforcement responsibilities.

(c) FEDERAL AGENCY COMPLIANCE.—Federal law enforcement agencies shall comply with requests made by the General Accounting Office for information that is necessary to assist in preparing the report required by this section.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking ''for more than 14 days''.

S. 1974—SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of this bill provides for improved Department of Justice and Congressional oversight of the FBI by ensuring that the Department of Justice Office of the Inspector General, ''OIG'', is authorized to investigate allegations of misconduct at the FBI and requiring a report to the Judiciary Committees on how the OIG carries out this new authority. This title is consistent with provisions in the DOJ Authorization Act, S. 1319/H.R. 2215, which have passed the Senate by unanimous consent.

Section 101. Authority of Department of Justice Inspector General

This section would amend Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) to provide explicit statutory authority for the OIG to investigate all allegations of criminal or administrative misconduct by DOJ employees, including FBI personnel. The OIG is also authorized to refer certain matters to the FBI Office of Professional Responsibility or to the internal affairs office of the appropriate component of the Department. The Attorney General is directed to promulgate regulations implementing this OIG authority.

For many years, the FBI was excluded from OIG jurisdiction and the FBI's own internal Office of Professional Responsibility had sole authority to investigate FBI personnel misconduct, unless the Attorney General made an exception. The FBI's exclusive domain to investigate its own misconduct was unique in the Department and created the appearance of a conflict of interest. On July 11, 2001, Attorney General Ashcroft issued a new rule expanding the OIG's jurisdiction over the FBI. This section is consistent with, and codifies, the Attorney General's new rule.

Section 102. Review of the Department of Justice

To ensure that the OIG has the necessary structure and resources to effectively assume its new jurisdiction over the FBI and that the Congress is fully informed of such needs, this subsection requires the Inspector General to: 1. appoint an official to help supervise and coordinate oversight operations and programs of the FBI during the transition period; 2. conduct a comprehensive study of the FBI and report back to the Judiciary Committees with a plan for auditing and evaluating various parts of FBI, including information technology, and for effective continued OIG oversight; and 3. report back to the Judiciary Committee on whether an Inspector General for the FBI should be established.

TITLE II

This title of the bill amends Title 5, U.S.C. §2303, to enhance the whistle blower protection provided to FBI employees and protect them from retaliation.

Section 201. Providing whistle blower protection for FBI employees

Section 2303 of title 5, United States Code, is amended to expand the types of disclosures that trigger whistle blower protections by protecting disclosures, which the employee ''reasonably believes'' evidences misconduct, to the OIG, the Congress, a supervisor of the employee, or the Special Counsel (an office of the Merit Systems Protection Board, ''MSPB'', provided for by 5 U.S.C. §1214). The amendment would also ensure that the procedural protections of the Administrative Procedure Act, including but not limited to 5 U.S.C. sections 554–57 and 701–706, would be followed in cases where a complaint of retaliation was made by an FBI employee. These procedural protections include, among other things, an impartial decision maker and decision based on the ''record'' of any proceedings without ex parte contacts and judicial review as provided. Current laws and regulations which allow for the protection of classified material would also be available for such proceedings in appropriate situations. The amendment, in new subsection (c), provides an individual right of action as provided under Chapter 12 of Title 5 before the MSPB. The amendment, in new subsection (d), requires the Attorney General to prescribe regulations to ensure that the title is enforced at the FBI.

TITLE III

Title III requires the FBI to establish a career security program to enhance the internal security of the FBI and ensure that appropriate management tools and resources are devoted to that task. Security professional career development requirements would be modeled generally on the statutory Department of Defense Acquisition Career Program.

Sections 301–305. Establishing and defining career security program

Section 301 requires the Attorney General to establish policies and procedures for career management of FBI security personnel. Section 302 authorizes the Attorney General to delegate to the FBI Director the Attorney General's duties with respect to the FBI security workforce. Section 303 directs the FBI Director to appoint a Security Director, who, under Section 304, would chair a security career program board to advise in managing hiring, training, education, and career development. Section 305 directs the FBI Director to designate certain positions as security positions, with responsibility for personnel security and access control, information systems security, information assurance, physical security, technical surveillance countermeasures, operational, program and industrial security, and information security and classification management.

Sections 306–309. Career development and training

Section 306 requires that career paths to senior positions would be published. FBI Special Agents would not have preference for a security position, and no positions would be restricted to Special Agents unless the Attorney General makes a special determination. All FBI personnel would have the opportunity to acquire the education, training and experience needed for senior security positions. The Attorney General would ensure that policies are designed to select the best qualified individuals, consistent with other applicable law. Consideration would also be given to the need for a balanced workforce.

Section 307 would direct that education, training, and experience requirements would be established for each position. Before assignment as manager or deputy manager of a

significant security program, a person would have to complete a security program management course accredited by the Joint DoD-Intelligence Security Training Consortium or determined to be comparable by the Director, and have 6 years security experience including 2 years in a similar program. Section 308 directs the Director, in consultation with the DCI and Secretary of Defense, to establish education and training programs for FBI security personnel that are, to the maximum extent practical, uniform with Intelligence and DoD programs. Section 309 sets forth the process for approval of requirements set forth under section 307.

TITLE IV

This title would require the Attorney General to establish an FBI Counterintelligence Polygraph Program for personnel in exceptionally sensitive positions that reflects the results of a pending National Academy of Sciences review of the validity of the polygraph, within 6 months after publication of that review. The regulations would be prescribed in accordance with the Administrative Procedures Act. A similar requirement for the Department of Energy was passed in the latest Defense Authorization Act.

Sections 401–404. Definitions, establishment of program, regulations, report

Section 402 requires the establishment of a counterintelligence screening polygraph program consisting of periodic polygraph examinations of employees and contractors with access to sensitive compartmented information, special access program information, on restricted data. This program shall be established within 6 months of the publication of the results of the report of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences. Section 403 directs that the program have procedures that address ''false positive'' results and ensure quality assurance and control in accordance with guidance from the DoD Polygraph Institute and the DCI. No adverse personnel action could be taken solely by reason of physiological reactions on an exam without further investigation and personal decision by the Director. Employees could have prompt access to unclassified reports on their exams that relate to adverse personnel action. Section 404 requires a report within 9 months of the enactment of the Act on any further legislative action appropriate in the personnel security area.

TITLE V

This title provides statutory authorization for an already existing FBI police force that protects FBI buildings and adjacent streets. Currently, the FBI police suffers from a high rate of turnover due to lower pay and fewer benefits than the Uniformed Division of Secret Service or Capitol and Supreme Court police. This title would close the disparity.

Sections 501–503. Definitions; establishment; authority of metropolitan police

Section 501 defines the terms ''Director,'' ''FBI buildings and grounds,'' and ''FBI police'' as used in the title. Section 502 authorizes the FBI Director to establish the FBI police, subject to the Attorney General's supervision, to protect persons and property within FBI buildings and grounds, including adjacent streets and sidewalks within 500 feet. FBI buildings and grounds would include any building occupied by the FBI and subject to FBI supervision and control, the land on which such building is situated, and enclosed passageways connecting such buildings. FBI police would be uniformed representatives of the FBI with authority to make arrests and otherwise enforce federal and D.C. laws, carry firearms, prevent breaches of the peace, suppress unlawful affrays and unlawful assemblies, and hold the same powers as sheriffs and constables. FBI police would not have authority to serve civil process. Pay and benefits would be equivalent to pay and benefits for the Secret Service Uniformed Division. Section 503 provides that the authority of the Washington, D.C. Metropolitan Police would not be affected by this title.

TITLE VI

This title requires two separate reports by the Attorney General and one by the General Accounting Office.

Section 601. FBI authority and mission

Section 601 requires the Attorney General to submit a report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that do not. The FBI does not have a statutory charter. One was proposed in 1979 but never enacted. Many FBI functions including its national intelligence and counterintelligence activities are authorized by Executive order rather than by statute. This section also requires the Attorney General to recommend the criminal statutes for which the FBI should have investigative responsibility, whether the authority for any FBI program or activity should be modified or repealed, whether the FBI should have express statutory authority for any program or activity for which it does not currently have such authority, and whether the FBI should have authority for any new program or activity.

Section 602. FBI information management

Section 602 requires the Attorney General to submit a report on FBI information management and technology, including whether the authority is needed to waive normal procurement regulations. The report would provide the results of pending Justice Management Council studies and Inspector General audits and submitting a 10-point plan for improving FBI information management and technology to ensure that 1. appropriate FBI technology management positions are filled by personnel with commercial sector experience, 2. access to the most sensitive information is audited so that suspicious activity is subject to near contemporaneous review, 3. critical information systems employ a public key infrastructure, 4. security features are tested by the National Security Agency, 5. FBI employees receive annual instruction in records and information management, 6. a research and development reserve is established, 7. undue requirements for less costly software purchases are eliminated, 8. contracting with an expert technology partner is considered, 9. procedures are instituted to procure through contracts of other agencies as necessary, and 10. system upgrades are tested before operational deployment.

Section 603. GAO report on crime statistics reporting

Section 603 requires the General Accounting Office to report on how crime statistics are reported and used by Federal law enforcement agencies. Specifically, the report would identify policies that allow a case to be claimed or reported by more than one law enforcement agency, the conditions that allow such reporting to occur, the number of such cases reported during a 4-year period, similar multiple claims of credit for arrests, the use of such statistics for administrative and management purposes, and relevant definitions. The report would include recommendations for how to eliminate unwarranted and duplicative reporting. Federal law enforcement agencies would be required to comply with GAO requests for information necessary to prepare the report.

TITLE VII

This title would address the issue of the ''double standard'' in the FBI, to prevent lower level employees from being more harshly disciplined than senior FBI officials. Section 7542 of title 5, United States Code, would be amended to allow disciplinary suspensions of SES members for 14 days or less, as is the case for other federal personnel. Current law provides only for suspension ''for more than 14 days.''

Section 702. Allowing disciplinary suspensions of members of the senior executive service for 14 days or less

This section would lift the minimum of 14 days suspension that applies in the FBI's SES disciplinary cases and thereby provide additional options for discipline in SES cases and encourage equality of treatment. The current inflexibility of disciplinary options applicable to SES officials was cited at a Senate Judiciary Committee oversight hearing in July, 2001, as one underlying reason for the ''double standard'' in FBI discipline. In effect, those deciding the discipline of SES employees are often left with the choice of an overly harsh penalty or no penalty at all—so they decide not to impose any meaningful disciplinary action.

Mr. GRASSLEY. Madam President, I am pleased to introduce with Senator LEAHY a bill to reform the FBI. For almost a decade I have been engaged in FBI oversight and during that time I have seen numerous scandals and coverups. While Director Mueller is working to address these problems, Congress also has a role to play in the overhaul of the FBI. The FBI reform bill is designed to address the accountability problems that have plagued the FBI for years. The bill expands the Department of Justice Inspector General's jurisdiction, protects FBI whistleblowers, creates an FBI Security Career program and a Counterintelligence Polygraph program, enhances the FBI police force, and mandates various reports by the Attorney General.

I have advocated some of these measures, particularly those dealing with protecting whistleblowers and expanding the jurisdiction of the DOJ Inspector General's Office to include the FBI. Let me provide some more detail about the most important provisions in the bill.

In the past the FBI's own internal Office of Professional Responsibility was tasked with the sole authority to investigate the misconduct of FBI personnel. Clearly this constitutes a conflict of interest. In fact, no other area of the Department of Justice maintains this type of accountability system.

Last summer, Attorney General Ashcroft issued an order which changed that situation by expanding the jurisdiction of the Department of Justice Office of Inspector General to encompass both the FBI and the DEA. Specifically, the order gave the DOJ Inspector General primary jurisdiction over allegations of misconduct against employees of the FBI and DEA. Previously, the Inspector General could not initiate an investigation within the FBI or the DEA, without receiving permission from the Deputy Attorney General. I commended Attorney General Ashcroft's order because I had been saying for many years that the FBI should not be allowed to police

itself. I was encouraged that the establishment of a free and independent oversight entity would have a beneficial impact on the FBI's management culture.

The bill codifies the Attorney General's order making it a permanent fixture in the plan to reform the FBI. Specifically, the bill provides statutory authority for the DOJ Office of Inspector General to investigate all allegations of criminal and administrative misconduct by DOJ employees, including those in the FBI and the DEA. However, it does not abolish the FBI's Office of Professional Responsibility, OPR, but rather gives the DOJ Inspector General discretion to refer certain investigations to the FBI OPR. Because the FBI OPR is particularly good at investigating certain types of low level offenses, it is good that the Inspector General will have this discretion.

The bill also contains much needed protections for FBI whistleblowers. As many of you know, I believe that good government requires that the brave men and women who blow the whistle on wrongdoing be protected. I have been an active champion of the rights of federal whistleblowers since 1983. This is because of my strong belief that disclosures of wrongdoing by whistleblowers are an integral part of our system of checks and balances. Whistleblowers ensure that waste, fraud, and abuse are brought to light. Whistleblowers play a critical role in ensuring that public health and safety problems are exposed.

I truly believe that reform at the FBI will only occur when FBI employees feel free to blow the whistle on wrongdoing. Since the FBI was excluded from the Whistleblower Protection Act I have been concerned about the retaliation that is often perpetrated against whistleblowers at the FBI, such as Dr. Fred Whitehurst, who speak out about abuses and problems with the system.

So, the bill gives FBI whistleblowers the same rights and protections that other Federal employees currently possess. When FBI employees are retaliated against for blowing the whistle, they can avail themselves of all the protections afforded them by the Whistleblower Protection Act.

Since the FBI has made the fight against terrorism its top priority, many would be FBI whistleblowers may blow the whistle on wrongdoing that involves national security issues. Because of the need to keep that information secure, the bill directs the Attorney General to formulate regulations to provide specific protections for these employees consistent with the relevant portions of the WPA and the Administrative Procedures Act.

Our FBI reform bill addresses several other issues that contribute to the FBI's culture of arrogance. I have believed for a long time that one of the biggest contributors to this culture is the cumbersome and unwieldy jurisdiction of the FBI. The Bureau currently investigates over 300 different federal offenses, which are divided between violent crime, white collar crime, organized crime, drugs, national security, and civil rights. Contained within these areas are numerous instances of concurrent or overlapping jurisdiction with other Federal law enforcement agencies.

Despite having what many would describe as an already overburdened array of jurisdiction, the FBI has established a campaign of jurisdictional encroachment. This ''Pacman'' philosophy of the Bureau's past has only served to feed the culture of arrogance. I pointed this problem out to the DOJ and was pleased to hear of the Attorney General and the FBI Director's intention to put a stop to that ''Pacman'' mentality and limit the FBI's investigatory scope.

But, this will be a complex issue. Just as Congress has been complicit in the FBI's expansion, we will need to be involved in the divestiture. The Department of Justice's Strategic Plan states that the FBI will focus on building and maintaining its utmost capacity to detect, deter, counter, and prevent terrorist activity. The plan also encourages the FBI to promote and, when available, use new legislation and authorities to conduct investigations of terrorist incidents.

It is ironic that in light of this, the FBI continues to view many violations that it has traditionally investigated as being of strategic importance. Why are environmental crimes, health care fraud, bank robbery, telemarketing and financial institution fraud, computer intrusions, intellectual property crimes, and credit card fraud still viewed by the FBI as of strategic importance? I understand that terrorism investigations could potentially involve any one, or a number, of the above violations, but there are many other Federal regulatory and investigative agencies that have established historic expertise in these same program areas.

In its reorganization, the FBI needs to scale back on some of its law enforcement activities which are duplicated by other Federal and state agencies. The Bureau needs to completely jettison some of these areas, but in other areas the Bureau could simply take a secondary role, allowing another agency to take the lead. It is my hope that by scaling back on certain FBI investigative activities, the FBI will send a positive signal in dealing with its counterparts in state, local, and federal government.

To assist in cutting back on the FBI's jurisdiction, the bill directs the Attorney General to report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that don't. The bill also requires the Attorney General to recommend what criminal statutes he believes the FBI should have investigative responsibility for. This report will help Congress, as we continue to address the FBI's culture of arrogance.

Another issue that contributes to the FBI's culture of arrogance is the collection, use, and reporting of crime statistics. It is often the case in Federal law enforcement that several agencies will claim credit for a single arrest. This double and triple counting of arrests leads to an inflation of statistics that often misrepresents the actual work load of the various agencies. This is a problem because these statistics are used by federal law enforcement agencies, including the FBI, to justify increases in their funding.

To get a handle on the exact nature and extent of this problem, our bill directs the GAO to conduct a review of how crime and investigation statistics are reported and used by Federal law enforcement agencies. This report will assist us in future legislation on this issue.

There are many more reforms contained in our FBI reform bill, but there is just one more that I want to focus on today. This reform is a change in the way employees of the Senior Executive Service are punished.

Last summer, four exceptional and courageous FBI agents alerted the Judiciary Committee to the fact that there exists a gross inequality in the way Senior Executive Service (SES) employees of the FBI and rank and file agents are disciplined. SES employees are given a slap on the wrist for their infractions, while the rank and file agents are often punished to the letter of the law. This issue was further exposed by a GAO report on the investigation of the Larry Potts Retirement Dinner scandal. That report reemphasized what had been reveled in the FBI Law Enforcement Ethics Unit's position paper, ''FBI SES Accountability, a Higher Standard or a Double Standard.'' These two reports document the existence of a double standard.

I was glad to see that former Director Freeh abolished the SES Review Board, but I'm not sure it was a sufficient change for a culture that has historically treated SES employees with kid gloves.

So our FBI Reform bill attempts to address this problem by providing some flexibility in how SES employees can be punished. The Senate Judiciary Committee has heard repeatedly that this inflexibility is one of the main causes for the inequality in punishment at the FBI. Currently, the minimum suspension that SES employees can receive is 14 days, to the Bureau's management is often left with the choice of an overly harsh penalty or no penalty at all—so often they decide not to impose any meaningful disciplinary action.

Specifically, our bill would lift the 14-day minimum suspension for SES disciplinary cases to provide for additional options in disciplining senior executive employees. Hopefully, this change will help to remedy this double standard.

In conclusion, I urge my colleagues to support this bill to foster reform in the FBI. The Bureau is crucial in the war on terrorism. Let's fix the problems we have helped to create, so that the FBI can again be he best at what it does.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. JEFFORDS, Mrs. CLINTON, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Ms. COLLINS, Ms. LANDRIEU, Mr. CHAFEE, Mrs. MURRAY, Mrs. LINCOLN, Ms. STABENOW, Ms. CANTWELL, Mrs. CARNAHAN, Mr. SCHUMER, Mr. TORRICELLI, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. REED, Mr. BREAUX, Mr. CORZINE, Mr. LEAHY, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, Mr. GRAHAM, and Mr. DODD):

S. 1976. A bill to provide for a comprehensive Federal effort relating to treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Madam President, I rise today to introduce the National Cancer Act of 2002. This bill is co-sponsored by Senators GORDON SMITH, DASCHLE, JEFFORDS, CLINTON, HUTCHISON, MIKULSKI, SNOWE, BOXER, COLLINS, LANDRIEU, CHAFEE, MURRAY, LINCOLN, STABENOW, CANTWELL, CARNAHAN, SCHUMER, TORRICELLI, BEN NELSON, JOHNSON, REED, BREAUX, CORZINE, LEAHY, REID, KERRY, and BILL NELSON.

Today, cancer is the Nation's second cause of death, trailing heart disease. Over the next 30 years, cancer will surpass heart disease and become the leading cause of death as the baby boomers age.

This bill represents a comprehensive national battle plan to reenergize the Nation's war on cancer, a war begun when President Richard Nixon on January 22, 1971 proposed to Congress that we launch a war on cancer.

That commitment was a critical first step. But it is clear that we must take further steps to address the scourge of cancer in every respect.

The bill we are introducing today is the product of more than 3 years and hundreds of hours of work.

I am the vice-chair of the National Dialogue on Cancer. In discussions with cancer experts from this group, it became clear to me that the National Cancer Act of 1971 was out of date.

We are now in the genomic era, on the cusp of discoveries and cures that we could only have dreamed about in 1971. The science of cancer has advanced dramatically with the revolution in molecular and cellular biology creating unprecedented opportunities for understanding how genetics, environmental risk factors, and lifestyle factors relate to cancer. The explosion in knowledge about the human genome and molecular biology will enable scientists to better target cancer drugs.

I believe the opportunity for new drugs is so bright, we might well find a cure for cancer in my lifetime.

With these advances, I thought it was time to update the National Cancer Act of 1971 to reflect these advances in science.

I asked John Seffrin, CEO of the American Cancer Society, and Dr. Vincent DeVita, Director of the Yale Cancer Center, to form a special committee of cancer experts to provide recommendations on a battle plan to conquer cancer.

The committee produced an ambitious plan and what I tried to do was take the most important components, given the current budget situation, and develop a piece of legislation that could pass the Senate.

On November 7, 2001, President George Bush commended the work of the committee when he wrote, ''The journey ahead will not be easy. But 30 years ago, no one would have imagined coming as far as we have. Working together, we will take the next steps necessary to defeat this deadly disease.'' I invite him today to join me in taking these steps.

Finding a cure for cancer is a very personal goal. I lost both my father, Leon Goldman, and my husband, Bert Feinstein, to cancer. I saw its ravages firsthand, and I experienced the frustrations, the difficulties, and the loneliness that people suffer when a loved-one has cancer. I determined that I would do all I could to reduce the number of people who go through this devastating experience.

And it is my great hope that this legislation will help do just that, and enable us to find a cure for cancer in my lifetime.

This may in fact be the most important thing I do in the Senate.

There are several reasons we need a major attack on cancer. Much has changed since 1971. The way we prevent, diagnose, treat, conduct research, and understand cancer has changed dramatically.

Cancer is a disease of aging and as the American population ages, cancer incidence will grow by 29 percent by 2010 and cancer deaths by 25 percent. The number of Americans over age 65 will double in the next 30 years.

Since 1971, survival rates for some cancers have improved, while others have not. More and more people live with cancer. Compared to 1971, twice as many people, 8.9 million in 1997, are living with a history of cancer.

Since 1971, more cancer care has moved from inpatient to outpatient settings. Some families find themselves virtually becoming nurses to their loved ones in their homes.

Since 1971, more research is collaborative, between the public and private sectors, and more cancer research requires a multi-disciplinary approach.

Since 1971, the biotechnology industry has blossomed and provided a broad array of new treatment options, promising even more innovations in cancer care.

Since 1971, computer technology and communications have expanded and increased in complexity, making the accessing and transmitting of information more widespread, more readily available and transforming research methodologies.

While the science of cancer has seen revolutionary change, there are still many gaps in the system, especially from the patient's perspective.

Just three months ago, the President's Cancer Panel in their report titled, Voices of a Broken System: Real People, Real Problems, told us that cancer is an ''equal opportunity'' killer, but if you are poor, uneducated, or isolated you are doubly disadvantaged in America. They said, ''Access to appropriate cancer care is the crucial fundamental step needed to relieve the desperate physical suffering, financial devastation, and loss of dignity so many people endure when cancer is diagnosed.''

Take cancer screening, for example. Cancer screening can reduce cancer mortality. While many screening tools have been developed, screening rates are still low, especially for colorectal cancer. Screening technologies have improved, but cancer screening rates vary by cancer site, by population group, and by health insurance coverage.

Another ''hole'' in the system: Fewer than 5 percent of adult cancer patients participate in cancer trials. Among the elderly, the population most likely to get cancer, only 3-4 percent participate. Drugs cannot be brought to patients without clinical trials.

The quality of cancer care is uneven and often based on the pure coincidence of where one lives. According to the President's Cancer Panel, ''People living in rural, frontier, geographically isolated and impoverished inner city areas suffer the most from the uneven distribution of cancer care resources and providers. . . .'' Many studies show that many cancer patients do not receive optimal care.

Additionally, the cancer care workforce will face severe shortages, particularly in long-term care settings.

The pipeline of medical researchers is threatened with, the number of young physicians entering medical research declining.

Over 44 million Americans have no health care insurance and those that do have uneven coverage. The President's Cancer Panel says that at least 31 million Americans have inadequate coverage.

The National Cancer Act of 2002 takes a multi-pronged approach to winning the war against cancer. Here's what the bill will do:

The advances in science that I spoke of earlier on the human genome and molecular biology have thus far produced medications that can target cancer cells and leave in tack healthy cells.

This legislation would enable the National Cancer Institute (NCI) to fund

up to 40 percent of grants over 5 years, up from the current level of 28 percent. Why is this important? The research is what will bring the cure.

NCI now funds 4,500 research project grants at nearly 600 institutions every year. This represents 28 percent of the 16,000 grant proposals NCI receives. NCI scientists think funding 40 percent will allow them to fund the most promising grants. At 28 percent, it does not happen.

Funding basic research is a full frontal assault on cancer, which will lead to more breakthroughs, more treatments, and ultimately, I believe, to a cure.

We now have drugs, like Gleevec for Chronic Myeloid Leukemia and Herceptin for breast cancer, that can target and destroy cancer cells while leaving healthy cells unharmed.

Patients, who were considered terminal, have taken Gleevec and were able to get out of their beds and leave the hospice within days of treatment. After one-year of clinical trials for Gleevec, 51 out of 54 patients were still doing well. With 4,500 Americans diagnosed with Chronic Myeloid Leukemia a year, the potential for this drug is tremendous.

And just this month, Gleevec was approved by the FDA to treat another cancer Gastrointestinal Stromal Tumors, suggesting that the potential for this drug may be even greater than we hope.

The bill authorizes funds for new and existing research centers to conduct translational, multidisciplinary cancer research, and to establish networks linking translational research centers to community cancer providers, hospitals, clinics, doctors' practices, particularly in underserved areas.

The purpose of this provision is to greatly accelerate the movement of basic research to the patient, from the ''bench to the bedside,'' so that we can conduct more clinical trials.

Clinical trials test the safety and efficacy of drugs, devices or new medical techniques. They are required for FDA approval. These trials require thousands of participating people to help determine if drugs are safe and effective.

But clinical trials are expensive. They involve many people, who often have to travel to a cancer center; they involve staff time and careful monitoring and recordkeeping. The drug industry says it costs on average $500 million to develop a drug; a November 2001 Tufts University study puts the cost at $800 million. Whatever it is, it is expensive.

The bill includes several steps to expand clinical trials, those research projects that require thousands of people to determine whether new drugs are safe and effective.

First, the bill will provide $100 million per year for new grants for what is called ''translational'' research, work that moves promising drugs from the ''bench to the bedside.''

Right now, there are many new drugs under development that are stuck, as though in a funnel, because we have not put the resources into having the people-based research to test those drugs. There are approximately 400 new drugs that are held up in the development process because the resources are not available to fund clinical research to test those drugs.

For every one drug approved, 5,000 to 10,000 were initially considered. The entire process can take as long as 15 years. NCLAC said it takes 12 to 14 years to bring one drug from discovery to patients.

Second, the bill will require insurers to pay the routine or non-research costs for people to participate in clinical trials, while the drug sponsor would continue to pay the research costs. California already requires this coverage by private insurers.

Third, the bill requires the National Cancer Institute to establish a program to recruit patients and doctors to participate in clinical trials. Dr. Robert Comis, President of the Coalition of National Cancer Cooperative Groups, has said that eight out of ten cancer patients do not consider participating in a clinical trial. They are unaware that they might have the option. He also has found that physician involvement is key.

We must work all we can to make both physicians and patients more aware of the importance of participating.

Currently, only 4 to 5 percent of adult cancer patients participate in clinical cancer trials. But Research America polls found that 61 percent of Americans would participate in a clinical trial.

We should heed the example of what is called the ''pediatric model.'' Over 60 percent of children with cancer participate in clinical trials. Children in these trials get optimal care, with an overall physician manager or ''quarterback.'' The five-year survival rates for children with cancer have increased significantly.

In the 1960s, childhood leukemia could not be cured. It was a death sentence. Today, 70 percent of children with acute lymphoblastic leukemia enter remission. This is but one example of the power and importance of clinical trials. An investigational treatment yesterday is standard treatment today.

Only by injecting new funding into cancer research will we enable cancer researchers to conduct the trials that are necessary to bring promising new drugs to market.

Scientists say we will stop defining cancer by body part, like breast cancer or prostate cancer. Because everyday we are understanding better the genetic basis of cancer and can focus drugs on molecular targets, we may have, for example, 50 different kinds of breast cancer, defined by their genetic basis. As NCI's Dr. Rabson has said, ''As we've come to understand the molecular signatures of cancer cells, we can classify tumors according to their genetic characteristics.''

This means that we need to create incentives to encourage companies to make these targeted drugs because as we redefine cancer, we will have smaller numbers of people who have that particular kind of breast cancer. Companies are often reluctant to make drugs for small patient populations.

This legislation would provide tax and marketing incentives to encourage pharmaceutical companies to produce ''orphan drugs,'' or drugs targeted to small patient populations.

Beginning with Gleevec and continuing into the future, drugs will target a narrow genetic or cellular mutation.

While this holds great promise for patients, it also means that the number of treatments will proliferate, thereby segmenting cancer patients into smaller and smaller populations. In some cases, this will mean that pharmaceutical companies—for strictly financial reasons—may not want to produce a given drug.

This provision would create incentives for those companies to produce and market the drugs targeted to patient populations of less than 200,000.

The impact: This will help to ensure that patients receive the highest quality care, even when the number of people faced with a particular type of cancer is small.

The bill will create a new initiative to train more cancer researchers. Specifically, it will (1) pay off the medical school loans of 100 physicians who commit to spend at least 3 years doing cancer research; and (2) boost the salaries of postdoctoral fellows from $28,000 to $45,000 per year over 5 years.

Every year, young physicians and researchers avoid the field of cancer research because, frankly, they feel they can make more money elsewhere. This provision will help reverse that trend and add thousands of men and women on the front lines of the fight.

The physician-scientist is endangered and essential, concluded a January 1999 study, showing that the number of first-time M.D. applicants for NIH research projects has been declining. The study, published in Science, said, ''. . . fewer young M.D.'s are interested in or perhaps prepared for careers as independent NIH-supported investigators.''

Young doctors and Ph.Ds do not want to go into cancer research because they can make more money elsewhere. Graduating physicians have medical school debt averaging $75,000 to $80,000. Because of the low pay to be a physician-scientist, these doctors cannot afford to go into research.

Postdoctoral fellows, who conduct the bulk of day-to-day research, receive pay that is neither commensurate with their education and skills nor adequate. To attract the best and the brightest to the field of cancer research, we need to pay them more than $28,000 to start.

The National Academy of Sciences in September 2000 called for increasing their compensation.

All too often having cancer is a lonely and frightening experience. Cancer patients have a team of doctors, from the primary care physician to the radiologist to the oncologist. Patients need one doctor to be in charge.

The Institute of Medicine told the Senate Cancer Coalition in our June 16, 1999 hearing that the care that cancer patients get is all too often just a matter of circumstance: ''. . . for many Americans with cancer, there is a wide gulf between what could be construed as the ideal and the reality of Americans' experience with cancer care . . . The ad hoc and fragmented cancer care system does not ensure access to care, lacks coordination, and is inefficient in its use of resources.'' The Institute of Medicine study on the uneven quality of health care says, ''Health care today is characterized by more to know, more to manage, more to watch, more to do, and more people involved in doing it than at any time in the nation's history.''

The bill will require plans to pay doctors, preferably oncologists, to become the overall managers of patients' care, what I call a ''quarterback physician,'' to be with the patient from diagnosis through treatment to prevent the patient from being forced to navigate the medical system alone.

I developed this concept after meeting Dr. Judy Schmidt, a solo-practicing oncologist from Montana. Dr. Schmidt cares for her patients from diagnosis to treatment, and she is really a model for doctors across the nation to emulate.

This ''quarterback physician'' would provide overall management of the patient's care among all the providers. Someone would be in charge. This provision could save money because good coordination can reduce hospitalization costs.

The bill also authorizes $8 million to the Agency for Health Care Research and Quality to convene cancer experts, providers, patients and other relevant experts to coordinate the development of practice guidelines for optimal cancer care, prevention, palliation, symptom management and end-of-life care.

People cannot get good health care if they have no way to pay for it, if insurance plans, public and private, do not cover the basics like screenings for cancer.

My bill will require public plans, like Medicare and Medicaid, and private insurance plans to cover five services important to good cancer care: (1) cancer screenings; (2) genetic testing and counseling for people at risk; (3) smoking cessation; and (4) nutrition counseling.

The coverage added by this bill is important to preventing cancer. Here's an example: On January 31, we read reports of a promising new screening test for colon cancer that can find extremely small traces of cancer in patients' stool, offering an entirely new approach to finding colon cancer, which kills 48,000 Americans annually and is often found too late to cure.

Mammograms, pelvic exams, reducing fat in the diet and stopping smoking—all of which could be enhanced by this bill—can stop cancer before it is too late.

Because too many Americans have no way to pay for their health care when cancer strikes and because seven percent of cancer patients are uninsured, the bill also requires the Institute of Medicine of the National Academy of Sciences to conduct a study of the feasibility and cost of providing Medicare coverage to individuals at any age who are diagnosed with cancer and have no other way to pay for their health care.

Medicare already covers care for people of any age who have End Stage Renal Disease and Amyotrophic Lateral Sclerosis, Lou Gehrig's Disease. This study could provide helpful guidance to the Congress.

Because no assault on cancer is complete without a strong cancer prevention component, the bill provides funds and requires the Centers and Disease Control and Prevention to prepare a model state cancer control and prevention program; expand the National Program of Comprehensive Cancer Control plans and to assist every state to develop a cancer prevention and control program.

The bill also authorizes $250 million to expand the Center for Disease Control and Prevention's breast and cervical cancer screening program and authorizes $50 million for CDC to begin screening programs for colorectal cancer.

Today, 16 states now have cancer plans and 16 states are creating or updating their plans. States could use these funds to promote cancer education and prevention, improve registries, study disparities and other uses.

Because of the aging of the American population, we face a virtual explosion of cancer in the coming 30 years. The number of cases will double. But the sad fact is that we do not have enough nurses and other health care professionals to take care of this expected rise in cancer patients.

My bill will provide $100 million for loans, grants and fellowships to train for the full range of cancer care providers, including nurses for all settings, allied health professionals, and physicians. The bill requires that these applicants have the intention to get a certificate, degree, or license and demonstrate a commitment to working in cancer care.

In nursing alone, those critical people on the front line of care, we face a national nursing shortage in virtually every setting, say many experts, which will peak in the next 10 to 15 years unless steps are taken. By 2020, the RN workforce will be 20 percent short of what is needed. My home state of California ranks 50th among registered nurses per capita.

And it's not just nurses. The Health Resources Services Administration says that the demand of health care professionals will grow at twice the rate of other occupations.

Cancer is primarily a disease of aging. As the baby boomers age, there will be more cancer. Cancer care is becoming more and more complex as technology improves. Skilled providers, from the nurse assistant to the oncologist are needed to administer the complex therapies. This bill should provide some help.

Cancer cannot be conquered without addressing smoking and the use of tobacco products. Smoking causes one-third of all cancers, and is the cause of approximately 165,000 deaths annually.

Over the past two decades, we have learned that tobacco companies have manipulated the level of nicotine in cigarettes to increase the number of people addicted to their product.

There are more than 40 chemicals in tobacco smoke that cause cancer in humans and animals, according to the CDC. Tobacco smoke has toxic components, as well as tar, carbon monoxide and other dangerous additives.

The cancer community is united in the belief that the single most important preventive measure is to place tobacco products under the regulatory control of the Food and Drug Administration (FDA).

It is long past time to reduce the addictive nature of cigarettes and curtail the marketing of these products to young people—I believe that empowering the FDA to regulate tobacco will help do that.

The U.S. Surgeon General and the Centers for Disease Control and Prevention have unequivocally demonstrated that, for example, anti-smoking campaigns can reduce smoking, a major cause of cancer.

California is a good example: My state started an aggressive tobacco control program in 1989 and throughout the 1990s, tobacco use dropped at two to three times faster than the rest of the country.

Ninety percent of adult smokers being before age 18 and every day, 3,000 young people become smokers.

This bill will provide meaningful regulation by the Food and Drug Administration of the content and marketing of tobacco products, especially the addicting and carcinogenic components. Dr. C. Everett Koop, former U.S. Surgeon General, and Dr. David Kessler, former Commissioner of the Food and Drug Administration, wrote in their 1997 report, cited FDA and other studies and said: ''Nicotine in cigarettes and smokeless tobacco has the same pharmacological effects as other drugs that FDA has traditionally regulated . . . nicotine is extremely addictive . . . and the vast majority of people who use nicotine-containing cigarettes and smokeless tobacco do so to satisfy their craving for the pharmacological effects of nicotine; that is, to satisfy their drug-dependence or addiction.''

They recommended: ''FDA should continue to have authority to regulate all areas of nicotine, as well as other constituents and ingredients, and that authority should be made completely explicit.''

I am pleased that to note that even the Philip Morris Companies has acknowledged the need for FDA to regulate tobacco. On their website, they say:

> We believe federal legislation that includes granting FDA authority to regulate tobacco products could effectively address many of the complex tobacco issues that concern the public, the public health community and us.

It is long past time to reduce the addictive nature of cigarettes and curtail the marketing of these products to young people. This bill gives FDA the power to regulate tobacco products' content, design, sale, and marketing.

The bill requires the NCI and the National Institute for Environmental Health Sciences to one or more strategic plans to intensify research in the following areas: quality of life for cancer patients and survivors; symptom management for patients and survivors; palliative care and pain management; health disparities for racial and ethnic minorities; cancer prevention; behavioral research associated with causing and preventing cancer; environmental risk factors for cancer and gene-environment interactions; new imaging and early detection technologies and methods; and cancer survivorship.

Patient advocates and others have called on NCI and other institutes to develop a broad and responsive portfolio.

Experts say we need to learn more about cancer survivorship. People used to die quickly of cancer, but today, more and more are living with cancer, as many as nine million Americans. Kathleen Foley of Memorial Sloan-Kettering Cancer Center said, ''While we work to cure the many types of cancer, nothing would have greater impact on the daily lives of cancer patients and their families than good symptom control and supportive therapy.'' Charles S. Cleeland, of the M.D. Anderson Cancer Center, said in the June 20, 2001 Washington Post, ''We need a new research agenda that focuses on alleviation of disease-related distress.'' The National Cancer Policy Board of the Institute of Medicine last year recommended that NCI conduct more research on palliative care.

This is an example of an area that needs more emphasis. While NCI's work has brought huge advances in understanding, preventing and treating cancer, there is no question that we could do more.

For eight years I have co-chaired the Senate Cancer Coalition. We have held eight hearings on cancer. With each hearing, I become more and more convinced that we can conquer cancer in my lifetime.

Polls by Research America show that the public wants their tax dollars spent on medical research and that in fact people will pay more in taxes for more medical research.

When Beatle George Harrison died in December of cancer, a Maryland nursery school teacher, Jennifer DeBernardis, said: ''All the fame and fortune and talent doesn't save you from something like cancer.'' Cancer impacts everyone. Everyone knows someone who has had cancer or will have cancer.

I am thoroughly convinced that if we just marshal the resources, we can conquer cancer in the 21st century. Let's begin. The road ahead is long and treacherous. But if we all work together, I honestly believe we can do it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I am very pleased and honored to join Senator FEINSTEIN today to introduce this very important piece of legislation. Our country is very good at waging a winning war, but there is one more that we need to wage and win and that is the war on cancer.

I joined Senator FEINSTEIN as an original cosponsor of this for three reasons: First of all, because she asked me to. She is a person of remarkable leadership on this issue and so many more. Second, it was important to her and to me that the other cosponsor be a Republican because cancer is not a partisan issue. It attacks us both equally no matter how we register at the polls. This is one of those issues where truly we ought to be walking in lockstep together as Americans.

Finally, I know something of the pain that families experience through the contraction of cancer. As an honor and a tribute to my own mother, whom I recently lost to cancer, I cosponsor this legislation.

Oregon is a small State relatively—large geographically, but not in population—but cancer knows no boundaries as to States or as to countries. As we consider the statistics I can give, they apply to my State. In percentage terms, they would apply equally to every State. Truly, cancer is the second biggest killer in the State of Oregon, second only to heart disease. And at current rates, it will soon surpass that. This is a war we have to win.

There are 18,000 new cases of cancer diagnosed among Oregonians every year. That is about 50 a day. On average, 19 Oregonians die from cancer every day. Breast cancer is the most common form of diagnosed cancer in my State. Nine women every day hear the dreaded words: You have breast cancer. And every day, one family in Oregon will lose a family member to breast cancer. Every 3 days, a child in Oregon is told that he or she has cancer. I could go on. The statistics become rather numbing. But they are not unique to my State. That makes it all the more tragic that this is such a large and growing problem.

There is something we can do about it. I am proud to say that Senator FEINSTEIN has mentioned Dr. Druker of the Oregon Health Sciences University. He has, through his study of the genome, the genomic field, developed a promising new oral treatment for patients with chronic myeloid leukemia, a rare and life-threatening form of cancer. We met a wonderful woman yesterday who has been apparently cured on the basis of this drug. Gleevec is a target therapy based on new knowledge in this important area of research. It is hoped that future advances in cancer treatment will be equally as successful at targeting abnormalities with curative or less toxic drugs for cancer patients. This legislation will help us on this path.

In the interests of time, I will not review the details of our bill that Senator FEINSTEIN has so very ably and eloquently laid out. This is a good bill. This is a bill that should pass. It is expensive in dollar terms, but how can we put a pricetag on the health of the American people, on an issue as painful as this one?

Again, cancer is not a partisan disease.

I am proud today to cosponsor the National Cancer Act of 2002. I do so as a Republican, but more I do so as an American, and even more I do so as a member of the human family.

I yield the floor.

Mrs. CLINTON. Madam President, I rise today on behalf of legislation I am introducing along with Senator FEINSTEIN and others to help patients and their families around the country who are struggling against cancer.

It has been three decades since we declared war on cancer, and passed the National Cancer Act of 1971. And while we have many new weapons in our arsenal, new surgical techniques, new drugs like Gleevec, and new diagnostic tests to catch cancer in its early stages, the burden of this disease on our Nation is still devastating. One out of every two Americans will hear these devastating words sometime in their lives: ''you have cancer.'' It is the second leading cause of death in our country—surpassed only by heart disease, and it not only devastates the patient; it brings immeasurable pain into the lives of that person's family and friends.

Consider the statistic that 1,500 Americans die of cancer each day—that's 1 out of every 4 deaths attributable to cancer. And the new cases continue to mount. Last year in New York alone there were an estimated 83,200 new cases of cancer—including 14,200 cases of breast cancer and nearly 4,000 cases of Non-Hodgkin's Lymphoma.

Sadly, cancer has become a part of life for all American families. Thanks to research, early detection and treatment, cancer is not automatically a death sentence. It can be beaten. And it is even better to keep it from occurring in the first place. Our hope for this and future generations is this simple dream—that in the long fight against

this disease, some day we will ultimately win—that keeps so many patients and families going.

This bill we're introducing today can move us closer to making the dream a reality. It calls for: Recruiting talented medical experts by offering to cover the student loan payments of 100 physicians a year who agree to become cancer researchers; supporting the work of NCI Cancer centers like Memorial Sloan Kettering and Roswell Park in New York; improving cancer care by attracting and training health professionals to provide cancer care, to encourage cancer quarterbacks that can coordinate a patients care, and improving access to important cancer services such as screenings, smoking cessation therapy, genetic testing, and counseling about whether to undertake genetic testing.

While this legislation goes a long way to strengthening the biomedical research efforts, we will also be continuing to work with the States, communities, and public health institutions to educate the public about cancer prevention, to address the risk factors, and promote early intervention.

In the past, the phrase ''public health'' conjured up battles against infectious diseases like malaria or tuberculosis. Now with chronic diseases, such as heart disease and cancer, as the leading killers, we must think about ''public health'' in a new light, and fight carcinogens as well as pathogens.

For instance, this bill affirms FDA's authority over tobacco, the carcinogen that is responsible for 1 out of every 3 cancer deaths. Next week I will be chairing a hearing in the Subcommittee on Public Health to explore the need for better tracking of chronic disease and environmental exposure, so that we can identify and understand the connections between the environment and diseases like cancer.

I am a big believer in patient access to clinical trials. In the previous administration Medicare and Medicaid began covering the routine medical costs of participating in clinical trials, and I support extending that coverage to patients who have private insurance as well. The Senate-passed Patients' Bill of rights and the legislation we're introducing today takes steps toward allowing more cancer patients to participate in clinical trials that just might save their lives. I will continue fighting to strengthen this important cornerstone of patient care and scientific progress.

Our hope for this legislation and America's war on cancer is simple: to move cancer from the medical books to the history books. And to live in a world where no one has to hear the words, ''you have cancer,'' ever, ever again.

By Mr. THURMOND:

S. 1977. A bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

Mr. THRUMOND. Madam President; I rise to introduce legislation that would improve the U.S. Marshals Service by making the U.S. Marshal at the district level a career position rather than a political one. This reform is long overdue and would create an improved management structure for the Marshal Service. This legislation would bring the Service in line with other Federal agencies that choose their top district and field officers by professional advancement, such as the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms, and the Drug Enforcement Administration. As a result of this change, we will ensure that highly qualified and experienced individuals become U.S. Marshals. I encourage my colleagues to support this important reform, which would greatly improve the efficiency and effectiveness of the U.S. Marshals Service.

The U.S. Marshals Service is the oldest Federal law enforcement agency. While its most traditional role is assisting the Federal judges and witnesses and by transporting prisoners, it also plays a critical role in Federal law enforcement in other ways. For example, it is the primary Federal agency responsible for apprehending dangerous fugitives from justice, and it conducts many special operations for the Attorney General.

The management of the Marshals Service is unlike any other Federal law enforcement agency. While there is a national Director of the Marshals Service located in Arlington, VA, each judicial district has a U.S. Marshal that is appointed by the President and confirmed by the Senate. Consequently, the district U.S. Marshals are in reality independent and accountable only to the President. Eduardo Gonzalez, past Director of the U.S. Marshals Service, testified before the Senate Judiciary Committee in 1998 that neither the Director of the Marshals Service nor the Attorney General can directly discipline a U.S. Marshal. Rather, the President must specifically authorize the disciplinary action. Additionally, a House report that accompanied a similar reform bill from the 106th Congress stated that the Director of the Marshals Service is powerless to demote, suspend, or transfer a U.S. Marshal. The current system, therefore, undercuts the leadership capacity of the Director of the Marshals Service due to the political independence of the U.S. Marshals.

Each district also has the position of Chief Deputy Marshal, which is occupied by a career professional. The Chief Deputy Marshal assists the politically-appointed U.S. Marshal, who may have little or no experience in law enforcement, and provides continuity and leadership in the district offices. The Chief Deputy Marshals are vital to the operation of the field offices, providing stability during the comings and goings of U.S. Marshals. Due to the inexperience of many U.S. Marshals, the Chief Deputy Marshals have assumed critical roles in the operation of the field offices. In fact, the Marshals Service website states, ''The backbone of the Marshals Service has always been the individual Deputy Marshal.'' It is significant that the politically-appointed U.S. Marshal is not the ''backbone'' of the Service. Rather, the Deputy Marshal, who arrives at the position through career advancement, is the mainstay of the Marshals Service.

The Chief Deputies in turn have Supervisory Deputy U.S. Marshals to assist them with day-to-day activities. Due to the heavy turnover in leadership at the district level, there must be significant support for new and inexperienced U.S. Marshals. Therefore, the district level offices are heavily staffed. This situation results in an agency that is top heavy in management.

In an excellent book about the U.S. Marshals Service called ''The Lawmen'' by Frederick Calhoun, the author asserts that the Marshals Service is harmed by the process of appointing district marshals. He writes, ''The service remained too politicized. The presidential appointment of the U.S. marshals haunted the organization. It could never escape the taint of politics as long as its top district manager owed their appointments to political favors, not professional advancement.'' Mr. Calhoun recognized that because of the political appointment of the top field officers, career employees must walk a fine line between balancing their allegiances to the temporary U.S. Marshal and to headquarters. He goes on to say, ''The deputies dealt daily with their political supervisors, who controlled their work assignments and annual personnel evaluations, while they looked to headquarters for careers and promotions.''

The current organization of the Marshals Service not only causes political strains, but it is also structurally unsound. Wayne Colburn, Director of the U.S. Marshals Service in the early 1970s, argued that the agency functioned as a ''loosely organized group of ninety-four judicial districts'' due to the weakness of the Director. Mr. Colburn recognized that the management structure was flawed because the agency in effect had ninety-four directors who owed little allegiance to the national director. While Mr. Colburn's concerns were alleviated somewhat by the Marshals Service Act of 1988, which strengthened the policy-making powers of the Director, the Act did not go far enough. The Director has centralized authority, yet he is still extremely limited in his ability to make personnel and disciplinary decisions regarding the politically appointed U.S. Marshals. This situation is unacceptable in such an important Federal agency. We owe it to our Nation's oldest law enforcement organization to improve its structure and to make its operations more efficient.

I would like to point out that the U.S. Marshals Service has already

placed some of its most crucial functions under the management of the national office, thereby avoiding some of the problems that I have discussed so far. For example, the Witness Security Program, which ensures the safety of witnesses who testify for the government, is administered centrally by the Marshals Service. According to former Director Gonzalez's testimony before the Senate Judiciary Committee, the Witness Security Program's operation was changed because it was not functioning correctly at the district level. He said, ''Witness Security Inspectors assigned to the districts found they were attempting to serve two masters, the headquarters' Witness Security Program and the U.S. Marshal.'' This example of internal restructuring by the Service demonstrates the need for Congress to enact fundamental reform.

This reform legislation also has the potential to save taxpayer money. Mr. Gonzalez testified before the Senate Judiciary Committee that if the political selection of U.S. Marshals were ended, the Service would eliminate many field office positions. There would no longer be a need to provide the kind of support that is currently necessary to assist the political appointees, who often do not have the proper experience and expertise. A more streamlined management structure would save money and make operations more efficient. According to Mr. Gonzalez, the Marshals Service has estimated that this change would save over $10 million in the first three years.

Legislation to change the appointment process for district Marshals passed the house in 1997 but did not pass the Senate. That bill, as this one, essentially makes the change effective at the start of the upcoming four-year term for the President. This bill would be effective in January 2005, so that U.S. Marshals appointed by President Bush could complete the current four-year term of the Bush Administration.

It is important to recognize that many district U.S. Marshals who have served over the years have been distinguished public servants and are fine people. However, others had no experience in law enforcement and were not qualified to serve in these important positions.

For the benefit of the Marshals Service, I urge my colleagues to support this important reform measure. It is long overdue. Similar reforms have been supported by Presidential commissions under Presidents Howard Taft, Herbert Hoover, and Franklin Roosevelt. It is time that we professionalized one of our most important law enforcement agencies. We owe it to all those who have served honorably during the proud history of the U.S. Marshals Service, and we owe it to those who entrust their lives to the safekeeping of the U.S. Marshals.

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. 1977

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

SECTION 1. APPOINTMENTS OF UNITED STATES MARSHALS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Marshals Service Reform Act of 2002''.

(b) APPOINTMENTS OF MARSHALS.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(A) in section 561(c)—

(i) by striking ''The President shall appoint, by and with the advice and consent of the Senate,'' and inserting ''The Attorney General shall appoint''; and

(ii) by inserting ''United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates.'' after the first sentence;

(B) by striking subsection (d) of section 561;

(C) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(D) by striking section 562.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

(c) MARSHALS IN OFFICE BEFORE EFFECTIVE DATE.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the effective date of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(d) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on January 20, 2005, and shall apply to appointments made on and after that date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 213—CONDEMNING HUMAN RIGHTS VIOLATIONS IN CHECHNYA AND URGING A POLITICAL SOLUTION TO THE CONFLICT

Mr. WELLSTONE (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 213

Whereas the United States Department of State Country Reports on Human Rights for 2000 reports that the ''indiscriminate use of force by Russian government troops in Chechnya has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons'';

Whereas the United States Department of State Country Reports on Human Rights for 2000 reports that Russian forces continue to arbitrarily detain, torture, extrajudicially execute, extort, rape, and forcibly disappear people in Chechnya;

Whereas credible human rights groups within the Russian Federation and abroad report that Russian authorities have failed to launch thorough investigations into these abuses and have taken no significant steps toward ensuring that its high command has taken all necessary measures to prevent abuse;

Whereas there are credible reports of specific abuses by Russian soldiers in Chechnya, including in Alkhan-Yurt in 1999; Staropromysloviski and Aldi in 2000; Alkhan-Kala, Assinovskaia, and Sernovodsk in 2001; and Tsotsin-Yurt and Argun in 2002;

Whereas the Government of the Russian Federation has cracked down on independent media and threatened to revoke the license of RFE/RL, Incorporated, further limiting the ability to ascertain the extent of the crisis in Chechnya;

Whereas Chechen rebel forces are believed responsible for the assassinations of Chechen civil servants who cooperate with the Government of the Russian Federation, and the Chechen government of Aslan Maskhadov has failed unequivocally to condemn these and other human rights abuses or to distance itself from persons in Chechnya allegedly associated with such forces; and

Whereas the Department of State officially recognizes the grievous human rights abuses in Chechnya and the need to develop and implement a durable political solution: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the war on terrorism does not excuse, and is ultimately undermined by, abuses by Russian security forces against the civilian population in Chechnya;

(2) the Government of the Russian Federation and the elected leadership of the Chechen government, including President Aslan Maskhadov, should immediately seek a negotiated settlement to the conflict there;

(3) the President of the Russian Federation should—

(A) act immediately to end and to investigate human rights violations by Russian soldiers in Chechnya, and to initiate, where appropriate, prosecutions against those accused;

(B) provide secure and unimpeded access into and around Chechnya by international monitors and humanitarian organizations to report on the situation, investigate alleged atrocities, and distribute assistance; and

(C) ensure that refugees and displaced persons in the North Caucasus are registered in accordance with Russian and international law, receive adequate assistance, and are not forced against their will to return to Chechnya; and

(4) the President of the United States should—

(A) ensure that no security forces or intelligence units that are the recipients of United States assistance or participants in joint operations, exchanges, or training with United States or NATO forces, are implicated in abuses;

(B) seek specific information from the Government of the Russian Federation on investigations of reported human rights abuses in Chechnya and prosecutions against those individuals accused of those abuses;

(C) promote peace negotiations between the Government of the Russian Federation and the elected leadership of the Chechen government, including Aslan Maskhadov; and

(D) re-examine the status of Chechen refugees, especially widows and orphans, including consideration of the possible resettlement of such refugees in the United States.

Mr. WELLSTONE. Madam President, I rise today once again to draw attention to the suffering of people in

Chechnya. On behalf of myself and Senator BROWNBACK, I am submitting a resolution urging the Russian government to seek a negotiated settlement to the conflict there, to end human rights violations by Russian soldiers there, to investigate and initiate prosecutions against those accused, and to ensure that refugees receive the assistance they need. The resolution also urges President Bush to promote peace negotiations between the parties, to obtain assurances from the Russian government that no security forces who are recipients of U.S. assistance are implicated in human rights abuses and to seek specific information on the status of investigations into reported abuses.

The war in Chechnya has raged too long, and reports of egregious human rights violations by Russian soldiers continue to increase. Today, Human Rights Watch is releasing yet another report of such abuses, Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya. Year after year we receive reports telling the same stories, yet nothing seems to change. Since September 11, Russian officials have argued more vigorously that they are fighting terrorism in Chechnya. Whether the Russian government believes this to be true or not is not the issue. What is clear is that Russia is acting illegally and immorally in Chechnya, and it must stop.

I want to talk briefly about the United States and our relationship to this war. As we increase our cooperation with various governments in the war on terrorism, we cannot condone some of the actions these friends are taking in the name of fighting terrorism.

Russia has been a key member of the anti-terrorist coalition since September 11. It has played a crucial role in our success in Afghanistan. I applaud and support this U.S.-Russian cooperation. But what is happening in Chechnya cannot be justified by the war on terrorism. Russian forces in Chechnya have acted illegally and with unspeakable brutality against the civilian population there. There continue to be credible reports of summary execution, mass detention, rape, torture, forced disappearance, arbitrary arrest and looting. The Russian government has so far refused to investigate such reports.

The Russian government believes it is fighting terrorism in Chechnya. In fact, it frequently compares the U.S. war on terrorism to its own efforts in Chechnya. But the world community must remind Russia's leaders that even in a war on terrorism, ends do not necessarily justify any means. A war against terrorism does not permit abuses against civilians. We must remind Russia that the war against terrorism is a struggle for freedom and democracy. Free and democratic nations do not round up boys and beat them so badly that they have to be carried home when the are finally released. They do not torture and rape women. Today as I read the reports of intensified human rights violations on a massive scale in Chechnya, as well as of Russia's refusal to investigate such reports and hold responsible individuals accountable, I have to question Russia's commitment to democratic norms and to internationally recognized human rights standards.

We have a moral duty not only to speak out against Russian atrocities in Chechnya, but also to ensure that we aren't unintentionally allowing them to continue. We must ensure that no security forces that are the recipients of U.S. assistance or participants in joint operations with the U.S. are implicated in human rights abuses in Chechnya. This resolution urges the President to provide that assurance.

It saddens me to speak once again about a war that has now entered its third year. It is a war that has been conducted with such brutality that it has been hard at times to imagine the situation getting worse. Unfortunately, it has gotten worse. The Russian government apparently has intensified its campaign against civilians in the name of fighting terrorism. When I met recently with the Chechen Foreign Minister, he made it clear to me that he believes the post-September 11 period will be remembered as one of the most savage times in Chechen history.

The New York Times reported recently that, according to Chechen police officials, Russian troops are killing civilians in a campaign of executions and looting that takes place alongside military operations aimed at destroying rebel forces. According to the article, Russian units roll into a town during the day to scout neighborhoods for residents who appear to have money or property worth stealing. Then, at night, the soldiers return in their tanks and burst into houses, stealing goods and killing witnesses. In one of the largest of Grozny's four districts, Chechen investigators have documented 17 cases in the last 12 months implicating Russian Interior Ministry troops in killing civilians during such looting.

Human Rights Watch and Amnesty International have both documented accounts of terrible human rights violations in Chechnya. Our own State Department Country Reports on Human Rights Practices reports the execution of at least 60 civilians last February in the suburbs of Grozny. It reports torture by police officers using electric shocks. It reports the rape of Chechen women by Russian soldiers. These are reports from 2000. The new report for 2001 will be released soon, and, sadly, no one expects it to be better.

There have been credible reports of human rights violations on both sides of the conflict in Chechnya. I condemn human rights violations by all parties, as does the resolution we offer today. Chechen rebel fighters have increasingly targeted for murder Chechen civilians they believe are cooperating with the Russian government. Human Rights Watch World Report for 2002 reports that Chechen fighters murdered at least 18 leaders of district and town administrations and at least five religious leaders, as well as numerous Chechen police officers, teachers and low ranking officials. There are extremist groups in Chechnya—some with ties to Arab extremist groups and possibly to al-Qaeda. I condemn all acts of terrorism, but what is happening in Chechnya is a human tragedy, and nothing justifies the often brutal use of violence by Russian soldiers there.

Credible reports estimate that the war in Chechnya from 1994–1996 left over 80,000 civilians dead. The State Department cities evidence that the current war has resulted in the deaths of thousands of innocent civilians. There is credible evidence of the displacement of nearly 40 percent of the civilian population, or close to 400,000 people. According to the American Committee for Peace in Chechnya, a group committed to finding a political solution to this conflict, a significant portion of the male population between the ages of 16–55 is simply gone.

Doctors without Borders reports that the humanitarian situation for an estimated 180,000 refugees in camps in the neighboring Republic of Ingushetia is deteriorating. The majority of the refugees are living with families, but over 60,000 people remain in tents, empty schools, and factory buildings. Shelter and sanitation facilities are poor, worn out and far below acceptable standards. Sometimes one latrine serves 100 people or more. The government of Russia also refuses to register the refugees, arguing they are economic migrants. Since these refugees are being accorded no legitimate status, they are often unable to get the humanitarian assistance they need. The resolution we offer today urges the Russian government to secure the distribution of humanitarian assistance and to register refugees as required by both Russian and international law.

The government of Russia must work to find a political solution to end the war in Chechnya. In must put a stop to human rights violations by its soldiers, hold those who are responsible accountable for their actions and ensure that refugees get the assistance they need. I urge my colleagues to support this resolution.

Again, this resolution, which Senator BROWNBACK from Kansas and I submit, urges the Russian Government to seek to negotiate a settlement to the conflict there. This deals with the suffering of the people in Chechnya, and it calls on the Russian Government to end human rights violations by Russian soldiers there, to investigate and initiate prosecution against those who are accused, and to ensure that refugees receive the assistance they need.

The resolution also urges President Bush to promote peace negotiations between the parties, to obtain assurances from the Russian Government that no security forces that are recipients of United States assistance are implicated in human rights abuses, and to seek specific information on the status of investigations into reported abuses.

Senator BROWNBACK and I submit this resolution timed with a report that Human Rights Watch is releasing today, which deals with these abuses. The title of the report is ''Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya.''

I recommend that my colleagues and their staffs look at this report, which is deeply troubling.

I ask unanimous consent that a piece in the New York Times, written by Patrick Tyler, on January 25, 2002, be printed in the RECORD.

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

[From the New York Times, Jan. 25, 2002]

POLICE IN CHECHNYA ACCUSE RUSSIA'S TROOPS OF MURDER

(By Patrick E. Tyler)

ROZNY, Russia, Jan. 22.—Nearly two years after major hostilities ended here in Chechnya, the devastated republic in the Caucasus, Russian troops are killing civilians in a campaign of executions and looting that takes place alongside military operations aimed at destroying rebel forces, according to Chechen police officials.

Chechen police authorities working under the republic's pro-Russian government said in interviews over the past week that Russian Interior Ministry units, known by their acronym, Obron, have been scouting neighborhoods during mine-sweeping operations for residents who appear to have money or property worth stealing.

At night, the soldiers return in armored personnel carriers, some with identifying markings, and burst into the houses, stealing household goods and killing witnesses. Chechen police investigators say.

In the central Leninsky district of Grozny, skeletal shards of buildings teeter above a landscape of debris that evokes scenes from European cities destroyed in World War II. The rubble now lies sealed under a winter blanket of snow as thousands of Chechen families eke out an isolated existence in bomb-damaged homes.

In Leninsky, the largest of Grozny's four districts, Chechen investigators have documented 17 cases in the last 12 months implicating Interior Ministry troops in killing civilians during looting. One of the most notorious of the units is known as Obron–22, the Chechens say.

But in each case, military and civilian prosecutors have refused to bring criminal cases, the police said. Instead, the prosecutors set aside files as inactive or return them with demands to provide the names of soldiers involved.

''These units burst into people's houses on the pretext of 'mopping up' operations and commit murders,'' said Alvi Magomed-Mirzoyev, a police lieutenant colonel who returned to Grozny from Moscow a year ago to lead a criminal investigation department in Leninsky.

In Moscow, the Interior Ministry, the Defense Ministry and prosecutors were asked to comment on these allegations, but declined.

Chechen police authorities are drawing up a republic-wide list of unsolved killings of civilians in which federal forces have been implicated by witnesses, but which prosecutors have refused to pursue. One senior member of the Chechen administration in Grozny, taking a significant risk, provided documents on 163 such cases compiled under the heading, ''Some cases of detention by representatives of the federal forces of civilians who subsequently disappeared or were found dead.''

''These are the conditions we are living under,'' he said he handed over the document and disappeared into a police headquarters building where Chechen recruits are certified and inducted into a new force.

A typical case in the file is that of Magomed H. Vakhidov, 57, once mayor of Urus-Martan, just south of Grozny. He fled Chechnya when the second war with Russia broke out in September 1999; a year later he sought and received an amnesty to return home.

But at 3 a.m. on July 20, 2001, a squad of Russia soldiers fired smoke grenades into his home and then burst in and arrested him, according to the documents. Russian military authorities denied taking him into custody. On July 31, his body was found in the gardens of a state farm, badly mutilated from torture, electric shock, knife wounds and burns from a blow torch.

Russian officials routinely attribute such killings to ''rebels.'' But, as one Chechen police official noted, ''the rebels do not travel in armored personnel carriers.''

A number of unsolved cases relate to Chechen rebels who took advantage of amnesties issued by Moscow and by Russian military commanders.

In March 2000, after Russian forces had driven rebel forces from Grozny, Roman S. Bersanukayev, 19, turned himself in to the commander of Russia's 245th Rifle Regiment near Martan-Chu, near Urus-Martan.

When his relatives asked the local office of the Federal Security Service about his status, they were given a document showing that no criminal proceedings would be lodged against him. They also received an amnesty certificate signed by the Russian military commandant for the district, Y.A. Naumov. But Mr. Bersanukayev then disappeared from federal custody and is feared dead.

''I am an officer and I took an oath to Russia to uphold the law,'' said Colonel Magomed-Mirzoyev, the policeman, ''but I am sick and tired of being afraid and I hate the lawlessness that is going on here, and I want to do everything I can to bring it to an end.''

On a visit to Paris this month, President Vladimir V. Putin asserted that Russian troops committing acts of violence against Chechen civilians were being held accountable and that judicial and law enforcement organs were functioning normally. ''About 20 servicemen have already been brought to justice,'' he said.

By lending strong support to President Bush's war against terrorism, Mr. Putin has successfully blunted Western criticism of Russian conduct in Chechnya. Several governments have suggested that Russia had more justification for its actions than had been acknowledged.

But the situation on the ground has continued to fester.

Chechnya's top prosecutor, Vsevolod Chernov, said this week that 212 criminal cases based on reports of missing people had been opened in the last year. ''In some cases, the disappearance of people can be connected to special operations conducted by federal units,'' he said, but ''sufficient legally substantiated evidence'' was necessary to bring the cases to court.

Local police officials tell a different story. They say criminal cases sent to Mr. Chernov are technically open but are frozen by the inability of criminal investigators to interview Russian soldiers who may be witnesses or suspects involved in crimes against civilians.

The police investigators say that they have tried to gain access to Russian military units, but that they are afraid to approach Russian military prosecutors, who must approve any contact with federal soldiers.

The military prosecutors are housed at Russia's main military base, at Khankala, on the southeast edge of Grozny. The base is known to Chechens as a place where detainees are taken and sometimes never return.

''If the shelling of a civilian neighborhood involved federal servicemen, I wouldn't be able to send my investigator because he might not come back,'' Colonel Magomed-Mirzoyev said.

Earlier this month, a senior official of the new Chechen administration, Ruslan Yunusov, deputy minister of the Chechen Emergencies Ministry and a veteran of the Soviet military campaign in Afghanistan, was shot dead by federal troops in front of the Russian military police headquarters here when he tried to arrest Russian soldiers in an armored personnel carrier. The soldiers were suspected of wounding one of Mr. Yunusov's officers on Dec. 29.

Several high-profile cases against federal troops have been brought to court in the past year, like the murder trial of Col. Yuri Budanov, accused of the rape and murder of an 18-year-old Chechen woman in March 2000. The trial began nearly a year ago and has suffered numerous delays over demands for psychiatric evaluations by military officials to determine whether Colonel Budanov was temporarily insane when he strangled the woman in a fit of rage over the deaths of his comrades at the hands of rebels.

Chechen officials also point out that there appear to be no active investigations of reports of civilian massacres during the intense Russian military campaign that was begun in Chechnya by Mr. Putin after he became prime minister in 1999. That campaign followed incursions by armed men—Russia called them Islamic extremists—and terrorist attacks that left more than 300 dead in Moscow and other Russian cities.

A martial-style curfew is enforced so strictly here that ambulance service is halted at night, when lethal mayhem takes over. Russian forces hide in their fortified checkpoints as rebels creep into the city to shoot at them or to lay mines to blow up military convoys the next day.

In addition to reported abuses by Interior Ministry forces, regular Russian Army troops continue to inflict punitive raids on Chechen towns and villages, as they did earlier this month in Tsotsin-Yurt, just southeast of Grozny, after two suspected rebels fleeing federal forces took refuge in a house there on Dec. 30. The rebels were killed, and a large column of Russian armored forces surrounded the town.

Town residents said that over the next several days, soldiers seized young and middle-aged men from their homes and looted a number of houses, all in violation of military pledges made last year calling for Chechen authorities to be present to observe such ''mopping up'' operations.

Seven civilians died during the initial gun battle, town officials said, two of them after they were used as human shields by soldiers attacking the house where the suspected rebels holed up.

One of the men used as a shield was Idris Zakiyev, a 42-year-old tractor driver with four daughters. The other was Musa Ismailov, 43, an elder of the mosque who performed a traditional dance at Chechen funerals; he had five children.

''They were shot at short distance and their bodies showed signs of mutilation,'' said Ilyas Zakiyev, a brother of Idris.

Even now, weeks later, Russian units have blocked all roads into Tsotsin-Yurt and more than 15,000 residents are being held virtually as prisoners, forced to pay a bribe—amounting to a day's wages in many cases—to enter or leave. Entering Tsotsin-Yurt on Monday, this reporter saw Russian soldiers collecting these tolls from Chechen drivers passing the checkpoints.

Turko Aliev, 51, the chairman of the town elders' council, was among the first to meet with the Russian commander who ordered the assault on the town. The commander threatened to open an artillery attack in 30 minutes unless the elders sent the mayor out to meet him and to identify the seven corpses laid out before Russian news reporters as ''rebels.''

''I told him that was impossible because the mayor was in Grozny, but he replied, 'You now have 28 minutes,''' said Ilyas Zakiyev, who accompanied the elders.

At that moment, Mr. Aliev stepped forward as chairman of the council and identified the bodies of Idris Zakiyev and Mr. Ismailov, the mosque elder.

The town officials were allowed to take the two bodies away in a car, which Mr. Aliev said he drove through a gantlet of checkpoints where one Russian soldier stopped him and threatened to kill him.

''Where can we complain?'' asked Mr. Aliev, as he stood in a makeshift morgue at the town mosque to make the final grim accounting from the raid on the village: three bundles of tattered clothing that belonged to unidentified men blown up in a field on the edge of town.

Mr. WELLSTONE. Madam President, I will read 2 paragraphs:

In Leninsky, the largest of Grozny's four districts, Chechen investigators have documented 17 cases in the last 12 months implicating Interior Ministry troops in killing civilians during looting. One of the most notorious of the units is known as Obron-22, the Chechens say.

In the central Leninsky district of Grozny, skeletal shards of buildings teeter above the landscape of debris that evokes scenes from European cities destroyed in World War II. The rubble now lies sealed under a winter blanket of snow as thousands of Chechen families eke out an isolated existence in bomb-damaged homes.'

Let me summarize. The conclusions are as follows: It is the sense of the Senate that the war on terrorism does not excuse and is ultimately undermined by abuses by Russian security forces against civilians in Chechnya. It also is the sense of the Senate that Russia and Chechen leadership should seek a negotiated settlement. It is the sense of the Senate that Russian President Putin should: 1, end human rights violations, investigate them, and prosecute them; 2, provide secure access to international monitors and humanitarian organizations; and 3, ensure the registration of refugees and not force them to return against their will.

Finally, the sense of the Senate says President Bush should: 1, ensure no United States assistance goes to Russian units implicated in these abuses; 2, seek specific information on the status of investigations, or lack of investigations, of the human rights abuses; 3, promote peace negotiations; and 4, reexamine the status of Chechen refugees in regard to possible resettlement in the United States.

The reason we introduce this resolution today is, again, this very powerful report that came out by Human Rights Watch. I want the Russian Government to know, and I want the people in Chechnya and in Russia to know, that here on the floor of the Senate we are paying attention to what is happening.

I will send this resolution to the desk, and we will take steps to pass it, and I think there is strong support for this resolution in the Foreign Relations Committee. Most important is the message. The message is that we want to see an end to the terrorism, to the murder of innocent civilians. But, quite frankly, much of what the Russian Government is trying to excuse—all in the name of a war against terrorism—is, unfortunately, rape, torture, and murder of innocent people. That is not acceptable. That needs to be settled before the Senate and we need to pass this resolution.

SENATE CONCURRENT RESOLUTION 99—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE STAMP SHOULD BE ISSUED HONORING FELIX OCTAVIUS CARR DARLEY

Mr. BIDEN (for himself and Mr. CARPER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 99

Whereas Felix Octavius Carr Darley, a prolific 19th century illustrator and designer, was born on June 22, 1821, in Philadelphia, Pennsylvania, and completed most of his major works while living in Claymont, Delaware, before he died on March 27, 1888;

Whereas Darley was the illustrator for Washington Irving's ''The Legend of Sleepy Hollow'', ''Rip Van Winkle'', ''Tales of a Traveler'', and the five-volume ''Life of George Washington'';

Whereas Darley created the sketches for Henry Wadsworth Longfellow's ''Evangeline'', and was the illustrator for the American publications of Charles Dickens, including ''A Tale of Two Cities'';

Whereas Darley designed and executed the two woodcut illustrations for the first printing of Edgar Allen Poe's ''The Gold-Bug'' in the Philadelphia Dollar Newspaper;

Whereas Darley provided illustrations for the first known publication of Clement Moore's ''A Visit from St. Nicholas'', the edition featuring the first change of the last line from ''happy Christmas to all'' to ''merry Christmas to all'';

Whereas, in 1875, Darley engaged in preparing 500 drawings to illustrate a book entitled ''History of the United States'', by B. J. Lossing;

Whereas Darley illustrated more than 500 designs for James Fenimore Cooper's works, including a project involving designs for 64 steel engravings and 120 wood engravings, leading to the publication of ''The Cooper Vignettes'' which showcased the artist's works;

Whereas Darley provided the line drawings for Nathaniel Hawthorne's ''The Scarlet Letter'';

Whereas Darley was elected a member of the Academy of Design in 1852;

Whereas Darley was a member of the Artist's Fund Society and was one of the early members of the American Society of Painters in Watercolors;

Whereas Darley was inducted into the Society of Illustrators Hall of Fame in 2001; and

Whereas, for his accomplishments, Darley is credited by many scholars with helping to create the pioneer image of American History: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative stamp should be issued honoring Felix Octavius Carr Darley; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. BIDEN. Madam President, I am pleased to submit today a resolution calling on the Citizens' Stamp Advisory Committee to recommend a commemorative stamp honoring the 19th century illustrator, Felix Octavius Carr Darley. My distinguished colleague from the other body, Congressman MICHAEL CASTLE, has already introduced an identical resolution in the House of Representatives.

Felix Darley was the consummate American artist. He was born in Philadelphia, PA in 1821, but spent much of his later years in Delaware, where he died in 1888. In fact, for the last 29 years of Darling's life he lived in my hometown of Claymont, DE, where he produced many of his most famous and renowned drawings. As a Delawarean, and a resident of Claymont, Felix Darley has special significance for me. But he also has a special significance for the entire Nation.

Mr. Darley has been described as ''one of the most famous illustrators of his time'' and ''the first major American illustrator.'' His works have even been said to have forged our very national identity. Felix Darley was the illustrator of books produced by the legendary writers of his time, including such masterful storytellers and poets as Charles Dickens, Henry Wadsworth Longfellow, Edgar Allan Poe, Washington Irving, Nathaniel Hawthorne, and James Fenimore Cooper. Moreover, he is credited with helping to capture the image of the American frontier, which has become such an integral image of our collective imagination and consciousness. As a testament to his greatness, he was inducted into the Society of Illustrators Hall of Fame last year.

Through his works, Felix Darley commemorated and captured our history and the creative achievements of some of our greatest writers. It is time we commemorate his life and his works for posterity by honoring him with a memorial postage stamp. I urge all of my colleagues to join me in sponsoring this resolution which calls on the Citizens' Stamp Advisory Committee to recommend such a stamp. It is a small, but needed step to recognize an American artist who gave us so much.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2943. Mr. LEVIN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2944. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2945. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2946. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2947. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2948. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2949. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2950. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2951. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2952. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2953. Mr. REID (for himself, Mr. SCHUMER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2955. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2956. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2957. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2958. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2959. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2960. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2961. Mr. SPECTER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2962. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2963. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2943. Mr. LEVIN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

Notwithstanding the preceding provisions of this subsection, a State that had a State law in effect before the date of enactment of this Act that provides for a provisional balloting process shall be deemed to meet the requirements of this subsection as long as such State law is in effect so long as such process includes the following components:

(1) Verification of the registration, identity, and residence of the individual seeking to cast a provisional ballot.

(2) An affidavit executed by the individual seeking to cast a provisional ballot in the precinct asserting that he or she is a registered voter of the jurisdiction and eligible to vote in the election.

(3) Procedures by which the ballot that is tabulated on election day may be retrievable after the election should there be an issue over the individual's eligibility to have voted in the election.

SA 2944. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

On page 68, between lines 2 and 3, insert the following:

SEC. ___. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; ADMINISTRATION OF OVERSEAS VOTING BY A SINGLE STATE OFFICE.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279).

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) ADMINISTRATION OF OVERSEAS VOTING BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

(2) by adding at the end the following new subsection:

''(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—

''(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

''(2) USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—The State office designated under paragraph (1) shall be responsible for carrying out the State's duties under this Act that relate to the distribution of information and ballots (but not for carrying out any duties relating to the receipt or counting of ballots), including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of including the duties relating to the receipt and counting of ballots described in section 102(b) of such Act (as added by subsection (b)) in the duties of the State office designated under paragraph (1) of such section (as so added).

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted

under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. ___. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 402, is amended by adding at the end the following new subsection:

''(d) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

SEC. ___. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SA 2945. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, between lines 16 and 17, insert the following:

Subtitle B—Election Administration Advisory Board

SEC. 311. ESTABLISHMENT OF THE ELECTION ADMINISTRATION ADVISORY BOARD.

There is established the Election Administration Advisory Board (in this title referred to as the ''Board'').

SEC. 312. MEMBERSHIP OF THE BOARD.

(a) NUMBER AND APPOINTMENT.—The Board shall be composed of 24 members appointed by the Election Administration Commission established under section 201 (in this title referred to as the ''Commission'') as follows:

(1) 12 members appointed by the chairperson of the Commission.

(2) 12 members appointed by the vice chairperson of the Commission.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall have experience administering State and local elections.

(2) PROHIBITION.—A member of the Board appointed under paragraph (1) may not be a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), or hold a Federal office (as defined in such section) while serving as a member of the Board.

(3) FEDERAL OFFICERS AND EMPLOYEES.—No member of the Board may be an officer or employee of the Federal Government.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Board under subsection (a) shall be made not later than 90 days after the date on which all the members of the Commission have been appointed under section 202.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a period of 2 years, except that of the members first appointed, 6 members appointed by the chairperson of the Commission shall be appointed for a term of 3 years and 6 members appointed by the vice chairperson of the Commission shall be appointed for a term of 3 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy on the Board occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(3) EXPIRATION OF TERMS.—A member of the Board may serve on the Board after the expiration of the member's term until the successor of such member has taken office as a member of the Board.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a chairperson and vice chairperson from among its members to serve a term of 1 year.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. 313. DUTY OF THE BOARD.

It shall be the duty of the Board to advise the Commission on the following matters:

(1) The revision and adoption of general policies and procedures under subparagraph (A) and clauses (ii) and (iii) of subparagraph (B) of section 305(b)(2).

(2) The revision of voting system standards under section 101(c)(2).

(3) Upon the request of the Commission, other matters relating to the administration of elections.

SEC. 314. MEETINGS OF THE BOARD.

(a) IN GENERAL.—The Board shall meet at the call of the chairperson.

(b) ANNUAL MEETING REQUIRED.—The Board shall meet not less often than annually.

(c) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 315. VOTING.

Each action of the Board shall be approved by a majority vote of the members of the Board. Each member of the Board shall have 1 vote.

SEC. 316. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Board shall serve without compensation, notwithstanding section 1342 of title 31, United States Code.

(b) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 317. TERMINATION OF THE BOARD.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

SA 2946. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program

under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . RETROACTIVE PAYMENTS FOR CERTAIN DRE VOTING SYSTEMS.

In addition to any other payment made under section 206 or 215, the Attorney General may make retroactive payments under such section (as appropriate) to any State or locality having an application approved under section 203 or 213 (as appropriate) for any costs incurred by such State or locality for the purpose of acquiring a direct recording electronic voting system during calendar year 2000 if that State or locality is continuing to make payments for such system as of the date of enactment of this Act.

SA 2947. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 19, add the following:

SEC. 403. SEVERABILITY OF PROVISIONS.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SA 2948. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—

(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a populations in excess of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the areas involved, or the office of each chief election official with jurisdiction over the areas involved, and that are available to such individuals during the entire period in which absentee ballots for the election involved are permitted to be submitted, at least 30 days in advance of the election and up through the day of the election; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

SA 2949. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. NATIONAL DEMONSTRATION PROGRAM IN EXPERIENCE-BASED CIVIC EDUCATION.

(a) GENERAL AUTHORITY.—The Attorney General is authorized to award a grant or contract to The Citizenship Trust and its American Village for the operation of a national educational demonstration and resource program in experience-based civic education that works to promote citizenship and voter participation.

(b) EDUCATIONAL ACTIVITIES AND PROGRAM CONTENT.—The grant or contract awarded under subsection (a) shall include provisions to—

(1) support, enhance, and expand the 'Securing the Blessings of Liberty' experienced-based civic education program administered by The Citizenship Trust and its American Village national civic education center;

(2) foster increased student learning of challenging and critical content in civics, government, and American history through comprehensive programs, projects, and activities which directly involve students as active participants in simulations, reenactments of historical and contemporary civic events, dramatizations, debates, proceedings, and other programs which illustrate and model important responsibilities of citizens; and

(3) demonstrate ways in which comprehensive experienced-based civic education programs can be implemented by States, school districts, public and private schools, classrooms, and other non-profit entities by developing and making available programs, training, seminars, projects, materials, media, resources and other services.

The content focus of activities under paragraph (2) shall be on the basic principles of the Constitution, the Bill of Rights, key founding documents and events in the history of the United States, and the important role of individual citizens in the founding and sustaining of the American system of liberty and self-government.

(c) AVAILABILITY AND EMPHASIS.—The program and activities carried out under this section shall be available as a national demonstration and resource project to serve public and private elementary and secondary schools throughout the United States. The emphasis of such activities shall be on the experiential component of civic education through a cooperative effort with other civic education programs. Such activities shall model and demonstrate ways in which experience-based civic education can enhance student knowledge and skills in critical areas of civics and government.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $650,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

SA 2950. Mr. MCCONNEL submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON RECEIPT OF FUNDS.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title

unless that State or locality elects to apply for a grant under title II and has received funding under that title for the purpose of meeting such requirement.

SA 2951. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 19 and 20, and insert the following:

''(a) IN GENERAL.—Nothing in this Act may be construed to authorize''.

SA 2952. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

SA 2953. Mr. REID (for himself, Mr. SCHUMER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

(4) RELATIONSHIP TO OTHER LAWS.—Notwithstanding section 402(a), nothing in this Act may be construed to authorize or require conduct prohibited under any of the laws described in such section, or supersede, restrict, or limit any of the laws described in such section.

SA 2954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . PURGING OF VOTER REGISTRATION LISTS.

Not less than once every 2 years, each jurisdiction shall tally the number of registered voters in that jurisdiction and compare that number with the number of citizens of voting age in that jurisdiction, as determined by the U.S. Census Bureau. If the number of registered voters exceeds the number of citizens of voting age in that jurisdiction, the jurisdiction shall provide notice as described in section 8(d)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)(2)) to each citizen of voting age in that jurisdiction and shall remove the name of each citizen from the official list of eligible voters if that citizen does not return the card provided as part of such notice and has not voted in the election for Federal office immediately preceding, and

the election for Federal office immediately following, the date on which such notice was provided.

SA 2955. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administrative requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, between lines 6 and 7, insert the following:

(6) FREE VOTER IDENTIFICATION CARDS.—A State or locality shall not meet the requirements of this subsection unless the State or locality issues, upon request, to any registered voter who lacks appropriate documentation a voter identification card that contains the name, address, and photo of the voter and that is valid only for purposes of the requirements of this subsection. A State or locality may not charge any fee for the issuance of the voter identification card.

SA 2956. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, between lines 2 and 3, insert the following:

(b) RECENTLY REGISTERED VOTERS.—Any individual who registers to vote in an election for Federal office on or after the date that is 21 days before the date of the election may only vote in that election by casting a provisional ballot under subsection (a).

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

SA 2957. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

(a) IN GENERAL.—Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the day after the date of enactment of this Act.

SA 2958. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike lines 17 through 19, and insert the following:

(B) The individual has not previously voted in an election for Federal office in the State.

SA 2959. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 19 through 23, and insert the following:

(2) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(A) Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004; and

(B) The provisions of section (b) shall apply to any individual who registers to vote on or after the first day after the date on which voters must be registered under the law of that State in order to be eligible to vote in the election for Federal office to be held in 2002.

SA 2960. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 19, insert the following:

Subtitle D—Federal Election Antifraud Pilot Program

SEC. 231. ESTABLISHMENT OF THE FEDERAL ELECTION ANTIFRAUD PILOT PROGRAM.

There is established a Federal Election Antifraud Pilot Program under which the Attorney General is authorized to make grants to States and localities to pay the costs of the activities described in section 234.

SEC. 232. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.—A State or locality that desires to do so may submit an application under this section as part of any application submitted under section 212(a).

(d) SAFE HARBOR.—No action may be brought against a State or locality on the basis of any information contained in the application submitted under subsection (a).

SEC. 233. APPROVAL OF APPLICATIONS.

The Attorney General shall establish general policies and criteria for the approval of applications submitted under section 232(a).

SEC. 234. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle—

(1) for the purchase, lease, installation, use, and operation of video cameras or other surveillance equipment at registration and polling sites in order to monitor compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973a et seq.) and other Federal and State voting rights laws;

(2) for the costs of employing law enforcement officers at registration and polling sites in order to monitor compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973a et seq.) and other Federal and State voting rights laws. Such law enforcement officers working at registration and polling sites shall be readily identifiable to the public so that the law enforcement officer can be easily recognized and located in the event that a voter desires to complain that their voting rights have been or are being violated; and

(3) for the costs of implementing a photographic or biometric identification program for all registered voters in the State.

SEC. 235. PAYMENTS.

The Attorney General shall pay to each State or locality having an application approved under section 233 the costs of the activities described in that application.

SEC. 236. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

SEC. 237. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 238. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for fiscal year 2003 to carry out the provisions of this subtitle.

SEC. 239. EFFECTIVE DATE.

The Access Board shall establish the general policies and criteria for the approval of applications under section 233 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

SA 2961. Mr. SPECTER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. STUDY AND REPORT ON SECURING THE VOTING RIGHTS OF INDIVIDUALS WHO HAVE SERVED THEIR SENTENCES.

(a) STUDY.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission'') shall conduct a study on the feasibility and advisability of prohibiting States from restricting the right of an individual who is a citizen of the United States to vote in any election for Federal office because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(A) is serving a felony sentence in a correctional institution or facility; or

(B) is on parole or probation for a felony offense.

(2) ISSUES STUDIED.—In conducting the study under paragraph (1) the Commission shall determine—

(A) whether the application of State laws that determine the qualifications for voting in Federal elections result in unfair discrepancies regarding which citizens may vote in Federal elections;

(B) the number of individuals in the United States that cannot vote in elections for Federal office as a result of a felony conviction;

(C) whether State disenfranchisement laws disproportionately impact ethnic minorities;

(D) the number of States that disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense;

(E) whether the nature and seriousness of the offense should be considered in determining whether voting rights may be restored to an ex-offender; and

(F) the number of individuals who have regained the right to vote after losing that right as the result of a felony conviction and the feasibility and costs of regaining the right to vote through a pardon process on the State or Federal level.

(b) REPORT.—Not later than the date that is 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

SA 2962. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . CONSTRUCTION REGARDING STATE REQUIREMENT OF PROOF OF CITIZENSHIP FOR VOTER REGISTRATION.

Notwithstanding any other provision of law, nothing in this Act shall be construed to prohibit a State from requiring an individual to provide proof of the citizenship of that individual before permitting that individual to register to vote in an election for Federal office.

SA 2963. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated pursuant to the authorization contained in section 209.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Dr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 9:30 a.m., in open session to receive testimony on the future of the North Atlantic Treaty Organization (NATO).

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. 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 Thursday, February 28, 2002, at 10 a.m. to conduct an oversight hearing on

''Issues Regarding the Sending of Remittances.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 28, 2002, at 9:30 a.m. on protecting content in a digital age-promoting broadband and the digital television transition, in room SR–253.

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, Subcommittee on Fisheries, Wildlife and Water be authorized to meet on Thursday, February 28, 2002, at 2:30 p.m. to conduct a hearing that will focus on S. 1961, the Water Investment Act, a bill to improve the financial and environmental sustainability of the water programs of the United States.

The committee will also receive testimony on the following legislation:

S. 252: A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 285: A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

S 503: A bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 1044: A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

The hearing will be held in room SD–406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 2:45 p.m. to hold a nomination hearing.

Agenda

Nominees: Mrs. Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator (Economic Growth, Agriculture, and Trade) of the United States Agency for International Development (New Position); and Robert B. Holland, III, of Texas, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

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 Government Affairs be authorized to meet on Thursday, February 28, 2002, at 2:30 p.m. to consider the nomination of Louis Kincannon to be Director of the Census.

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, Subcommittee on Public Health, be authorized to meet for a hearing on ''Making Sense of the Mammography Controversy: What Women Need to Know'' during the session of the Senate on Thursday, February 28, 2002, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on ''The Unaccompanied Alien Child Protection Act'' on Thursday, February 28, 2002, at 2:30 p.m. in Dirksen Room 226.

Witness List

Panel I: Michael Creppy, Chief Immigration Judge, Executive Office of Immigration Review, Falls Church, VA; and Stuart Anderson, Executive Associate Commissioner, U.S. Immigration and Naturalization Service, Washington, DC.

Panel II: Edwin Munoz, Grand Rapids, MI; Wendy Young, Director of Government Relations and U.S. Programs, Women's Commission on Refugee Women & Children, Falls Church, VA; Andrew Morton, Attorney, Latham & Watkins, Washington, DC; and Julianne Duncan, Director of Children's Services, United States Conference on Catholic Bishops, Washington, DC.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 2:30 p.m. to conduct an oversight hearing on ''Argentina's Economic Crisis.''

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Armed Services Committee be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 2:30 p.m., in open session to receive testimony on Department of Defense installation and environmental programs, in review of the defense authorization request for fiscal year 2003.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Michael Misterek, an intern in our office, be allowed to be on the floor during deliberations today.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that Gabriel Adler be granted the privilege of the floor for the duration of my remarks on trade.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the Senator from Nevada, Mr. REID, to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Mississippi, Mr. LOTT.

SENATE YOUTH PROGRAM

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 208, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 208) commending students who participated in the United States Senate Youth Program between 1962 and 2002.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements regarding thereto be printed in the RECORD.

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

The resolution (S. Res. 208) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 208

Whereas the students who have participated in the United States Senate Youth Program (referred to in this resolution as the ''Senate Youth Program'') over the past 40 years were chosen for their exceptional merit and interest in the political process;

Whereas the students demonstrated outstanding leadership abilities and a strong commitment to community service and have ranked academically in the top 1 percent of their States;

Whereas the Senate Youth Program alumni have continued to achieve unparalleled

success in their education and careers and have demonstrated a strong commitment to public service on the local, State, national, and global levels;

Whereas the Senate Youth Program alumni have reflected excellent qualities of citizenship and have contributed to the Nation's constitutional democracy, be it in either professional or volunteer capacities, and have made an indelible impression on their communities;

Whereas the chief State school officers, on behalf of the State Departments of Education, have selected outstanding participants for the Senate Youth Program;

Whereas the Department of Defense, Department of State, and other Federal Departments, as well as Congress, have offered support and provided top level speakers who have inspired and educated the students of the Senate Youth Program; and

Whereas the directors of the William Randolph Hearst Foundation have continually made the Senate Youth Program available for outstanding young students and exposed them to the varied aspects of public service: Now, therefore, be it

Resolved, That the Senate congratulates, honors, and pays tribute to the more than 4,000 exemplary students who have been selected, on their merit, to participate in the United States Senate Youth Program between 1962 and 2002.

ORDERS FOR FRIDAY, MARCH 1, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Friday, March 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the election reform bill, with the time until 9:45 a.m. equally divided between Senators DODD and MCCONNELL or their designees; further, that the Senate vote on cloture at 9:45 a.m., and that Senators have until 9:30 a.m. tomorrow to file second-degree amendments.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate—and I believe there is none—I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Friday, March 1, 2002, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WESLEY J. ASHABRANNER, 0000
STEPHEN L. CARPENTER, 0000
JIM C. CHOW, 0000
BRUCE R. GUERDAN, 0000
DAVID D. HAMLAR JR., 0000
JOHN K. HAYES JR., 0000
GEORGE IVANOVSKIS, 0000
KENNETH L. KAYLOR, 0000
DENNIS P. LAWLOR, 0000
JOSEPH K. MARTIN JR., 0000
WALLACE D. MAYS, 0000
VABIAN L. PADEN, 0000
MICHAEL R. SCHOENHALS, 0000
DAVID L. WALTON, 0000

NATIONAL LABOR RELATIONS BOARD

RENE ACOSTA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 2003, VICE WILLIAM B. COWEN, WHO WAS APPOINTED TO THIS POSITION DURING THE RECESS OF THE SENATE FROM DECEMBER 20, 2001, TO JANUARY 23, 2002.

THE JUDICIARY

CHRISTOPHER C. CONNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE SYLVIA H. RAMBO, RETIRED.

JOHN E. JONES III, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE JAMES F. MCCLURE, JR., RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

MICHAEL HAJATIAN JR., 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

CATHERINE S. LUTZ, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

KAREN L. WOLF, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

ALBERT G. BALTZ, 0000
DONALD E. COOPER, 0000
DUANE KELLOGG JR., 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To Be Colonel

JAMES C. DEMERS, 0000
CLINTON C. HICKS, 0000
JAY R. HONE, 0000
MARY V. JOHNSON, 0000
CARLOS E. RODRIGUEZ, 0000