United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, FRIDAY, SEPTEMBER 20, 2002 No. 120

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 23, 2002, at 2 p.m.

Senate

FRIDAY, SEPTEMBER 20, 2002

The Senate met at 10 a.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

PRAYER

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

Almighty God, we claim Your promise: ''I will not forget you. See, I have inscribed you on the palms of my hands.'' So with confidence we pray the ancient Hebrew childhood prayer from the 31st Psalm: ''Father, into Your hands I commit my spirit.'' As we pray that prayer, we get ourselves off our own hands and into Your strong, competent hands. We take each of the fears in our jumbled mass of worries and concerns and commit them to You. You have promised to keep us in perfect peace, if we allow You to keep our minds stayed on You. Interrupt us when we get too busy and remind us that we are here to serve You. When we forget You, remind us that You never forget or forsake us. May that awesome assurance steady our course and fill our sails with the wind of Your power. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARPER thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, at 10:30 we will vote on the nomination of Reena Raggi to be a United States Circuit Judge for the Second Circuit. Following that vote, the Senate will be in a period of morning business until noon. We are expecting to go out of session shortly thereafter.

This is in preparation for next week which will be a very busy week. Everyone should understand that. Next week could be a very big week. We are going to do everything we can to complete work on the homeland security bill. I have tried previously, in the form of unanimous consent, and have been unsuccessful, but we really need to move off the Interior appropriations bill. It is obvious, because of the forest feud that is in that legislation, that that bill is not going to go forward. We should not be wasting the morning standing around here doing nothing.

I hope the minority will allow us, by consent, to spend all day each day next week on the homeland security bill so we can finish that bill. The two or three big amendments on that legislation have not yet been offered. We expect that to happen early next week. Later today, we will reoffer the unanimous consent request that we temporarily set aside the Interior bill and move on to the homeland security bill on a full-time basis. That would be the thing to do.

I have said before—and I really believe this to be the case; I sadly say this—that the minority is working toward our accomplishing nothing. They simply don't want us to complete the other appropriation bills. We have asked to be able to move off Interior and to go to another appropriations bill. They won't let us do that. They said there would be no more two-tracking of legislation, which is fine. But at

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

Printed on recycled paper.

least they should let us move off Interior so we can have full days on homeland security.

The President says he wants this legislation. His wants cannot be accomplished unless we are able to legislate on a full-time basis on it. Once we get started on something, we are back on Interior doing nothing. It takes time to get revved up again on homeland security. I hope that can be accomplished today, that we can get off Interior.

It seems quite clear that the efforts to arrive at a compromise have failed. People have tried hard, and certainly no one is to be faulted, but sometimes we have issues that are irreconcilable. In the Senate, simple majorities don't solve problems that are irreconcilable; it takes 60 votes. The proposition that the majority has offered can't get 60 votes. The proposition of the minority can't get 60 votes. It would be in the best interest of the country that we move off that legislation. Maybe later someone will come up with some kind of a brainstorm to figure some way out of it, but at this stage we have not been able to.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the vote begin 2 or 3 minutes early, and the leader asked me to announce this will be the last vote today.

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

EXECUTIVE SESSION

NOMINATION OF REENA RAGGI TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:29 a.m. having arrived, the Senate will proceed to executive session and consider Executive Calendar No. 1006, which the clerk will report.

The assistant legislative clerk read the nomination of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. LEAHY. Madam President, today the Senate will confirm the nomination of Judge Reena Raggi to the United States Court of Appeals for the Second Circuit. This is the 14th circuit court nominee to be considered by the Senate since the change in Senate majority and reorganization of the Judiciary Committee 14 months ago. That is an average of one Court of Appeals judge a month since the Democratic majority has been in place. This pace is almost double that maintained by the Republicans during their 6½ years of control of the Senate. This is also the 78th judicial nominee we have confirmed in the past 14 months.

In contrast, our Republican predecessors voted on only 46 of President Clinton's more moderate Court of Appeals nominations in their 76 months of control for an average of closer to one circuit court confirmation every other month. In fact, during the entire 1996 session the Senate Republicans stalled all Court of Appeals nominees and not a single one was confirmed. Court of Appeals vacancies went from 16, when the Republicans took over in January 1995, to 33 by the time they finally relinquished control last summer and allowed the Judiciary Committee to reorganize. During the Republican stall on judicial confirmations, vacancies more than doubled on the Courts of Appeals. However, since last summer, the Democratic majority has exceeded the rate of attrition and confirmed 14 circuit court judges, in addition to 64 district court judges. Even with extraordinary attrition of 10 new circuit vacancies during this period, we have lowered the number of Court of Appeals vacancies from the 41 it would have been if Democrats were blocking judges as Republicans falsely claim, to 27.

There are now fewer circuit court vacancies than when the 107th Congress began. Republicans confirmed no circuit court nominees or any judicial nominees during their 6 months of control last year. They could have confirmed some of the nine circuit judges re-nominated by President Clinton, if they were truly concerned about the circuit court vacancy level. They could have done that to demonstrate some commitment to fairness and the bipartisanship they claim. But they did not. The President could have urged that those circuit court nominees be confirmed to demonstrate true bipartisanship and to address the injustices of the stalling tactics of the members of his party in the Senate. He did not. Instead, he withdrew all those circuit court nominees last spring then later renominated only one of them, occasioning more needless delay.

I would like to reflect on what could have been, but for the purposeful obstruction by Republican Senators of the confirmation of more than a score of President Clinton's circuit court nominees. If Republicans had not blocked the confirmation of almost two dozen, 22, circuit court nominees, and many more district court nominees, Democrats on the Judiciary Committee would have begun with 11 circuit court vacancies, instead of the 33 we inherited. With the 10 new circuit court vacancies that arose over these past 14 months, there would have been a total of 24 circuit court vacancies for this President to fill. Given the Democratic pace of considering circuit court nominees, even without any significant cooperation or consultation from the White House, our circuit courts would today be left with only 10 vacancies. That is what might have been, but for the determined, strategic blocking of so many circuit court nominees during the 6½ years of Republican control of the Senate. Instead, after 14 circuit confirmations, there remain 27 circuit court vacancies—still fewer than at the start of this Congress but far from where we could have been.

The Judiciary Committee has already voted on 83 of this President's judicial nominees, including 17 nominees to the Courts of Appeal. Two additional circuit court nominees have had hearings and another is scheduled for a hearing this coming week. The Senate Judiciary Committee has already voted on more circuit and district court nominees than in any of the previous 6½ years of Republican control. In fact, Democrats have given votes to more judicial nominees and, in particular, to more nominees to the Courts of Appeals, than in 1996 and 1997 combined, and than in the last 30 months of the Republican majority control in 1999, 2000 and early 2001.

Judge Raggi was appointed to the Federal trial court in 1987 by President Ronald Reagan. She has a solid record of accomplishment in both the private and public sectors. She received the strong support of her two Democratic Senators, CHUCK SCHUMER and HILLARY RODHAM CLINTON, and of the New York legal community. Even though Judge Raggi is a conservative Republican, we have every reason to believe that she will serve with distinction on the Second Circuit as a fair and impartial judge.

Her record is in sharp contrast to the record of the other circuit court nominee that the Judiciary Committee considered on the very same day: Justice Priscilla Owen, a nominee whose record was too extreme even for the very conservative Texas Supreme Court. Justice Owen's written opinions demonstrated her willingness to substitute her policy preferences for those of the Texas legislature and her determination to distort precedent. Even her fellow judges criticized her approach.

The administration's claim that Democrat's have created a glass ceiling for female judicial nominees is patently ridiculous. It is unfortunate that just 21 percent of President George W. Bush's judicial nominees are women, in contrast to 30 percent of President Clinton's judicial nominees. The percentage of women nominated by this President has been cut by almost a third compared with the prior administration. In fact, so far, President

George W. Bush is appointing almost the same proportion of women to the Federal bench as his father, despite the passage of more than a decade since then in which the number of women practicing law and with judicial experience has increased exponentially.

With today's vote, the Democratic-led Senate has already confirmed 17 female judicial nominees of this President, including four to the Courts of Appeal Judge Edith Brown Clement to the Fifth Circuit, the first nominee to be confirmed to that court in more than 6 years; Judge Julia Smith Gibbons to the Sixth Circuit, the first nominee to be confirmed to that court in more than 5 years; Judge Sharon Prost to the Federal Circuit; and now Judge Reena Raggi to the Second Circuit. In all, Democrats have held hearings for 19 of the women nominated to the Federal bench by this President, and 18 of them have been voted on by the Judiciary Committee. A few of the remaining female nominees lack home-State consent, and some were nominated only recently and so lack completed paperwork. This Democratic-led Senate has regularly scheduled hearings and votes, unlike during the prior 6½ years of Republican control when so many women and minorities nominated to the Federal bench were never accorded hearings or votes.

Today's vote serves as another example of the Democrats ' proven record of action and fairness on this President's judicial nominees. Judge Raggi is a conservative Republican. I voted for her confirmation in committee and vote to confirm her today, based on her overall record, her testimony before the committee and the bipartisan support she has received. Far from payback for Republican actions in the recent past, today's Democratic-led Senate's action is being taken notwithstanding those wrongs and to help fill vacancies that Republican obstruction helped create.

Despite the right-wing and partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to provide judicial resources to the Federal courts. We would be even farther along if so many circuit court nominees of the prior administration had not been purposely blocked and defeated, and if we received more timely reviews from the ABA, and received the nominations of more moderate, mainstream judicial nominees.

Mr. HATCH. Madam President, I am very pleased that the Senate has taken up the nomination of Judge Reena Raggi to the Second Circuit Court of Appeals. She is a truly exceptional nominee with wide and well deserved bipartisan support.

We first became aware of Judge Raggi's outstanding credentials fifteen years ago, when the Senate confirmed to her nomination as a district judge for the Eastern District of New York. She received her Bachelor of Arts degree from Wellesley College and went on to graduate cum laude from Harvard Law School. She clerked for Judge Thomas E. Fairchild, then Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, before working as an associate at the law firm of Cahill, Gordon & Reindel.

She then entered public service in Brooklyn, New York as an Assistant U.S. Attorney for the Eastern District of New York. She quickly rose through the ranks of the U.S. Attorney's Office, first to become head of the Narcotics Unit, then Chief of Special Prosecutions, which is in charge of prosecuting public corruption. In 1986, the Eastern District Board of Judges appointed here interim United States Attorney pending the Senate confirmation of a presidential nominee. A year later, Judge Raggi was nominated and confirmed as a district court judge.

That was 15 years ago. Today, I am proud to say that Judge Raggi has continued to serve as a jurist of the highest level of excellence. In fact, for the first 7 years of her tenure as a district judge, she was the least reversed judge in the Second Circuit.

Judge Raggi has presided over some of the most famous and infamous cases to be tried in New York's Federal court. Recently, she was the judge in the civil rights prosecution of former New York City police officer Charles Schwartz for the sexual battery of Abner Louima. We are all sadly familiar with the facts of Mr. Louima's case: While in police custody, officers savagely beat him in the bathroom of a New York City precinct house. This case was ramanded to Judge Raggi's court by the Second Circuit for retrial following the death of the original trial court judge. The retrial resulted in a perjury conviction against Mr. Schwartz.

Judge Raggi also presided over the trial of Thomas ''Tommy Karate'' Pitera, the first Federal death penalty case in New York in three decades.

Beginning in 1993, Judge Raggi presided over a series of cases stemming from the alien smuggling scandal of the ''Golden Venture,'' a freighter that ran aground in Rockaway, NY. Almost 300 illegal aliens transported in deplorable conditions had to swim for shore, and 10 of the passengers died escaping the ship. The judge in 1994 rejected plea bargains reached by the government with seven of the Golden Venture defendants, finding that sentences of between 12 to 30 months in prison did not ''adequately do justice'' because the terms did not reflect the seriousness of the crimes.

Judge Raggi also played a significant role in the war against terrorism. In 1998, she oversaw the trial of Palestinian terrorist Gazi Abu Mezer, who was convicted of plotting a subway bombing aimed at Jews. The judge sentenced Mr. Mezer to life in prison.

All of this hard work and dedication to the law is reflected in Judge Raggi's ABA rating of unanimously ''Well Qualified.'' This rating, of course, is the highest that the ABA awards. Her excellence has been reflected by the Second Circuit Court of Appeals' invitation to have her sit by designation on many of its panels.

Clearly, Judge Raggi represents the very best in our Nation's judges and will be an outstanding addition to the Second Circuit. I look forward to voting in favor of her nomination and hearing of her accomplishments in the future.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) and are necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas, (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 219 Ex.]

YEAS—85

Akaka	DeWine	Lieberman
Allard	Dodd	Lincoln
Allen	Domenici	Lott
Baucus	Dorgan	Lugar
Bayh	Durbin	McCain
Bennett	Edwards	McConnell
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murray
Breaux	Frist	Nelson (FL)
Brownback	Graham	Nelson (NE)
Bunning	Gramm	Nickles
Burns	Grassley	Reed
Byrd	Gregg	Reid
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carnahan	Hatch	Schumer
Carper	Hollings	Shelby
Chafee	Hutchinson	Smith (NH)
Cleland	Hutchison	Snowe
Clinton	Inhofe	Specter
Cochran	Inouye	Stabenow
Collins	Jeffords	Stevens
Conrad	Johnson	Thurmond
Corzine	Kohl	Voinovich
Craig	Kyl	Warner
Crapo	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NOT VOTING—15

Boxer	Kerry	Smith (OR)
Ensign	Murkowski	Thomas
Enzi	Roberts	Thompson
Helms	Sarbanes	Torricelli
Kennedy	Sessions	Wellstone

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

MORNING BUSINESS

The PRESIDING OFFICER (Mr. NELSON of Florida). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak for up to 10 minutes each, and with the time to be equally divided between the two leaders or their designees.

The Senator from New York.

THE ECONOMY AND UNEMPLOYMENT INSURANCE

Mrs. CLINTON. Mr. President, I rise today to talk about an issue of great concern to my constituents and, indeed, to our entire country—the state of our Nation's economy. We know our economy was already in recession on September 10 and it was devastated on September 11 by the horrific attacks we suffered, and it is stalled now. Too many Americans are out of work. Too many have seen their pension and retirement security disappear because of the illegal, unethical, and simply inexplicable behavior of corporate executives. Too many people who lost their jobs as a result of September 11 have not yet been able to find work.

Let me just mention one of the hundreds of thousands—millions of such people: A New Yorker by the name of Felix Batista. Mr. Batista had worked for years, 25 years I believe, as a member of the wait staff at the restaurant known as Windows On The World at the top of the World Trade Center. He has four children. He was on vacation on September 11 when 73 of his coworkers were murdered. He lost not only friends and colleagues, he lost his job, and he has been unemployed since that terrible day. He is a man who had a wonderful employment record who now spends his days looking for work. He exhausted his unemployment benefits almost 3 months ago. How is he going to support his four children? He is a victim of the terrorist attacks on New York and America, and he is not alone.

Like so many other New Yorkers and Americans, despite their steadfast efforts to find work, and their overwhelming desire to get back to work, they remain out of work, struggling to make ends meet. In New York, there are 135,000 New Yorkers who have exhausted their benefits. Across the country, the number of people who have been unemployed for 6 months or longer has almost doubled, from 800,000 to 1.5 million in the last year, and that number is expected to increase to more than 2 million by December.

What have we, the elected representatives of all the people, including the people who are unemployed, the people such as Felix who have lost their jobs—what have we done to respond? We have extended unemployment benefits once—but only once. Contrast that with the recession of the early 1990s when Congress extended temporary benefits five times. But this year, even in the wake of the combination of a slowdown in the economy and terrorism, we have only extended benefits once. Once is not enough. Congress must act to extend unemployment insurance and disaster unemployment assistance for an additional 13 weeks each.

With more people losing their benefits every day and being put into the terrible position in which Mr. Batista finds himself, these extensions should be passed before Congress adjourns.

The Wall Street Journal says our economy is in the midst of a ''jobless recovery.'' From what I hear, that phrase is only half true.

Across New York State, 553,000 New Yorkers are out of work, and the same story is true of company layoffs and plant closings in Niagara Falls, Rochester, and so many parts of New York.

Unfortunately, this is a story that is compounded by the corporate irresponsibility and illegality. They have added even more uncertainty to our economic condition. We not only are seeing plants closing and people losing their jobs because there is no business and there are no orders, but we are also in Rochester seeing 500 people out of work after Global Crossing filed for bankruptcy.

If there is any doubt that the economic situation is not producing jobs for people, take a look at this chart. It shows the number of jobs that are available compared with the number of people who are looking for work. As you can clearly see, during most of 2002, jobseekers far outnumbered job availability. In fact, in June, there were almost three jobseekers for every available job.

When President Bush took office in January 2001, there were approximately 1.5 jobseekers for every job. In just a short year and a half, we have gone from one job opening for every one and a half unemployed person to one job opening for nearly three unemployed persons.

But only looking at the statistics and the unemployment rate doesn't paint a complete picture. The constituents that I talk to in New York describe an endless, frustrating job search—that hopeless feeling that comes when you go out every day and read the want ads and follow up every single lead. These are people who are young and old and middle-aged. They are male, they are female, they are skilled and unskilled; they are white, they are black, and they are Latino. They are every kind of American. They want to work. But until this economy turns around, they need additional help.

The so-called jobless recovery has hit long-term unemployed workers particularly hard. The number of people who cannot find jobs for 6 months or longer has grown by almost 90 percent in the past year. In fact, the share of the unemployed today who have been without work for more than 26 weeks exceeds that of the recession of the early 1990s and the early 1980s.

According to a recent study, ''an increase in the long term unemployment of workers with significant workforce experience'' is particularly striking. But why should we be surprised? We have companies such as Enron, Global Crossing, WorldCom, and Tyco that are laying off, going into bankruptcy, and rendering unemployed highly skilled workers—people who got their education, went to college, and improved their skills. They were part of the new economy, and, all of a sudden, they find themselves on the unemployment lines.

What this means for real Americans is that people who are trying hard, who have played by the rules, who have been responsible, and, through no fault of their own—a corporate executive who commits illegalities, or a terrorist who destroys a building—are now unemployed.

The number of workers who have exhausted their benefits has doubled compared to 2 years ago. The number of workers who have exhausted their State benefits is 2.3 million, more than we had 10 years ago during the recession of the early 1990s.

As you can see from this chart, the number of workers exhausting their unemployment benefits without a job has risen steadily since last spring. If you are wondering what this means for individual States, I have information about every State in our country. This is not just a New York problem. This is a national problem. We may have the highest number of people who have exhausted their benefits, but, of course, you would expect that. We lost tens of thousands of jobs because of the attack and the collapse of the buildings. Because it was a crime scene, they couldn't reopen and get back into business.

Our unemployment rate in New York City is 8 percent—higher than the national average—unfortunately reflecting a condition that affects all Americans.

Back in the recession of the early 1990s when the first President Bush was in office, people who were unfortunate enough to lose their jobs got a compassionate response from the White House. The first President Bush said: You

know, I am going to be there to help you. And, working with the Congress, that is exactly what happened. We extended unemployment benefits five times.

Are the people today less deserving? Are the workers who lost their jobs because of corporate illegality, economic slowdown, or terrorist attacks somehow not worthy of our help? I don't think so. I certainly hope not.

As you can see from this chart, which has a lot of writing on it, basically the bottom line is that during the early stage of the recession in the 1990s, 35 States received 26 weeks of benefits, and 16 received 33 weeks. And it is so clear that today during our recession we only have 39 States getting 13 weeks of benefits and 12 receiving 26.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. CLINTON. I ask unanimous consent for another 5 minutes.

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

Mrs. CLINTON. This is not only a comparison—it should cause us to wonder what our national policy is—it is also a reflection of how we have no economic policy in America right now. We don't have an emphasis on creating jobs, prosperity, and economic opportunity.

Our leader, Senator DASCHLE, came to the floor earlier this week and, in a series of charts, made clear that we are not attending to America's business. We all know we have foreign policy challenges. I, for one, have supported our men and women in uniform and supported our need for homeland security. I will continue to do so because our threats are real, and we have to deal with them. But we are a great nation. We can do more than one thing at a time. We should be paying attention to our economy. We should be taking care of our unemployed workers. It is the right thing to do. I hope we will do it because it takes care of people.

Look at this next chart. Every dollar we spend on unemployment insurance adds $2.50 to our gross domestic product. It is a good investment. Why? Because when the unemployed get those benefits—when Mr. Batista and others like him finally get some help—what do they do? They go out and spend it. They have no other means. They have to buy food, they have to pay the rent, and they have to make a car payment. The money goes right into the economy, and it provides stimulus.

In contrast, President Bush's solution is to stimulate the economy for the wealthiest—keep giving them big tax cuts and hope that it trickles down to people such as Mr. Batista. That didn't work in the 1980s, it didn't work in the 1990s, and it will not work in the 21st century, either.

I believe the President is using the wrong approach. Our economy needs to help people. It needs to stimulate jobs. And we owe it to the unemployed such as Mr. Batista to act now.

Finally, obviously, I believe our economic policy during the 1990s worked for all Americans—the rich, middle income, and poor. It provided more than 22 million new jobs. We were on the right track in America when it came to the economy. For reasons that escape me, we threw all of that good work away, and now we are back into the deficits. We are not taking care of the unemployed. We are not creating jobs. And I don't think we have any plan to do so.

I earnestly request that our colleagues here take leadership and support our unemployed people. Do what was done in the 1990s, provide these benefits, stimulate the economy, and let us get back on the right track for America's future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for an additional 15 minutes over and above the order that has been entered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

IRAQ

Mr. BYRD. Mr. President, I call attention to an article in the Washington Post of September 15, Sunday, the final edition. I shall read excerpts therefrom. The headline: ''In Iraqi War Scenario, Oil Is Key Issue; U.S. Drillers Eye Huge Petroleum Pool.'' The article is by Dan Morgan and David B. Ottaway, Washington Post staff writers.

I will proceed now with reading the first three paragraphs:

> A U.S.-led ouster of Iraqi President Saddam Hussein would open a bonanza for American oil companies long banished from Iraq, scuttling oil deals between Baghdad and Russia, France and other countries, and reshuffling world petroleum markets, according to industry officials and leaders of the Iraqi opposition.
>
> Although senior Bush administration officials say they have not begun to focus on the issues involving oil and Iraq, American and foreign oil companies have already begun maneuvering for a stake in the country's huge proven reserves of 112 billion barrels of crude oil, the largest in the world outside Saudi Arabia.
>
> The importance of Iraq's oil has made it potentially one of the administration's biggest bargaining chips in negotiations to win backing from the U.N. Security Council and Western allies for President Bush's call for tough international action against Hussein. All five permanent members of the Security Council—the United States, Britain, France, Russian and China—have international oil companies with major stakes in a change of leadership in Baghdad.
>
> ''It's pretty straightforward,'' said former CIA director R. James Woolsey, who has been one of the leading advocates of forcing Hussein from power. ''France and Russia have oil companies and interests in Iraq. They should be told that if they are of assistance in moving Iraq toward decent government, we'll do the best we can to ensure that the new government and American companies work closely with them.'' But he added: ''If they throw in their lot with Saddam, it will be difficult to the point of impossible to persuade the new Iraqi government to work with them.''
>
> Indeed, the mere prospect of a new Iraqi government has fanned concerns by non-American oil companies that they will be excluded by the United States, which almost certainly would be the dominant foreign power in Iraq in the aftermath of Hussein's fall.

Are you listening? Out there in America, are you listening?

Let me say that again, with reference to former CIA Director R. James Woolsey:

> But he added: ''If they throw in their lot with Saddam, it will be difficult to the point of impossible to persuade the new Iraqi government to work with them.''
>
> Indeed, the mere prospect of a new Iraqi government has fanned concerns by non-American oil companies that they will be excluded by the United States—

Hear that—

> which almost certainly would be the dominant foreign power in Iraq in the aftermath of Hussein's fall.

Are we paying attention?

> Representatives of many foreign oil concerns have been meeting with leaders of the Iraqi opposition to make their case for a future stake and to sound them out about their intentions.
>
> Since the Persian Gulf War in 1991, companies from more than a dozen nations, including France, Russia, China, India, Italy, Vietnam and Algeria, have either reached or sought to reach agreements in principle to develop Iraqi oil fields, refurbish existing facilities or explore undeveloped tracts. Most of the deals are on hold until the lifting of U.N. sanctions.
>
> But Iraqi opposition officials made clear in interviews last week that they will not be bound by any of the deals.

It is a lengthy article, Mr. President. I ask unanimous consent that this article be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. BYRD. Now, Mr. President, let me call attention to an editorial in today's Charleston, WV, Gazette, titled, ''Bush, Cheney won't stop.''

And I read therefrom:

> Although Iraq agreed to readmit U.N. weapons inspectors, President Bush and Vice President Cheney still are clamoring for U.S. military action to topple dictator Saddam Hussein.
>
> The White House continues its mantra—

Now listen. This is the Charleston, WV, Gazette.

> The White House continues its mantra that war is necessary because Saddam is ''evil'' and he's secretly making weapons of mass destruction. But this justification may be a smoke screen.

Are you listening? Are you listening, the people out there throughout this great land? Are you listening?

> . . . this justification may be a smoke screen. Some observers say the administration's hidden motive is to gain control of Iraq's oil.
>
> In a front-page Sunday report subtitled ''U.S. Drillers Eye Huge Petroleum Pool,'' The Washington Post said America's oil industry—to which Bush and Cheney are closely tied—eagerly wants a ''regime change'' in

Iraq so U.S. firms can begin drilling into Iraq's vast, 112-billion-barrel reserve.

So the Charleston Gazette of today calls attention to the Washington Post article which I have already read and have included in the RECORD, the Washington Post article of last Sunday.

Continuing with the Gazette editorial:

The White House supports the London-based Iraqi National Congress, an umbrella organization of exiled Iraqi groups seeking to remove Saddam. INC [Iraqi National Congress] leader Ahmed Chalabi told the Post [the Washington Post] that, when a new regime is installed in Baghdad, ''American companies will have a big shot at Iraqi oil.''

The Washington [Post] quoted former CIA Director James Woolsey:—

And I have also referred to his remarks. But let me continue with the Charleston Gazette editorial:

Amazing!

In referring to what Mr. Woolsey was saying, the Gazette said:

Amazing. This implies that Bush's war urge isn't about ''evil'' or weapons. It's about oil.

''It's about oil.''

Atlanta Journal-Constitution columnist Cynthia Tucker said the White House war demands are ''tainted with the sickening smell of gasoline.''

Now, that was the Atlanta Journal-Constitution. That is a Georgia paper that is known and read nationwide and internationally.

Let me read what that column said again:

Atlanta Journal-Constitution columnist Cynthia Tucker said the White House war demands are ''tainted with the sickening smell of gasoline.''

Further reading from the Charleston Gazette of today:

''If the Bush administration invades Iraq,'' she wrote—

Atlanta Journal-Constitution columnist Cynthia Tucker—

''future scholars will look back on this period and name the period for what it was: the Petroleum Wars. . . . What but oil could possibly explain the Bush administration's stubborn insistence on attacking Saddam Hussein, who had no connection to the atrocities of Sept. 11?''

Senator Robert C. Byrd, D-W.Va., has taken the lead in questioning President Bush's warplans.

We hope that he and colleagues in Congress try to learn whether the White House war cry is designed to serve America's oil industry.

Mr. President, I ask unanimous consent that the Gazette editorial in its entirety be printed in the RECORD at the close of my remarks today.

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

(See exhibit 2.)

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may have an additional 10 minutes, if needed.

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

Mr. BYRD. Mr. President, before the Nation is committed to war, before we send our sons and daughters to battle in faraway lands, there are critical questions that must be asked, and it is not unpatriotic to ask questions.

To date, the answers from the administration have been less than satisfying. After weeks of criticism from Congress and, indeed, from the countries of the world, President Bush went to the United Nations to press his case that Iraq posed a serious threat to the peace and security of the globe. But instead of offering compelling evidence that the Iraqi regime had taken steps to advance its weapons program to the point that it is necessary for the United States to deliver an unprovoked attack on a sovereign state—namely, Iraq—the President offered the U.N. more of a warning than an appeal for support.

Instead of using the forum of the U.N. General Assembly to offer evidence and proof of his claims, the President basically told the nations of the world that ''you are either with me or against me.''

''Do not question this stand,'' the President said. If the U.N. is unwilling to act, then ''by heritage and by choice, the United States of America will make that stand.''

While Mr. Bush tried to play the role of an international prosecutor, his case was at best circumstantial. He did a fine job in laying out the facts with regard to the failure of the United Nations to uphold and take more compelling action in upholding its previous resolutions. He made a fine statement in that regard. He made it clear that the United Nations had not enforced its resolutions. Sixteen resolutions had been adopted by that agency.

But in the days that followed that address, the administration officials have attempted to provide some answers to the looming question. However, this week, when asked by the House Armed Services Committee members what was new, what was compelling to force the hand of this Nation against Saddam Hussein, Secretary of Defense Donald Rumsfeld offered nothing new. He pointed to the terrorist acts of September 11 as compelling reason, and he said:

The last thing we want is a smoking gun. A gun smokes after it has been fired. The goal must be to stop Saddam Hussein before he fires a weapon of mass destruction against our people.

Well, he said the same thing before the Senate Armed Services Committee on yesterday. He said: We are being asked what is new.

He said: What is new? September 11.

Well, September 11 is not all that new, Mr. President, September 11 was 365 plus 9 days, in other words, 374 days ago. That is not so new.

With reference to Mr. Rumsfeld's statement concerning a smoking gun, when he said, ''The last thing we want is a smoking gun. A gun smokes after it has been fired''—my concern, Mr. President, is that the United States, in forcing war in Iraq, will end up shooting itself in the foot. Unless proper care and deliberation precede any action, we must not be hell-bent on an invasion until we have exhausted every other possible option to assess and eliminate Iraq's supposed weapons of destruction program.

The United States must not act alone. The United States must have the support of the world.

Yesterday, the administration sent to Congress a draft resolution to authorize the use of American military might against Iraq. In that resolution, President Bush requests approval to ''use all means'' he determines to be appropriate. In other words, the President is saying: Authorize me, the President, authorize the President to ''use all means'' he, the President, determines to be appropriate.

Congress must not hand this administration or any other administration a blank check for military action, period. What Congress needs is solid evidence. What we need are answers. Does Saddam Hussein pose an imminent threat to the United States? Should the United States act alone as this administration has been threatening to do? Should Congress grant the President authority to launch a preemptive attack on Iraq? What would be the repercussions in the Middle East? What would be the repercussions around the globe?

How many civilians would die in Iraq? How many American men and women would be involved? Will even greater numbers of National Guardsmen and Reserves be called up to prepare for an invasion? And if they are, what will happen to the war on terrorism here at home? Will troops be shifted from other missions to support a war against Iraq?

We have 8,500 men and women in Afghanistan. We have forces in the Philippines, in Bosnia, in Kosovo and in many other places throughout the world. What are we going to do, pull all of them out of those faraway places and use them in an unprovoked attack on the sovereign state of Iraq?

How do we afford this war? The gulf war cost $61 billion. The gulf war of a decade ago cost $61 billion. Of that, other countries coughed up, in cash and in contributions in kind, $54 billion, leaving, I believe, roughly $7 billion, the cost to American taxpayers.

Now, what would it cost this time if other nations are not helping the United States to bear the financial burden? Bruce Lindsey, the President's economic adviser, says it might cost $100 billion or $200 billion. And then he said: $100 billion why, that is nothing. He is quoted in the press as saying: $100 billion? That is nothing. Yet, this administration won't get its feet out of the concrete and head out of the sand when it comes to raising the top line for Congress to be able to utilize in passing 13 appropriations bills and sending them to the President—not

willing to agree to $9 billion more than the President's foot-in-concrete figure of $759 billion.

Congress needs $768 billion. The House chairman, Mr. YOUNG, and this chairman in the Senate, and Senator TED STEVENS, ranking member on the Senate Appropriations Committee, have agreed, and others agreed—and this Senate has agreed—it should be $768 billion. There is a $9 billion gap between what the President says and what the Congress needs to meet the needs of the people. I am talking about veterans' care, education, homeland security, and so on, these are the needs.

Congress would require—and has already reported bills out of the Senate Appropriations Committee which assume the figure $768 billion. The President and his OMB Director say, no, $759 billion; that is all. So, here we are—stuck; 13 appropriations bills are stuck because of the administration's immovability in dealing with the needs of the American people here at home.

The Administration, says: No, we won't accept that. Hence, we have 13 appropriations bills stuck.

Lawrence Lindsey has reportedly said, with reference to a war against Iraq: ''Oh, that might cost $100 billion or $200 billion. $100 billion? Well, that is nothing.'' That is the attitude of this administration. That is the attitude of this administration.

Has the United States ruled out responding with nuclear weapons should Saddam Hussein use chemical or biological weapons against our soldiers? Does Saddam Hussein have the capability to unleash weapons of mass destruction within the United States? Does the United States have adequate military and intelligence resources to fight a war in Afghanistan and a war in Iraq while, at the same time, mobilizing resources to prevent or defend against attack within our own shores? What will happen to this war here at home?

What will happen to homeland security if the President unleashes an unprovoked attack on Iraq? Does anyone believe there would not be any repercussions here at home? We have terrorists within our midst in this country. They are all about us. The FBI arrested six in New York just recently. So the FBI is on the job. The FBI is working to defend this country. But what else might happen? Are we focused too greatly on fighting suspected terrorism overseas, while focusing too little on the threat of terrorism here at home? What is going to happen to the needs of this country—the monetary needs and the needs with respect to security of our nuclear plants? What is going to happen at our ports of entry and on our borders? What is going to happen within our midst if the President launches an unprovoked attack on Iraq?

These are questions—and there are many more questions—that will be asked. If it is unpatriotic to ask questions, then I am unpatriotic. Is it unpatriotic to ask questions, when this President is seeking powers that have never been given to any other President?

On September 19, yesterday, the President sent to Congress his suggested text for a resolution to authorize war with Iraq. The problems with this proposed resolution are numerous. When taken as a whole, this resolution would constitute the broadest possible grant of war powers to any President in the history of our Republic. The President has inherent powers under the Constitution to repel a sudden, unforeseen attack on this Nation—nobody argues with that—but he doesn't have inherent power under that Constitution to launch an unprovoked offensive military attack on another nation or state.

The resolution is an affront to the powers given by the Constitution to Congress on matters of war. The first 2 pages of the draft resolution have 16 ''whereas'' clauses that would serve to explain the intent of Congress—if the resolution were adopted as it is written—in passing the resolution for the use of force.

These clauses, as conceived by the White House, include numerous distortions of fact. For example, in the ninth ''whereas'' clause, it is asserted that the United States has the inherent right, as acknowledged in the U.N. Charter, to use force in order to defend itself, as if that is a justification for preemptive war. Let me read the relevant section of the U.N. Charter:

> Nothing in the present charter shall impair the inherent right of individual or collective self defense if an armed attack occurs against a member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.

That does not seem to justify a preemptive attack. In the 16th clause, it is asserted that:

> The President has the authority under the Constitution to use force in order to defend the national security interests of the United States.

At last, the administration has awakened to the fact that there is still a Constitution. That is the first time that I have ever read anything or heard anything from the administration that would invoke the Constitution in this matter. Let's see what they are saying.

In the 16th ''whereas'' clause it is asserted that:

> The President has the authority under the Constitution to use force in order to defend the national security interests of the United States.

Well, that is the broadest reading of the Commander in Chief clause I think I have ever seen. What about the power of the Congress under article I, section 8 of the Constitution to declare war? That is not mentioned at all in the resolution proposed by the White House.

Mr. President, the White House resolution would authorize the President to use all means that he determines—that he determines. What a colossus this President is going to become if the Senate gives him this kind of authority. The White House resolution would authorize the President to use all means that he determines appropriate.

What does that mean? What does ''appropriate'' mean here? It would authorize the President to use all means that he—I repeat, that he—determines appropriate, including forces, to restore international peace and security in the region.

Mr. President, that is not an authorization for war with Iraq only. That language would allow the President to march our troops into Iran, Syria, Lebanon, Yemen, the West Bank, and anywhere else that is part of the Middle East or where the United States has any security interest in the Middle East. I cannot believe the gall and the arrogance of the White House in requesting such a broad grant of war powers.

Mr. President, this is the worst kind of election year politics!

EXHIBIT 1

[From The Washington Post, Sept. 15, 2002]

IN IRAQI WAR SCENARIO, OIL IS KEY ISSUE; U.S. DRILLERS EYE HUGE PETROLEUM POOL

(By Dan Morgan and Davis B. Ottaway)

A U.S.-led ouster of Iraqi President Saddam Hussein could open a bonanza for American oil companies long banished from Iraq, scuttling oil deals between Baghdad and Russia, France and other countries, and reshuffling world petroleum markets, according to industry officials and leaders of the Iraqi opposition.

Although senior Bush administration officials say they have not begun to focus on the issues involving oil and Iraq, American and foreign oil companies have already begun maneuvering for a stake in the country's huge proven reserves of 112 billion barrels of crude oil, the largest in the world outside Saudi Arabia.

The importance of Iraq's oil had made it potentially one of the administration's biggest bargaining chips in negotiations to win backing from the U.N. Security Council and Western allies for President Bush's call for tough international action against Hussein. All five permanent members of the Security Council—the United States, Britain, France, Russia and China—have international oil companies with major stakes in a change of leadership in Baghdad.

''It's pretty straightforward,'' said former CIA director R. James Woolsey, who has been one of the leading advocates of forcing Hussein from power. ''France and Russia have oil companies and interests in Iraq. They should be told that if they are of assistance in moving Iraq toward decent government, we'll do the best we can to ensure that the new government and American companies work closely with them.'' But he added: ''If they throw in their lot with Saddam, it will be difficult to the point of impossible to persuade the new Iraqi government to work with them.''

Indeed, the mere prospect of a new Iraqi government has fanned concerns by non-American oil companies that they will be excluded by the United States, which almost certainly would be the dominant foreign power in Iraq in the aftermath of Hussein's fall. Representatives of many foreign oil concerns have been meeting with leaders of the Iraqi opposition to make their case for a future stake and to sound them out about their intentions

Since the Persian Gulf War in 1991, companies form more than a dozen nations, including France, Russia, China, India, Italy, Vietnam and Algeria, have either reached or sought to reach agreements in principle to develop Iraqi oil fields, refurbish existing facilities or explore undeveloped tracts. Most of the deals are on hold until the lifting of U.N. sanctions.

But Iraqi opposition officials made clear in interviews last week that they will not be bound by any of the deals.

''We will review all these agreements, definitely,'' said Faisal Qaragholi, a petroleum engineer who directs the London office of the Iraqi National Congress (INC), an umbrella organization of opposition groups that is backed by the United States. ''Our oil policies should be decided by a government in Iraq elected by the people.''

Ahmed Chalabi, the INC leader, went even further, saying he favored the creation of a U.S.-led consortium to develop Iraq's oil fields, which have deteriorated under more than a decade of sanctions. ''American companies will have a big shot at Iraqi oil,'' Chalabi said.

The INC, however, said it has not taken a formal position on the structure of Iraq's oil industry in event of a change of leadership.

While the Bush adminsitration's campaign against Hussein is presenting vast possibilities for multinational oil giants, it poses major risks and uncertainties for the global oil market, according to industry analysts.

Access to Iraqi oil and profits will depend on the nature and intentions of a new government. Whether Iraq remains a member of the Organization of Petroleum Exporting Countries, for example, or seeks an independent role, free of the OPEC cartel's quotas, will have an impact on oil prices and the flow of investments to competitors such as Russia, Venezuela and Angola.

While Russian oil companies such as Lukoil have a major financial interest in developing Iraqi fields, the low prices that could result from a flood of Iraqi oil into world markets could set back Russian government efforts to attract foreign investment in its untapped domestic fields. That is because low world oil prices could make costly ventures to unlock Siberia's oil treasures far less appealing.

Bush and Vice President Cheney have worked in the oil business and have longstanding ties to the industry. But despite the buzz about the future of Iraqi oil among oil companies, the administration, preoccupied with military planning and making the case about Hussein's potential threat, has yet to take up the issue in a substantive way, according to U.S. officials.

The Future of Iraq Group, a task force set up at the State Department, does not have oil on its list of issues, a department spokesman said last week. An official with the National Security Council declined to say whether oil had been discussed during consultations on Iraq that Bush has had over the past several weeks with Russian President Vladimir Putin and Western leaders.

On Friday, a State Department delegation concluded a three-day visit to Moscow in connection with Iraq. In early October, U.S. and Russian officials are to hold an energy summit in Houston, at which more than 100 Russian and American energy companies are expected.

Rep. Curt Weldon (R–Pa.) said Bush is keenly aware of Russia's economic interests in Iraq, stemming from a $7 billion to $8 billion debt that Iraq ran up with Moscow before the Gulf War. Weldon, who has cultivated close ties to Putin and Russian parliamentarians, said he believed the Russian leader will support U.S. action in Iraq if he can get private assurances from Bush that Russia ''will be made whole'' financially.

Officials of the Iraqi National Congress said last week that the INC's Washington director, Entifadh K. Qanbar, met with Russian Embassy officials here last month and urged Moscow to begin a dialogue with opponents of Hussein's government.

But even with such groundwork, the chances of a tidy transition in the oil sector appear highly problematic. Rival ethnic groups in Iraq's north are already squabbling over the the giant Kirkuk oil field, which Arabs, Kurds and minority Turkmen tribesmen are eyeing in the event of Hussein's fall.

Although the volumes have dwindled in recent months, the United States was importing nearly 1 million barrels of Iraqi oil a day at the start of the year. Even so, American oil companies have been banished from direct involvement in Iraq since the late 1980s, when relations soured between Washington and Baghdad.

Hussein in the 1990s turned to non-American companies to repair fields damaged in the Gulf War and Iraq's earlier war against Iran, and to tap undeveloped reserves, but U.S. government studies say the results have been disappointing.

While Russia's Lukoil negotiated a $4 billion deal in 1997 to develop the 15-billion-barrel West Qurna field in southern Iraq, Lukoil had not commenced work because of U.N sanctions. Iraq has threatened to void the agreement unless work began immediately.

Last October, the Russian oil services company Slavneft reportedly signed a $52 million service contract to drill at the Tuba field, also in southern Iraq. A proposed $40 billion Iraqi-Russian economic agreement also reportedly includes opportunities for Russian companies to explore for oil in Iraq's western desert.

The French company Total Fina Elf has negotiated for rights to develop the huge Majnoon field, near the Iranian border, which may contain up to 30 billion barrels of oil. But in July 2001, Iraq announced it would no longer give French firms priority in the award of such contracts because of its decision to abide by the sanctions.

Officials of several major firms said they were taking care to avoiding playing any role in the debate in Washington over how to proceed on Iraq. ''There's no real upside for American oil companies to take a very aggressive stance at this stage. There'll be plenty of time in the future,'' said James Lucier, an oil analyst with Prudential Securities.

But with the end of sanctions that likely would come with Hussein's ouster, companies such as ExxonMobil and ChevronTexaco would almost assuredly play a role, industry officials said. ''There's not an oil company out there that wouldn't be interested in Iraq,'' one analyst said.

Staff writer Ken Bredemeier contributed to this report.

EXHIBIT 2

[From the Charleston Gazette Online, Sept. 20, 2002]

WAR FEVER: BUSH, CHENEY WON'T STOP

Although Iraq agreed to readmit U.N. weapons inspectors, President Bush and Vice President Cheney still are clamoring for U.S. military action to topple dictator Saddam Hussein.

The White House continues its mantra that war is necessary because Saddam is ''evil'' and he's secretly making weapons of mass destruction. But this justification may be a smoke screen. Some observers say the administration's hidden motive is to gain control of Iraq's oil.

In a front-page Sunday report subtitled ''U.S. Drillers Eye Huge Petroleum Pool,'' The Washington Post said America's oil industry—to which Bush and Cheney are closely tied—eagerly wants a ''regime change'' in Iraq so U.S. firms can begin drilling into Iraq's vast, 112-billion-barrel reserve.

The White House supports the London-based Iraqi National Congress, an umbrella organization of exiled Iraqi groups seeking to remove Saddam. INC leader Ahmed Chalabi told the Post that, when a new regime is installed in Baghdad, ''American companies will have a big shot at Iraqi oil.''

The Washington paper quoted former CIA Director James Woolsey:

''It's pretty straightforward. France and Russia have oil companies and interests in Iraq. They should be told that if they are of assistance in moving Iraq toward decent government, we'll do the best we can to ensure that the new government and American companies work closely with them.''

Amazing. This implies that Bush's war urge isn't about ''evil'' or weapons. It's about oil.

Atlanta Journal-Constitution columnist Cynthia Tucker said the White House war demands are ''tainted with the sickening smell of gasoline.''

''If the Bush administration invades Iraq,'' she wrote, ''future scholars will look back on this period and name the period for what it was: the Petroleum Wars. . . . What but oil could possibly explain the Bush administration's stubborn insistence on attacking Suddam Hussein, who had no connection to the atrocities of Sept. 11?''

Sen. Robert C. Byrd, D–W.Va., has taken the lead in questioning President Bush's war plans.

We hope that he and colleagues in Congress try to learn whether the White House war cry is designed to serve America's oil industry.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Hearing no objection, the quorum call will be terminated.

The Senator from Florida, Mr. NELSON.

IRAQ AND HOMELAND DEFENSE

Mr. NELSON of Florida. I thank the President pro tempore for the recognition, and I thank the Senator from West Virginia, who just delivered a very insightful statement of why the Constitution must be protected and not shredded, why the Constitution must be adhered to in a protection of the carefully constructed separation of powers which gives us the checks and balances that have allowed this Government to endure for well over two centuries, to be the strong Government it is because, as a great British statesman once said: Power corrupts, and absolute power corrupts absolutely.

In the 1780s, when those political geniuses gathered to construct a document upon which this new Nation could be based and the delicate checks and balances were entered, as well as the spirit of compromise in that Constitutional Convention, they set off one branch of Government from the other.

Thus, as we come to this very serious determination of what to do in Iraq, we have to be mindful of the Constitution and its separation of powers. Clearly, the Constitution gives that awesome and very weighty responsibility of declaring war to the legislative branch of Government. There was a reason for that: So that no Executive would go off on a whim or on ill advice and start war but, rather, that the representatives of the people in this body and the body at the other end of the U.S. Capitol would be involved in that decision-making and, in fact, would make that decision and then reflect the will of the people.

I thank the Senator from West Virginia for a very cogent and timely statement.

There is trouble in the Middle East and central Asia. I have been to Afghanistan twice since the first of the year. I have been to Pakistan twice. I have been to India. I have been in the middle of that situation, urging the leaders of India and Pakistan to reduce the tensions on the Kashmir border because the last thing the world needs is an exchange of nuclear weapons. Particularly, that would hurt us because both of those countries are helping us in our war against terrorism.

I have been to the Middle East, and that is a troubled part of the world. As we approach this most momentous and solemn occasion about whether or not, in effect, to declare war by giving the President of the United States the authority for the expenditure of funds to conduct such a war, we must be mindful, and the questions must be answered:

What will a war in Iraq do to our war against terrorism? Will it be hurt? Will it be helped? Will our war against terrorism be set aside? Will our attempt to cut off the head of the snake that operates the al-Qaida machine be deterred in any way?

What will happen to the flow of oil out of that region of the world to the industrialized world?

What is the number of troops that is going to be required?

How likely are the casualties, and how many American lives can we expect to lose.

How many troops are we going to have to hold in reserve? Fighting door to door in downtown Baghdad is going to be a different kind of war, and I do not think we can go into Iraq assuming that the opposition is suddenly going to melt away and that the army is going to step forth and suddenly lay down its arms.

I personally believe that Saddam Hussein has chemical and biological weapons, and I personally think he is trying to develop nuclear weapons. If he, in fact, has chemical and biological weapons, will our troops be prepared if those weapons of mass destruction are utilized against our troops or utilized against any of the neighbors in the region?

Are we going to be able to approach a war in Iraq with our allies solidly behind us? There is an election going on right now in Germany, and that certainly does not seem to be the political talk in Germany. Germany is one of our closest allies.

There is also an election going on right now in Turkey, our very substantial ally. That election is in November. With the talk of war, with the imminent possibility of war, how much of a possibility is there that the election would throw to a religious party the opportunity to govern Turkey instead of the secular government that has given such stability, particularly military stability, in that part of the world?

Then the question arises, which I had the opportunity to ask the Secretary of Defense yesterday in the Armed Services Committee, what about after there has been the regime change? Is it going to be a regime that would be friendly to the United States? Would Iraq be kept intact, or would it be ripped asunder?—I might say, to the chagrin of our ally Turkey. What is the plan for the United States to be involved for the long term in Iraq, militarily and economically? We saw that in the phenomenal military success we had in Afghanistan—mostly success; some not so successful, such as Tora Bora. We saw that in the midst of all of that success, in a much different situation, the hard reality, after the fact, that the United States is going to need to be a military and economic presence in Afghanistan for a very long time.

Otherwise, if we leave, it will be like when we left in the late 1980s. After the Soviets got whipped, they tucked their tail between their legs and left, and we, assisting the victors, also left; it created a vacuum, and that vacuum was filled by the terrorists.

So in any post-Saddam Hussein Iraq, it is going to take a lot of effort and time and resources by the United States, and I want to see the administration spell that out clearly, as the Secretary of Defense started to do yesterday in response to my question. There is a lot of detail to be filled in.

It brings us to another question. We have in front of the Senate this question of homeland defense, and there is not one of us in this Chamber who does not want to have a reorganization of the Government so one hand knows better what the other hand is doing, so one hand knows better how we can coordinate, and a reorganization of the Government can achieve that. In the process, let's not overdo ourselves where we take away worker protections, where we strip apart agencies such as the Coast Guard, which is a necessary part of the homeland defense. The Coast Guard has a lot of other duties to perform. Particularly, if one comes from a State such as mine that has such tremendous coastline, the Coast Guard performs innumerable functions not only of search and rescue but of drug interdiction, and of course their duties have been heightened so much now on port security.

So, as we approach homeland defense, we have a great number of decisions to make about which we had better be cautious. Otherwise, going back to my initial comments of commendation for the Senator from West Virginia and his comments about Iraq and concern about the Constitution being shredded with regard to an invasion of Iraq, so, too, we have concerns about the Constitution not being obeyed by the Congress performing its appropriate legislative role as a check and a balance, as an overseer, as an appropriator of the funds, for this new Department that is to be created.

I offer these comments today, and I thank the Senator from West Virginia for his very insightful comments. It is always a pleasure to listen and to learn from the Senator from West Virginia.

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

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

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I have had the pleasure of describing some of my concerns with regard to the possible invasion of Iraq and also the knitting together of the most massive reorganization of the Federal Government over the last half century and the creation of a new Department of Homeland Defense. This is a massive undertaking. It involves some 170,000 people. It involves scores of agencies, with an annual $38 billion budget.

Implied in my remarks is the urging of caution as we approach the creation of this agency. One of the items to be discussed in the Senate at a future time will be an amendment offered by the Senator from West Virginia to take a cautious and deliberative approach in knitting together this massive agency. The directorates would be set up under the legislation right away, but their implementation would occur over the course of 13 months. It would be done on a phased-in basis, in which the Congress would be consulted as it is phased in, where there would be time to make sure in the example that I have given earlier about the Coast Guard functions other than the homeland security function that, in fact, the Coast Guard would not be deterred from its multiple service roles.

It is a wise approach the Senator from West Virginia has brought to the table in slowing down the process. I hope our colleagues will see the wisdom of protecting the separation of powers as provided in the Constitution, and the wisdom of us being sure that instead of their being such a mass of confusion in a reorganization all at once, that it would be done in a deliberative and phased-in approach.

Mr. BYRD. Will the Senator yield?

Mr. NELSON of Florida. Certainly.

Mr. BYRD. I ask unanimous consent that the Senator have an additional 5 minutes, and that the previous order be extended for an additional 5 minutes.

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

Mr. BYRD. Madam President, I thank the Senator from Florida for his perspicacious remarks. He has not been asleep. He has been ill with a temporary ailment, but he is back on the mend. He is ready to go.

I also thank my friend for his expression of support for my amendment. That amendment will be voted on next Tuesday. It will be voted up or down. Senators will have an opportunity to go on record, if they support that amendment, an opportunity to support the creation of a Department of Homeland Defense. In voting for my amendment, they will have an opportunity to say that we are not going to hand this whole package of homeland security as it is envisioned in the House or Senate bill. I refer to the Senate bill as the Lieberman bill.

Once the Senate passes on the homeland security bill, then the Senate bill would go to the conference. The conference report eventually would come back to both Houses, and the Senate will not have an opportunity on the conference report to amend. All the Senate will be able to do is vote up or down on the conference report.

Under the House bill or under the Lieberman bill, the overall time certainly under the Lieberman bill, the overall period for the ''fleshing out'' of this Department of Homeland Security, this fleshing out by moving various and sundry agencies and offices into the several directorates that are established by the Lieberman bill, and the five directorates that are mentioned in my amendment thereto, that fleshing out would occur under the Lieberman bill over a period of 13 months.

But in passing the Lieberman bill, and it is light-years ahead of the House bill, it is a better bill than the House bill, but it can be improved. That is what I am attempting to do with my amendment. Under the Lieberman bill, over a period of 13 months, Congress will be putting itself on the sidelines.

The Senate will be saying: OK, Mr. President, it is all yours. You have 13 months. Congress is going fishing. You have it. It is all yours.

Now, nothing would please this President more than to have such a blank check handed to him. The Lieberman bill, in that respect, is a Tonkin Gulf resolution on homeland security. Congress will be removing itself to the sidelines for those 13 months, and the President and this administration—think about that carefully—with its penchant for secrecy, its penchant for operating out of the White House, having no limitations, will have full authority to move agencies and 170,000 employees into this new department, with Congress relegating itself to the sidelines.

The hand of Congress ought to be there. Congress ought to conduct its constitutional responsibility of oversight in seeing that these agencies are put into the various directorates in an orderly way throughout the 13 months. The Lieberman committee and its counterpart in the House under my amendment would be front and center throughout the 13 months. That committee would still be in the driver's seat, and every 4 months there would be another shift of agencies and directorates, every 4 months, until it is completed, over a 13-month period.

All the while, Mr. LIEBERMAN's committee would take the policies and the recommendations of the Secretary of Homeland Security, look at them, debate them in the committee, amend them, and report the legislation to the Senate, and then the Senate would take the legislation, report it from the Lieberman committee, and debate it, amend it, send it to the President.

I have said we could have expedited procedure. I am not a Senator who likes expedited procedure, but in this situation I would be willing to have expedited procedures to see that the bill doesn't fall through the cracks in the committee, and that it is not filibustered or delayed in the Senate.

That is my prescription, my amendment for order: a phased filling out of the department by agencies and offices, under continuing congressional oversight, avoiding the chaos that will otherwise occur just by handing this whole thing over to the President and the administration—hook, line, and sinker. Just mark my words. I am seeking to improve the Lieberman bill. I am not adversarial to the Lieberman bill. But if we don't adopt my amendment, or something like it, there is going to be chaos, and instead of having a measure that will promote the security of our homeland and its people, we will be taking our eyes off the terrorists, off homeland security.

The federal agencies are out there, working now to provide homeland security. The passage of the Lieberman bill is not necessary in order to get these people out there guarding the ports of entry—the rivers and seaports and airports and the southern and northern borders. They are already out there working now, every day. The FBI, just a few days ago, in the State of New York, located a cell and arrested six persons. Did the FBI have to wait on this homeland security bill? There is no great outcry out there in the country; there is no great clamor for a homeland security bill. When I go to West Virginia, people don't come up to me and say: Senator, let's get that homeland security bill passed. When are you going to pass that bill? There is no great clamor out there. As a matter of fact, it is hard to get anyone to listen to a discussion of the subject.

I have been on this Senate floor time and time again, asking to be heard. Listen. Hear me. Why, the Members of the Senate aren't that greatly interested in this bill. Facing us in less than 2 months is a big election. All of a sudden this administration, which as late as the middle of August has been saying that there were ''no plans on the President's desk'' to go to war with Iraq. I asked the Secretary of State that question in a committee hearing: oh, there is ''no plan. The President doesn't have any plan on his desk.'' I asked the Secretary of Defense. Oh, the President has no plans. The President himself has been quoted time and time again saying he has no plans; ''there is no plan on my desk.''

All of a sudden, bam, the administration wants to go to war with Iraq. It wasn't too long ago, I can remember the Secretary's public spokesman and Ari Fleischer and some others in the administration, saying: ''Why have a Department of Homeland Defense? We don't need one.'' That wasn't long ago. But all of a sudden, all of a sudden the President was dropping in the polls and the domestic situation was such that the administration was appearing to be much like the Emperor who had no clothes. All of a sudden, bam, all of this war talk—the war fervor, the drums of war, the bugles of war, the clouds of war—this war hysteria has blown in like a hurricane. And what has that done to the President's polls? Seventy percent.

Don't tell me that things suddenly went wrong. I sat in on some of the secret briefings and nobody from the administration in those secret briefings has been able to answer the question: Why now? Why all of a sudden, when the administration was saying back just in August the President has no plans? Let's not have all of this angst about war.

All of a sudden this country is going to war. And the President is saying, I'll do this if the U.N. doesn't do it.

Now, all of a sudden, is the Administration talking about the domestic situation in this country? Are they talking about the stock market? Are they talking about the weakness of the economy? Are they talking about the jobs that are being lost? Are they talking about the decrease in housing starts in this country? No. No.

The war clouds are there. All of a sudden this administration sends up a resolution to Congress that is a nonstarter, to give this President the authority that he is asking for. Not by this Constitution will I give my vote on that resolution. That resolution is going to take some work. But all of a sudden? Why is it? Is it politics?

The Constitution is apparently irrelevant to people in this administration. What is wanted here by the administration is for Congress, in connection with war, to do the same as they want Congress to do in homeland security—hand over the whole authority and say: Take it, Mr. President. It's all yours for the next 13 months. Congress is going fishing. We are not going to be in the mix.

Congress relegates itself to the sidelines.

How foolish can we be as Members of the Senate to tuck our tails between our legs and just quit and say: ''You can have it all, Mr. President. Do anything you want to do with homeland security.'' Well, not by my vote.

I thank the distinguished Senator for his remarks.

Madam President, I yield the floor. 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.

EXTENSION OF MORNING BUSINESS

Mrs. CLINTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded and the time for morning business be extended.

The PRESIDENT pro tempore. There being no objection to the calling off of the quorum, further proceedings under the call are waived.

The distinguished Senator from New York, Mrs. CLINTON, is recognized.

Did the Senator have a further request?

Mrs. CLINTON. That the time for morning business be extended.

The PRESIDENT pro tempore. Without objection, it is so ordered. For how many minutes would the Senator suggest?

Mrs. CLINTON. Ten minutes, Mr. President.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from New York is recognized.

THANKING SENATOR BYRD

Mrs. CLINTON. Mr. President, I express my appreciation, and I know the appreciation of many of our colleagues, for the Chair's steadfast defense of the Constitution and for his reminder to constant all of us, that the Senate, being the premier deliberative body in the world and, as he often says, one of two such great deliberative Senates ever to be seen by history, has an important role to play in ensuring that the decisions that are made today will stand the test of time and will be made in concert with our constitutional framework and our obligations as Senators.

THREE GREAT CHALLENGES FACING OUR NATION

Mrs. CLINTON. Mr. President, in the recent colloquy and discussion that the Senator from West Virginia, our current Chair, had with the Senator from Florida, many important issues were raised about homeland security and how best to pursue the defense of our homeland.

I don't think anyone argues we now face three great challenges in our Nation. First, we have a national security challenge. Our men and women in uniform are addressing that challenge even as we speak—all over the world from Afghanistan to the Persian Gulf to the border of North and South Korea, and many other places as well. All of us support our military and have voted to provide the largest appropriations ever in our history to give our men and women who put themselves in harm's way all of the resources, technology and compensations that our great military deserves.

We have a new challenge; that is, the challenge of homeland security. Certainly, many of us have not had to think of this issue as we are now.

On September 11 of last year when we were so grievously attacked, it became clear that we had to begin to apply the techniques of security much closer to home that we have used to defend America's interests abroad for so many generations. We have to take a very hard look at our vulnerabilities, our infrastructure, our borders, and our public health capacity to deal with biological or chemical warfare. And it requires every one of us—not just those in elective office but every citizen—to become more vigilant and to understand that we are truly facing some serious threats.

At the same time, though, there is no reason for us not to debate the best way to defend ourselves. In every generation of America, we have had great debates about how to fight wars and how to structure our national security. Now we are having a debate about how to deal with the new demands of homeland security.

I applaud the Chair for his absolutely rock-solid commitment, his totally uncynical and heartfelt commitment to make sure we do this right. It is a huge undertaking. Are we being asked to merge departments just so somebody can say we did something or are we going to do it right? It is the right of patriotism to ask hard questions. That is who we are as Americans. We are not people who are blindly led. We are not sheep who follow any leader's oratory. We are an independent, free-spirited, liberty-loving people.

When we have debates, either on the floor of the Senate or in the media, about the right way to proceed, those of us who engage in that debate do so out of a deep wellspring of love and devotion to our country. No one exemplifies that more than the senior Senator from West Virginia.

In addition to our national security challenges and our homeland security challenges, we have all of the challenges we had on September 10 of last year. We have an economy that is stalled. We have a so-called ''jobless recovery.'' We can't seem to come together on important issues.

I am delighted to see my colleague from Arizona in the Chamber. Senator MCCAIN has been a leader and advocate for prescription drugs and for patients getting the right to have the treatment their doctors prescribe—not an HMO or some bureaucrat somewhere.

There are many important issues we should be debating that also will determine the quality of our life and the opportunities for our children.

I hope, as people tune in to see what happens on the Senate floor—when they see the Senator from West Virginia or the Senator from Arizona taking to the floor to talk about an issue—that they recognize that we believe we are acting in the great tradition, not only of the American Senate and Congress, but of America's citizenry, because there isn't any greater title than one can have than citizen of the United States of America.

I, as one Senator, appreciate the Senator's vigilance, his constant reminder to the rest of us that we are here because of our Founders, their genius, and the Constitution which they bequeathed to us. The debates we are holding on this important issue of national homeland security and other pressing domestic issues are in the tradition of those Founders.

I thank the Chair. I yield the floor.

The PRESIDENT pro tempore. The Senator from Arizona, Mr. MCCAIN.

EXTENSION OF MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask for the forbearance of the distinguished President pro tempore and ask unanimous consent that we extend morning business by about 5 minutes.

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

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the Senator from New York for her kind words about our efforts towards addressing some of the important issues of the day. I thank her.

CONDITION IN GEORGIA

Mr. MCCAIN. Mr. President, despite America's preponderant role in the world, it is not often that foreign leaders tell us that their country would not exist as an independent state were it not for U.S. support. Yet leaders across the spectrum in the former Soviet republic of Georgia, including President Eduard Shevardnadze and his political opponents, frankly and gratefully attribute their national survival to unstinting American support since their independence from Soviet rule eleven years ago. In a troubling display of how history does not always move in a positive direction, Georgia's independence is once again under threat, with repercussions that should concern all who cherish freedom.

In an opportunistic twist of President Bush's policy of pre-emption against clear and present dangers to America and the world, President Putin of Russia has appropriated American rhetoric in the war on terrorism to justify Russian subversion of the Georgian state. A free Russian hand in Georgia is apparently the price

President Putin believes the United States is willing to pay for Russia's support for military action against Iraq. President Bush and the Congress of the United States should disabuse our friends in Moscow of this illusion, immediately.

President Putin rode to power on promises to defeat Chechen separatists in Russia's south. Reports indicate that members of Al Qaeda and other terrorist groups operate in Chechnya. Russia has a right and an obligation to bring these legitimate terrorists to justice. But rather than targeting them and their Chechen comrades in arms, Russian forces have conducted a military campaign of astonishing brutality against Chechnya's civilian population as leaders in the West have looked the other way.

At the same time, Presidents Bush and Putin have brought about a historic change in U.S.-Russia relations that is moving our two nations from rivalry to strategic partnership. We in the United States welcome this development. But there can be no true partnership absent Russian commitment to the fundamental values that guide American policy in these areas.

I believe President Putin has indeed made a historic decision to align his country with the West as Russia moves away from its imperial past and towards a democratic, prosperous future. Yet Russia's threat to Georgia, like Russia's brutality in Chechnya, calls to mind a discredited, imperial past whose resurgence threatens the transformation in U.S.-Russian relations and, in particular, our joint commitment to eradicating the networks of global terror that threaten both our peoples.

Seized by the domestic political costs of a grinding war in Chechnya that Russia cannot win militarily, and calculating that President Bush's doctrine of pre-emption somehow applies to both a megalomaniacal tyrant like Saddam Hussein and a democratically oriented, pro-Western leader like Eduard Shevardnadze, President Putin has sent Russian jets to bomb targets in Georgia. Putin openly outlines his plans for a Russian invasion of Georgia to wipe out terrorism there. Motivated by a deep dislike of President Shevardnadze, whom they blame for the Soviet Union's disintegration and who has been targeted for assassination by figures linked to Moscow, and tempted by visions of Russian control over Russia's oil-rich Near Abroad, some Russian leaders seem to believe the impunity Russia has enjoyed in Chechnya would carry over to Russian military operations against its sovereign neighbor. They are wrong.

Russia's civilian and military leadership must know that our growing, and welcome, strategic partnership in the war on terror does not sanction unilateral Russian military adventurism for purposes whose relation to the war on terror is incidental. Moscow, and Washington, and Tbilisi are right to be alarmed by continuing reports that Chechen militants and members of al-Qaida have taken refuge in Georgia's lawless Pankisi Gorge. America's proper response was to deploy American Special Forces teams to Georgia to train and equip Georgian security forces to take control of the gorge and enforce Georgian control over its territory.

President Shevardnadze has announced a major Georgian military operation, with U.S. military advisors, to root out terrorists in Pankisi. International monitors are already stationed along Georgia's border with Chechnya, and President Shevardnadze has proposed expanding this monitoring force to prevent militants from finding refuge in Georgia in the future. Shevardnadze yesterday pledged to extradite 13 men that Russia says are Chechen guerrillas captured by Georgian security officials.

The United States and Russia, in the spirit of strategic partnership both countries profess, have a willing partner in President Shevardnadze to eliminate any terrorist presence in Georgia that Moscow correctly perceives to threaten its interests. But Russia has rejected Georgia's candid, and unprecedented, proposals to cooperate in eradicating terrorism. Instead, Russia seems to want to use the terrorist problem as a means of reasserting Russian control in Georgia, which already suffers the presence of three Russian military bases and separatist conflicts supported by Moscow.

Some in Moscow do not understand that unilateral and preemptive Russian military operations in Georgia make the situation worse, not better. These operations threaten to turn Russia's desire to root out a small group of terrorists into an international crisis that threatens what President Putin cherishes—a robust partnership with the West that he has defined as Russia's future.

It is unacceptable and immoral for any American leader to countenance Russia's increasingly open campaign for control of its neighbor to the south—which is why no American leader will do so. But pressure from Moscow works in insidious ways. One ''senior Administration official'' recently told the New York Times, ''Looking now at the new strategic circumstances, I think there may be some rethinking about how we handle the Georgian situation. I think there's a recognition the Russian government has a legitimate security concern.''

The United States properly shares Russia's concern about foreign terrorists seeking refuge in Georgia, and can surely find a way to advance our mutual interest in helping Georgia end incursions by these people. But giving Russia carte blanche to impose its own solution—as it has, brutally, in Chechnya—would be a repudiation of the values we are fighting the war on terror to defend and the celebration of freedom that took place in Georgia and across the former Soviet Union when imperial rule crumbled.

Strengthening the Georgian Government's capacity to control parts of its own country and working with American and Georgian officials to eliminate terrorists from Georgian territory, on terms acceptable to the Georgian Government, is an interest Moscow shares with Washington and Tbilisi. It is one we can advance together, in the spirit of partnership that characterizes our cooperation in the war on terrorism—not in the spirit of rivalry and spheres of influence that recall an unpleasant past.

Leaders in Moscow must know that no nation has a greater stake in wiping out al-Qaida's global terror network than the United States. We would never countenance any Georgian actions to wink at terrorism within its borders; indeed, our deployment of American Special Forces to Georgia is a measure of the seriousness with which we take the threat terrorists pose to Georgia and the region. In the same way, President Putin and those around him must know that we cannot countenance unilateral Russian military action that puts Georgia's independence at risk. I hope President Putin will make the choice that befits his role as an enlightened leader of the Russian people, and does not cast his lot with the officers and civilians around him who believe Russian can assert imperial control over a sovereign neighbor without consequence. There will be consequences—and no friend of Russia or Georgia should suggest otherwise.

(Mrs. CLINTON assumed the Chair.)

Mr. McCAIN. Madam President, I ask unanimous consent that a Wall Street Journal editorial of September 16, 2002, entitled ''Putin's Iraq Price'' a September 19, 2002, editorial in the Washington Post, entitled ''A Parody Of Partnership'' and an editorial from the Economist magazine of September 21, 2002, entitled ''Putin's folly'' be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 16, 2002]

PUTIN'S IRAQ PRICE

One danger of President's Bush's otherwise successful overture to the United Nations on Iraq is the price the U.S. will have to pay to win Security Council approval. Russian President Vladimir Putin has already submitted his bill, requesting a global wink at military intervention in what used to be Soviet Georgia.

Even as the U.N. was still digesting Mr. Bush's speech last Friday, Mr. Putin appropriated the language of U.S. policy to justify his Georgian meddling. He accuses his southern neighbor of harboring Chechen rebels and others he calls terrorists, and the bold Russian hopes Mr. Bush will give him a pass in return for approving action against Iraq. This is an offer we hope the U.S. refuses, not least so it can begin better defining just what the new Bush ''pre-emption'' doctrine means.

For starters Mr. Putin's analogy is preposterous. Georgian President Eduard

Shevardnadze is not only not another Saddam Hussein, he is one of the more enlightened leaders of the new countries that were once part of the former Soviet Union. He hasn't tried to acquire nuclear weapons or plotted to assassinate a U.S. President, much less invaded a neighbor, gassed his own people or ignored 16 U.N. resolutions.

On the contrary, Mr. Shevardnadze's main problem is that he has charted a pro-Western foreign policy that irritates some of his former Soviet colleagues in Moscow. He has already survived several assassination attempts, with the chief suspect in one case finding safe haven in Russia. He has fought a separatist war against Abkhaz rebels trained and funded by Russia. Russia still has three military bases in Georgia and has defied orders from the Organization for Security and Cooperation in Europe to vacate its base in Abkhazia and negotiate withdrawal from the others.

Mr. Shevardnadze is understandably keen not to give his big neighbor any excuse to intervene militarily. In response to Russia's latest saber-rattling, he has beefed up border security and invited monitors into Georgia to testify to his country's anti-terror efforts. U.S. special forces are already helping train and equip the Georgian military to root out rebels from Chechnya, a Russian republic on its northern border.

All of which suggests the need for Mr. Bush to elaborate on his pre-emption doctrine. We support this policy as necessary in a world in which madmen who control countries can get nuclear weapons; ''non intervention'' in the internal affairs of such countries is no longer a safe strategy. But the critics have a point that without some clarifying distinctions, the doctrine of preventive action can be abused by countries looking to settle old scores or grab new territory. Drawing a line between peaceful Georgia and Iraq—ruled by a lunatic dictator who traffics with terrorists and seeks nuclear weapons—would be a useful first step.

On Friday U.S. Undersecretary of State John Bolton began to take that step by saying the U.S. ''opposes any unilateral military action by Russia'' inside Georgia. He added that ''I don't see that there are really any quid pro quos to be had'' over Iraq, ''whether with Russia or others.''

We hope that view holds inside the Bush Administration, even as Russian pressure inevitably increases. Agreeing to Mr. Putin's Georgian price would be damaging to U.S. interests, and isn't necessary in any case. It would set a precedent for Russian action in oil-rich Central Asia, emboldening Russian nationalists to meddle next in Azerbaijan and elsewhere. It would also be dishonorable, abandoning a man in Mr. Shevardnadze who helped bring the Cold War to a peaceful end as the Soviet foreign minister under Mikhail Gorbachev.

It's doubtful that Mr. Putin will want to block U.S. action against Iraq in any event. Siding with Saddam would only undermine the worthy efforts he has made so far to build confidence in Russia as a political and business partner of the West. His overstretched military is already bleeding in Chechnya, and the last thing he needs is a ground war in neighboring Georgia. Using Iraq as cover for more meddling in impoverished Caucasus would only recall memories of Soviet imperialism.

Mr. Bush began to turn would opinion on Iraq last week not merely because he went to the U.N. but mainly because of the rightness of his cause. The U.S. can carry the day in Iraq without sacrificing its principles by catering to Mr. Putin's nationalist opportunism.

[From the Washington Post, Sept. 19, 2002]

A PARODY OF PARTNERSHIP

Vladimir Putin, the soul-baring friend of President Bush, is offering another demonstration of why the administration's flighty rhetoric about the ''transformation'' of U.S.-Russian relations has been premature. Mr. Putin's government is doing its best to hamstring Mr. Bush's campaign against Iraq; the Russian ambassador at the United Nations rushed to embrace Saddam Hussein's transparently tactical acceptance of weapons inspectors and declared that no further action by the Security Council was needed. Meanwhile, Mr. Putin himself is peddling a grotesque parody of Mr. Bush's principled stand on both Iraq and Afghanistan: Last week he informed the Security Council, in terms that deliberately echoed Mr. Bush, that the war on terrorism may require a unilateral Russian attack on the small neighboring nation of Georgia, a former republic of the Soviet Union that infuriates Moscow merely by existing as an independent, democratic and pro-Western state. This stunningly brazen attempt to cloak an old-fashioned threat of military aggression in Mr. Bush's new doctrine of preemption has been accompanied by an even more cynical suggestion of quid pro quo: Allow Russian to crush Georgian sovereignty, Mr. Putin hints, and he just might acquiesce in the enforcement of the U.N.-ordered disarmament of Iraq. Bush administration officials are saying they won't play Mr. Putin's game; the White House needs to make that point unambiguously this week to Mr. Putin's visiting defense and foreign ministers.

The nominal basis for Mr. Putin's threat to Georgia, a country the size of South Carolina with a mostly Christian population of 5 million, is that it is tolerating the presence of Muslim rebel fighters from the neighboring Russian province of Chechnya. Mr. Putin insists that these are terrorists, indistinguishable from al Qaeda, and that Georgia is allowing them to operate training camps and pass freely across the border. In fact the insurgents are almost all ethnic Chechens fighting for self-rule who take refuge during summer in the Pankisi Gorge, a wild, 11-mile-long strip that has long been lawless. The Bush administration contends that some al Qaeda operatives may be present in the Pankisi, but evidence is scant. In any case, the Georgian government clearly has no interest in backing al Qaeda terrorists, or even the Chechens; it has readily accepted an ongoing U.S. training programing for its army, and it recently dispatched 1,000 troops to clear out the Pankisi. President Eduard Shevardnadze has asked to meet with Mr. Putin and invited international monitoring of the border area; this week his administration agreed to extradite 13 suspects Russia says are Chechen guerrillas.

These initiatives are not enough for Mr. Putin: His generals say they are readying a cross-border invasion, following up on airstrikes carried out last month. It's not likely that Russian forces, which have failed to control Chechen movements across their own border, could eliminate or even locate any militants in the Pankisi. But that's not Mr. Putin's real aim. His goals are to distract attention from a recent series of military disasters in Chechnya—incidents that have revived discussion in Russia about the futility of Mr. Putin's campaign to suppress the rebellion by force—and to use the leverage of Russia's U.N. Security Council vote on Iraq to achieve suzerainty over Georgia, which Moscow has been seeking since long before the war on terrorism. This is not the behavior of a soul mate, or even a ''strategic partner''; and a U.S.-Russian relationship afflicted by such tactics has not been transformed.

[From the Economist, Sept. 21, 2002]

PUTIN'S FOLLY

Those who write speeches for Russia's president, Vladimir Putin, no doubt imagine they are good students of American foreign policy. They seem determined to copy, or rather caricature, every new American idea. They no doubt had a hand, too, in drafting the stern letter that Mr. Putin sent to the United Nations, laying out his case for intervention in neighbouring Georgia unless its government clears its territory of a group of Chechen terrorists who have holed up there.

Like America in Iraq, his officials claim, Russia is insisting on its right to take military action, alone if necessary, against a nation which it deems to be in breach of international law; like America in Afghanistan, Russia justifies itself by recalling that failed states can be a source of festering security threats. Like George Bush, Mr. Putin is merely proposing to act pre-emptively, in extremis, against a state that poses a deadly and increasing danger. Indeed, regime change cannot be ruled out.

A mixture of all these arguments has been used by Mr. Putin and his lieutenants to justify their recent and repeated threats of military action against Georgia—some air raids have already taken place, say the Georgians, and Russians have been hinting darkly that a land attack may follow. The Georgians stand accused of posing a threat to Russian security because they cannot or will not take effective action against the Chechen fighters, possibly allied with Islamist extremists from elsewhere, who have set up camp in the remote Pankisi gorge. If you cannot solve the problem—and guarantee that no attacks on Russian territory will be launched from Georgian territory—then we will, is the Kremlin's message. The Russian media, meanwhile, have mounted an escalating series of personal attacks on Georgia's president, Edward Shevardnadze. The clear implication is that nobody in Moscow would shed a tear if, in the turmoil caused by a Russian attack, the leadership of Georgia were to change hands.

If there is not grain of truth in Russia's arguments, it lies in the fact that Georgia, while not a failed state, is one that has had difficulty asserting its authority in its border areas. Indeed in two of its regions—Abkhazia and South Ossetia—the writ of the Tbilisi government does not run at all. Even in other places, it struggles to collect taxes and enforce the law. This is a dangerous state of affairs; where the rule of law is absent, smugglers in drugs, guns and even deadlier things fill the void.

THE MOTE IN RUSSIA'S EYE

But there is also a huge flaw in Russia's argument. If the Georgian state functions less than perfectly—in Pankisi and elsewhere—that is in large part because Russia itself has consistently undermined it. The restive mini-states within Georgia's legal boundaries (Abkhazia, South Ossetia and, to some extent, Ajaria in the south-west) defy the government with the help of powerful friends in Moscow.

By sending 150 or so military advisers to Georgia, America is attempting to bolster the country's security forces. But even that programme has been undermined by Georgian officers with connections in Russia. If Russians are concerned about the security of their southern frontier, they would do better to reinforce Georgia's statehood rather than chip away at it. Georgia is neither a rogue state, nor (as yet) a failed one. Nor do Georgians need outsiders to orchestrate regime change for them. Imitation is a form of flattery, but other should not be duped into seeing parallels where none exist.

Mr. McCAIN. Madam President, all three of these editorials I have asked

to be printed in the RECORD talk about the danger we are now experiencing concerning Mr. Putin's actions, or possible actions, in Georgia.

The Economist magazine editorial says:

> Russia would do better to bolster Georgia's stability, not undermine it.

It says:

> If there is one grain of truth in Russia's arguments, it lies in the fact that Georgia, while not a failed state, is one that has had difficulty asserting its authority in its border areas. . . .
>
> But there is also a huge flaw in Russia's argument. If the Georgian state functions less than perfectly—in Pankisi and elsewhere—that is in large part because Russia itself has consistently undermined it. The restive mini-states within Georgia's legal boundaries . . . defy the government with the help of powerful friends in Moscow. . . .
>
> If Russians are concerned about the security of their southern frontier, they would do better to reinforce Georgia's statehood rather than chip away at it. Georgia is neither a rogue state, nor (as yet) a failed one. Nor do Georgians need outsiders to orchestrate regime change for them. Imitation is a form of flattery, but others should not be duped into seeing parallels where none exist.

In the Washington Post it goes on to say, referring to Mr. Putin:

> His goals are to distract attention from a recent series of military disasters in Chechnya—incidents that have revived discussion in Russia about the futility of Mr. Putin's campaign to suppress the rebellion by force—and to use the leverage of Russia's U.N. Security Council vote on Iraq to achieve suzerainty over Georgia, which Moscow has been seeking since long before the war on terrorism. This is not the behavior of a soul mate, or even a ''strategic partner''; and a U.S.-Russian relationship afflicted by such tactics has not been transformed.

Madam President, I thank the Presiding Officer for her patience. I do believe this is an important issue. I hope our Russian friends, with whom we have a very strong relationship, will not embark on an adventure which could have serious repercussions not only in the region but in the world.

I thank you, Madam President, and yield the floor.

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. Without objection, it is so ordered.

LEGISLATIVE AGENDA

Mr. DASCHLE. Madam President, I have had a discussion with Senator LOTT with regard to next week's schedule. I have indicated privately to a number of Senators my concern for the legislative agenda we must confront prior to the time we leave. That agenda includes a number of issues that have support on both sides of the aisle. It recognizes that we have been on the homeland security bill now for 3 full weeks and the Interior appropriations bill for an equal amount of time. I am increasingly concerned that the longer we stay on those bills, the less likely it is that we will be able to adjourn on time.

Given that realization, my expectation is that we will require colleagues to be here at least possibly as early as next weekend to confront this agenda and to complete our work. I am not announcing necessarily that next weekend will be a work period, but I am suggesting to all colleagues that they not make any firm commitments next weekend.

We have to finish the homeland security bill next week. We have to deal with perhaps a continuing resolution, short-term, because of the pending end of this fiscal year. We have a number of other matters that have to be taken up prior to the completion of our work at the end of this session.

As I look at that schedule, I conclude that there is virtually no way we will be able to do this, and do it successfully, without longer hours and more days. The only days available to us, of course, are the Mondays and Fridays that have oftentimes been travel days for our Members but also Saturdays and Sundays.

It is my expectation that we will be using weekend days between now and the end of session, that we will require Senators to be here at least on Saturday and possibly on Sunday in an effort to complete our work. That may occur as early as next weekend.

This is not meant to be a threat or in any way a signal that we are not prepared to take whatever action necessary to preclude that, but I also want Senators to know that that is a very likely possibility.

I come to the floor with a recognition that we do need to make Senators aware of the importance of the schedule and the significant amount of work that needs to be done before we leave.

I appreciate everyone's cooperation and will appreciate the opportunity to speak more specifically to the schedule early next week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

● Mr. WELLSTONE. Madam President, I regret that I was necessarily absent for the vote on the confirmation of Reena Raggi to the Second Circuit Court of Appeals. I would like to include in the RECORD that I would have voted ''yes'' on this nomination.●

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

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

Mr. REID. We are now in morning business; is that true?

The PRESIDING OFFICER. That is correct.

TRIBUTE TO DR. KELLY S. SEGARS

Mr. LOTT. Mr. President, I would like to recognize the professional achievements and public service of a truly extraordinary man, Dr. Kelly S. Segars, and to congratulate him on his selection as the 2002 Mississippi Family Physician of the Year.

The son of the late ''Doc'' and Ora Segars of Red Bay, Alabama, Dr. Segars displayed a penchant for helping and healing the sick from a very early age. He graduated with honors from high school, pharmacy school, and medical school despite an interruption while serving one tour in the Army during the Korean War. His military decorations include the American Defense Medal, the United Nations Medal, and the Army Commendation Medal.

Upon graduation from medical school in 1959, Dr. Segars entered the practice of Family Medicine in Iuka, Mississippi, not far from his birthplace, where he continues to practice today. Dr. Segars delivered some 500 babies before obtaining his board certification in geriatrics. He has been seeing some of the same patients for over 40 years and considers his many patients simply his ''friends who have a medical problem occasionally.'' Dr. Segars' son joined his practice about 15 years ago, and the clinic, which is vital to the health of so many in the rural community of Iuka, has grown to include 31 employees.

Despite his resounding success as Iuka's resident physician—as if that accomplishment was not already enough for one man—Dr Segars' has consistently worked for the betterment of his community in many other ways. He established the First American National Bank just four years after opening his medical practice. It was the first bank established in the Great State of Mississippi since the bank holiday in 1929 when all of the banks were closed. He also chaired his town's municipal library committee where he initiated the project, obtained the funds, and oversaw construction of the library. His most recent civic project is the re-designation of highway US 72 to Interstate Highway 72, acknowledging the advantage of an Interstate Highway to draw bigger, more lucrative industries to Tishomingo County. It takes a special individual like Dr. Segars, with a clear vision of the future, to recognize the need for a public institution or additional infrastructure, and then to take it upon himself to see to it that the need is fulfilled.

As a charter member of the Board of Directors of the Tishomingo County Development Foundation and Industrial Park, he was instrumental in the acquisition of the Lockheed-Aerojet office and the recent establishment of the AlliantTech Systems facility. He was named as 1992 Citizen of the Year and the Aerospace Business Center was most appropriately named in his honor.

Dr. Segars has served as chair of the University of Mississippi Guardian Society, President of the Medical Alumni Association, and as a member of the Dean's Advisory Committee, University of Mississippi School of Medicine. He also is a member of the Iuka Methodist Church, where he is the Health and Welfare Representative and sits on the Administrative Board.

Dr. Segars' latest recognition as Mississippi Family Physician of the Year, by the Mississippi Academy of Family Physicians, could not have been awarded to a man more deserving of this very special recognition. Chosen from among hundreds of family physicians throughout Mississippi, Dr. Segars was nominated by a fellow physician and selected for the position by a panel of his peers. The panel clearly recognized—as have many others—that Dr. Segars' unique brand of personalized care and true concern for his patients has distinguished him as the best physician that Mississippi, and our country, has to offer.

In addition to his many professional and civic accomplishments, Dr. Segars also is an extremely successful family man. He and his wife Martha are the proud parents of three children: K. Scott Segars, Jr. M.D., and wife Diane; Mark Segars, Tishomingo County Prosecuting Attorney; and Leigh Segars, an attorney in Florida. Dr. Segars and his wife also have three grandsons: Tyler, Jake, and Thompson.

I ask my colleagues to join me today as I congratulate Dr. Kelly S. Segars as the Mississippi Family Practice Physician of the Year and wish him and his family all the best in his future as he continues as a leader in our community. On behalf of my colleagues on both sides of the aisle, I thank Dr. Segars for the many things he has done for the town of Iuka, Tishomingo County, the State of Mississippi, and our great Nation.

MORE GUNS EQUALS MORE SUICIDES

Mr. LEVIN. Mr. President, a study by the Harvard School of Public Health brings to light disturbing information about the presence of firearms in a home. The study conducted by Drs. Matthew Miller, Deborah Azrael, and David Hemenway entitled ''Household Firearm Ownership and Suicide Rates in the United States'' concluded that in states where gun ownership levels are higher, a disproportionately large number of people commit suicide.

According to the study, of the more than 30,000 suicides in 1998, 57 percent involved the use of a firearm. In states with more guns, people were more likely to commit suicide. The study found that in States with a higher incidence of gun ownership people were 1.6 times more likely to commit suicide than people in states with a lower incidence of gun ownership. Further, the Harvard study shows that people 15–24 years old from states with a high incidence of gun ownership are more than four times more likely to commit suicide than people the same age in states with a low incidence of gun ownership. According to statistics cited by the Brady Campaign to Prevent Gun Violence, in 1998, more than 1200 children aged 10–19 committed suicide with firearms. Nearly two-thirds of all completed teenage suicides involve a firearm.

One step that can be taken to reduce suicides among children is to prevent easy access to guns for children. I cosponsored Senator DURBIN's Child Access Prevention Act because it would do just that. Under this bill, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I support this bill and I believe it is a meaningful step in the right direction. It's clear that reducing child access to guns can save lives.

NATIONAL POW/MIA RECOGNITION DAY

Mr. LUGAR. Mr. President, today is National POW/MIA Recognition Day.

I rise on this special day to remember and honor those brave Americans who during past armed engagements in defense of this nation or our alliances were prisoners of war and those who are still listed missing in action. As a nation, we set aside this day to further recognize the sacrifices of the restless families of these fine patriots, assuring them that we have not forgotten.

In the past year, our dedicated Soldiers, Sailors, Airmen and Marines have again taken up the mantle of freedom; this time to prosecute an elusive and dangerous enemy. They have ousted an oppressive regime in Afghanistan and continue to hunt those implicated in the war on terrorism. Like generations before them, these Americans have sworn an oath to support and defend the Constitution. As a former Navy officer, I feel strongly that the United States government has a similarly strong obligation to these men and women who serve in the Armed Forces. Specifically, we must work to ensure the return of POWs and MIAs at the end of hostilities. We must not rest until all American POW/MIAs are returned and accounted for, and the many questions that have overwhelmed their families are answered.

The vigorous pursuit of this commitment must continue through on-site investigations being undertaken in Indochina and through a fuller examination of records in Russia, Iraq and Southeast Asia. For in our history, we recall somberly today that while thousands died, many others endured years in starved, tortured, isolated misery before regaining their freedom. Their perseverance, integrity and heroism are shining examples of the core values on which this nation was founded and became great.

A year ago, Americans were sifting through smoldering rubble at the Pentagon and at the site of the twin towers looking for their comrades in arms. Those actions have ceased, but around the world, others continue to sift through long-silent war zones to find and identify remains of the fallen and the missing.

The Department of Defense Prisoner of War/Missing Personnel Office has had considerable successes in the past year, but we still have much to accomplish before our responsibility to all the POWs and MIAs is fulfilled. Just this year, we have identified the remains of 46 Americans who served in the Vietnam War. Unfortunately, there are still 1,907 unaccounted Americans who served in Vietnam. Also this year, 32 Americans have been repatriated who served in the Korean War, while over 8,100 remain unaccounted for. And, through hard work and determination in the past year, the DPMO has recovered the remains of eight Americans who served in the Second World War. 78,750 Americans who served in World War II are as yet accounted.

It is important to remember that this is a cooperative effort and requires commitments from all branches of our government as well as the countries where the servicemen remain missing. Negotiations in the past six years with North Korea have yielded many successes. One search operation continues even today in North Korea and a third and final operation for the year will begin on September 28, concluding October 29.

According to the Department of Defense, America has had 23 operations since 1996 to locate MIA's in North Korea. These missions are all possible because of cooperation and negotiation with North Korea. Let this cooperation be an example to all of what can be accomplished when we work together.

Today, I want to pay special tribute to the dedication and service of the soldiers from my home State of Indiana who are or were POW/MIAs from the Vietnam War and the Korean War.

These great Americans and their families have the gratitude of this free Nation. I urge the Senate, the administration, the Departments of Defense and State, the Joint Chiefs of Staff, and the National Security Agency to redouble their efforts to bring our soldiers home as quickly as possible. Let us all take heart from the POW/MIA flag, displayed in the Capitol rotunda, which proclaims: ''You Are Not Forgotten.''

I ask unanimous consent that the names of Indiana's missing and unaccounted from the Korea and Vietnam Wars be printed in the RECORD.

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

Defense Prisoner of War/Missing Personnel Office

U.S. Unaccounted-For from the Vietnam War

Prisoners of War, Missing in Action and Killed in Action/Body not Recovered

Report for: Indiana

Military Service	Country of Casualty	Name	Loss Rank	Status	Date of Incident	Home of Record
USAF	N. Vietnam	BANCROFT, WILLIAM W JR	O2	BB	1970/11/13	INDIANAPOLIS, IN
USA	S. Vietnam	BEALS, CHARLES ELBERT	E4	BB	1970/07/07	FRENCH LiCK, IN
USA	S. Vietnam	BEECHER, QUENTIN RIPPETOE	W2	XX	1967/06/11	TERRE HAUTE, IN
USMC	S. Vietnam	BREINER, STEPHEN EUGENE	E2	BB	1968/09/24	DECATUR, IN
USA	S. Vietnam	CARVER, HARRY FRANKLIN	E6	BB	1968/04/10	NEW ALBANY, IN
USMC	S. Vietnam	CHOMEL, CHARLES DENNIS	E2	BB	1967/06/11	COLUMBUS, IN
USAF	N. Vietnam	CLARK, LAWRENCE	E5	XX	1966/10/18	LOGANSPORT, IN
USMC	N. Vietnam	CLEM, THOMAS DEAN	O2	XX	1968/05/03	NEW PARIS, IN
USMC	S. Vietnam	CRODY, KENNETH LLOYD	E4	BB	1972/07/11	GRIFFITH, IN
USAF	S. Vietnam	DAVIS, GENE EDMOND	E5	XX	1966/03/13	EVANSVILLE, IN
USMC	S. Vietnam	DUCAT, PHILLIP ALLEN	O3	BB	1966/09/25	FT WAYNE, IN
USAF	S. Vietnam	DUVALL, DEAN ARNOLD	E3	XX	1966/03/13	MONTICELLO, IN
USA	Laos	GREEN, GEORGE CURTIS JR	E5	BB	1970/12/04	ATTICA, IN
USMC	S. Vietnam	HARPER, RALPH LEWIS	E3	BB	1968/06/06	INDIAPOLIS, IN
USA	S. Vietnam	HEITMAN, STEVEN W	E5	XX	1968/03/13	INDIANAPOLIS, IN
USAF	S. Vietnam	HELD, JOHN WAYNE	O3	XX	1968/04/17	INDIANAPOLIS, IN
USMC	S. Vietnam	HEWITT, SAMUEL EUGENE	E2	XX	1966/03/23	WALKERTON, IN
USAF	Laos	HILLS, JOHN RUSSELL	O4	BB	1966/02/14	SOUTH BEND, IN
USAF	S. Vietnam	HOSKINS, DONALD RUSSELL	E6	BB	1972/04/26	MADISON, IN
USA	S. Vietnam	HOWES, GEORGE ANDREWS	W3	XX	1970/01/10	KNOX, IN
USAF	Laos	JOHNS, PAUL F	O4	XX	1968/06/28	LACONIA, IN
USA	S. Vietnam	JOHNSON, JAMES REED	E3	BB	1966/08/21	INDIANAPOLIS, IN
USA	S. Vietnam	JONES, GRAYLAND	E3	BB	1969/11/23	INDIANAPOLIS, IN
USAF	S. Vietnam	KLUTE, KARL EDWIN	O3	BB	1966/03/14	RICHMOND, IN
USN	N. Vietnam	KNOCHEL, CHARLES ALLEN	O3	BB	1966/09/22	LAFAYETTE, IN
USMC	S. Vietnam	KUHLMAN, ROBERT J JR	O2	XX	1969/01/17	RICHMOND, IN
USN	N. Vietnam	LAMBTON, BENNIE RICHARD	E7	BB	1966/06/13	INDIANAPOLIS, IN
USA	S. Vietnam	LAUTZENHEISER, MICHAEL (NMI)	E5	BB	1971/10/26	MUNCIE, IN
USA	S. Vietnam	LAWSON, KARL WADE	E4	BB	1968/04/09	TERRE HAUTE, IN
USA	S. Vietnam	LINDEWALD, CHARLES W	E7	XX	1968/02/07	LA PORTE, IN
USA	S. Vietnam	LYON, JAMES MICHAEL	O3	KK	1970/02/05	INDIANAPOLIS, IN
USAF	S. Vietnam	MANN, ROBERT LEE	O3	BB	1965/10/22	LAFAYETTE, IN
USA	S. Vietnam	MARTIN, JERRY DEAN	E3	BB	1970/11/03	BEDFORD, IN
USMC	N. Vietnam	MCGARVEY, JAMES MAURICE	O4	XX	1967/04/17	VALPARAISO, IN
USAF	N. Vietnam	MIDNIGHT, FRANCIS B	O2	XX	1967/08/23	GARY, IN
CIVILIAN	S. Vietnam	MILLER, GEORGE C		BB	1975/03/12	, IN
USN	S. Vietnam	MITCHELL, HARRY E	E8	XX	1968/05/05	MARION, IN
USN	N. Vietnam	MONTGOMERY, RONALD WAYNE	E5	BB	1969/10/02	MOORES HILL, IN
USA	S. Vietnam	MOORE, RALPH EDWARD	E3	BB	1967/05/03	INDIANAPOLIS, IN
USA	Laos	NASH, JOHN MICHAEL	O3	BB	1966/03/15	TIPTON, IN
USAF	N. Vietnam	NELLANS, WILLIAM L	O3	XX	1967/09/17	WARSAW, IN
USA	S. Vietnam	NEWBURN, LARRY STEPHEN	E3	BB	1967/08/29	KOKOMO, IN
USN	S. Vietnam	PARKER, THOMAS AQUINAS	E6	BB	1967/04/05	OXFORD, IN
USAF	N. Vietnam	POOR, RUSSELL ARDEN	O3	XX	1967/02/04	WARSAW, IN
USN	S. Vietnam	POSEY, GEORGE RAY	E3	BB	1968/09/05	ANDERSON, IN
USN	N. Vietnam	ROGERS, BILLY LEE	E3	BB	1969/12/01	GARY, IN
USAF	Laos	ROGERS, CHARLES EDWARD	O4	BB	1967/05/04	GARY, IN
USN	S. Vietnam	SCHOONOVER, CHARLES DAVID	O4	BB	1966/01/16	INDIANAPOLIS, IN
USA	Laos	SMITH, RONALD EUGENE	E7	BB	1970/11/28	COVINGTON, IN
USN	N. Vietnam	SOUCY, RONALD PHILIP SR	E5	BB	1967/05/23	WHITING LAKE, IN
USMC	S. Vietnam	STAEHLI, BRUCE WAYNE	E3	XX	1968/04/30	CROW POINT LAKE, IN
USAF	N. Vietnam	STONEBRAKER, KENNETH ARNOL	O3	XX	1968/10/28	HOBART, IN
USAF	N. Vietnam	STUART, JOHN F	O4	XX	1972/12/20	INDIANAPOLIS, IN

Status Codes:

AR - AWOL/Deserter/Collaborator Returnee	KK - Died in Captivity, Remains Not Returned	PP - Prisoner
BB - Killed in Action, Body Not Recovered	KR - Died in Captivity, Remains Returned	RR - Returnee
BR - Body Recovered	MM - Missing	XX - Presumptive Finding of Death
EE - Escapee	NR - Remains Returned/Remains Recovered	

This Vietnam War missing personnel report was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this report and other official missing personnel reports.

Report Prepared: 8/19/02 Page Number: 1

Defense Prisoner of War/Missing Personnel Office

U.S. Unaccounted-For from the Vietnam War - Prisoners of War, Missing in Action and Killed in Action/Body not Recovered

Military Service	Country of Casualty	Name	Loss Rank	Status	Date of Incident	Home of Record
USA	S. Vietnam	STUCKEY, JOHN STEINER JR	E2	BB	1967/11/11	CLOVERDALE, IN
USA	S. Vietnam	TRAMPSKI, DONALD JOSEPH	E2	XX	1969/09/16	CHESTERTON, IN
USAF	Cambodia	WAGNER, RAYMOND ANTHONY	E3	BB	1972/03/27	EVANSVILLE, IN
USA	S. Vietnam	WHITTLE, JUNIOR LEE	E4	BB	1966/09/24	INDIANAPOLIS, IN
USAF	Laos	WRIGHT, THOMAS T	O3	XX	1968/02/27	GARY, IN
USA	S. Vietnam	YEAKLEY, ROBIN RAY	E4	BB	1972/06/11	SOUTH BEND, IN
USA	S. Vietnam	YOUNG, JEFFREY JEROME	E3	BB	1970/04/04	INDIANAPOLIS, IN

Report Totals:

Total BB - Killied in Action, Body Not Recovered:	37
Total KK - Died in Captivity, Remains Not Returned:	1
Total MM - Missing:	0
Total PP - Prisoner:	0
Total XX - Presumptive Finding of Death:	22
Total:	60

End of Report

Status Codes:

AR - AWOL/Deserter/Collaborator Returnee	KK - Died in Captivity, Remains Not Returned	PP - Prisoner
BB - Killied in Action, Body Not Recovered	KR - Died in Captivity, Remains Returned	RR - Returnee
BR - Body Recovered	MM - Missing	XX - Presumptive Finding of Death
EE - Escapee	NR - Remains Returned/Remains Recovered	

This Vietnam War missing personnel report was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this report and other official missing personnel reports.

Report Prepared: 8/19/02 Page Number: 2

Defense Prisoner of War/Missing Personnel Office

Personnel Missing - Korea (PMKOR)

(Report for Indiana)

Name	Military Service	Service Number	Grade	Rank	Unit	Incident Vehicle	Date of Incident	Date of Death (*See note)	Returned Date	Status	Home of Record
ACTON, FLOYD NEAL	USA	RA23047724	E4	CPL	G CO 2/38 REGT 2ID	NONE	5/17/51	12/31/53		MIA	JACKSON, IN
ADAMS, JAMES DWIGHT	USA	RA16312228	E4	CPL	MED CO 38 REGT 2ID	NONE	11/29/50	11/29/50		KIA	TIPPECANOE, IN
AKERS, HERBERT D	USA	RA16314622	E4	CPL	A BTRY 82 AAAW 2ID	NONE	12/1/50	3/5/51		POW	VIGO, IN
ANSPAUGH, GEORGE	USA	ER35908869	E7	SFC	G CO 2/38 REGT 2ID	NONE	5/17/51	12/31/53		MIA	DEKALB, IN
ARCHER, ROBERT GENE	USA	RA15420142	E4	CPL	HQ CO 1/32 REGT 7ID	NONE	12/2/50	2/28/51		POW	CLAY, IN
BAKER, DAVID	USA	RA16324110	E3	PFC	I CO 3/24 REGT 25ID	NONE	11/28/50	12/31/53		MIA	LAKE, IN
BAKER, DONALD LEWIS	USA	RA16277531	E5	SGT	H CO 2/24 REGT 25ID	NONE	9/6/50	3/31/51		POW	HOWARD, IN
BARKER, DONALD LEE	USA	RA35971592	E4	CPL	HQ CO 2/9 REGT 2ID	NONE	11/26/50	11/26/50		KIA	CASS, IN
BAUER, LESTER WILLIAM	USA	RA15277574	E3	PFC	I CO 3/29 REGT 24ID	NONE	7/27/50	12/31/53		MIA	CLINTON, IN
BEARD, ROBERT ALLEN	USA	O-02212047	O2	1LT	H CO 2/9 REGT 2ID	NONE	11/26/50	12/31/53		MIA	VERMILLION, IN
BEED, MILTON MARION	USA	RA17038006	E7	SFC	A CO 1/38 REGT 2ID	NONE	2/12/51	10/31/51		POW	MARION, IN
BELLAR, LOWELL W	USA	RA15198647	E3	PFC	M CO 3/31 REGT 7ID	NONE	12/1/50	12/1/50		KIA	LAKE, IN
BENDER, VICTOR VERNON	USA	RA15277459	E7	SFC	L CO 3/38 REGT 2ID	NONE	11/27/50	12/31/53		MIA	MARION, IN
BERRY, A D	USA	RA35721765	E8	MSG	HM CO 32ND INF	NONE	12/2/50	12/20/50		POW	VANDERVURGH, IN
BINGE, CHARLES F	USA	US55329092	E4	CPL	K CO 3/180 REGT 45ID	NONE	7/15/53	6/17/54		MIA	NEWTON, IN
BLASDEL, WILLIAM STANLEY	USMC	0561269	E3	CPL	H BRTY 3/11	NONE	11/28/50	11/28/53		MIA	NEW ALBANY, IN
BOWERMAN, WILLIAM J	USA	RA16268609	E4	CPL	B CO 1/32 REGT 7ID	NONE	12/2/50	12/31/53		MIA	DEKALB, IN
BOWMAN, ALLEN MILFORD	USMC	1082663	E3	CPL	B CO 1/5 REGT 1MAR	NONE	11/28/50	11/28/50		KIA	COVINGTON, IN
BRADLEY, ELDON R	USA	RA16314247	E4	CPL	E CO 2/8 REGT 1CAV	NONE	11/2/50	4/17/51		POW	ST JOSEPH, IN
BROCK, KENNETH WILBER	USMC	1064429	E2	PFC	G CO 3/5	NONE	12/1/50	12/1/50		KIA	INDIANAPOLIS, IN
BROWN, KENNETH	USA	US55200622	E3	PFC	K CO 3/15 REGT 3ID	NONE	8/14/52	8/14/52		KIA	MARION, IN
BROWN, THOMAS JAMES	USA	RA15420057	E4	CPL	B CO 1/38 REGT 2ID	NONE	5/18/51	12/31/53		MIA	ELKHART, IN
BURCH, HUGH MAYNARD	USAF	AF15277194	E5	SSG	93RD BOMB SQ	B-29	4/12/51	1/31/54		MIA	NEW CARLISLE, IN
BURNS, FORREST S	USA	O-00974111	O2	1LT	H CO 2/38 REGT 2ID	NONE	8/30/52	8/30/52		KIA	BARTHOLOMEW, IN
BYARD, BILLIE JACK	USA	RA15418425	E3	PFC	C BTRY 58TH FA 3ID	NONE	11/28/50	11/29/50		KIA	MARION, IN
CADDELL, DONALD	USA	RA16324148	E2	PVT	L CO 3/38 REGT 2ID	NONE	1/12/52	1/12/52		KIA	GREENE, IN
CALHOUN, STANLEY LOUIS JR	USN	2767382	E3	EMFN	USS MAGPIE	SHIP	10/1/50	10/2/51		MIA	DUNKIRK, IN
CHADWELL, GEORGE R	USA	RA16313989	E3	PFC	M CO 3/31 REGT 7ID	NONE	12/12/50	12/31/53		MIA	TIPPECANOE, IN
CHAPPEL, RICHARD A	USA	RA23020626	E4	CPL	B CO 1/8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	ALLEN, IN
CLARK, GENE FRANKLIN	USA	RA15275841	E5	SGT	HQ CO 8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	DELAWARE, IN
CLARK, HAROLD ROBERT	USA	ER35368243	E3	PFC	L CO 3/38 REGT 2ID	NONE	2/13/51	5/31/51		POW	MARION, IN
CLIFFORD, CLYDE R	USA	RA16314210	E4	CPL	D CO 1/27 REGT 25ID	NONE	7/26/50	12/31/53		MIA	ELKHART, IN
COLEMAN, JAMES ALLEN	USA	RA15246539	E7	SFC	I CO 3/19 REGT 24ID	NONE	4/25/51	4/25/51		KIA	VERMILLION, IN
CONDE, LOUIS BERNARD	USA	US55170838	E5	SGT	B CO 1/15 REGT 3ID	NONE	1/29/52	12/31/53		MIA	LAKE, IN
CONRAD, JACK DWAYNE	USA	RA16313046	E2	PV2	HHC 1/29 REGT 24ID	NONE	7/31/50	7/31/50		KIA	DELAWARE, IN
CONRAD, RICHARD LEON	USA	RA16313050	E3	PFC	HHC 1/29 REGT 24ID	NONE	7/31/50	7/31/50		KIA	DELAWARE, IN
CONSTANT, JAMES L	USA	RA16320424	E3	PFC	A CO 1/23 REGT 2ID	NONE	9/8/50	12/31/53		MIA	MARION, IN
COSBY, FOLTON	USA	RA35686359	E7	SFC	H CO 2/35 REGT 25ID	NONE	8/15/50	8/15/50		NBD	EDINBURG, IN
COWGER, JOHN HAROLD	USMC	0619868	E3	CPL	C CO 1/5 REGT 1MAR	NONE	11/28/50	11/28/50		KIA	TERRA HAUTE, IN
COX, CLARENCE VERNON JR	USA	RA15419041	E7	SFC	G CO 2/8 REGT 1CAV	NONE	11/1/50	12/31/53		MIA	MADISON, IN
COZAD, KENNETH LEE	USA	RA15275155	E5	SGT	G CO 2/19 REGT 24ID	NONE	7/30/50	3/1/54		MIA	JENNINGS, IN
CRANOR, GEORGE ELDON	USA	RA16311698	E3	PFC	AMB CO 7ID	NONE	11/28/50	3/18/54		MIA	LAKE, IN
CRISWELL, REED A	USA	RA16314940	E4	CPL	A BTRY 15 FA 2ID	NONE	2/13/51	4/5/51		POW	WASHINGTON, IN
CUNNINGHAM, WILLIAM R	USA	RA15276473	E4	CPL	B CO 1/32 REGT 7ID	NONE	12/2/50	12/31/53		MIA	VIGO, IN
DALLY, KENNETH HORTON	USA	RA35327139	E8	MSG	A CO 2 ENGR 2ID	NONE	12/1/50	1/15/51		POW	STEUBEN, IN
DALTON, HOWARD DALE	USA	RA15418915	E4	CPL	E CO 2/21 REGT 24ID	NONE	4/27/51	1/5/54		POW	TIPPECANOE, IN
DAVIS, EZEKIEL ALFONSO	USA	RA16333109	E2	PVT	D CO 1/9 REGT 2ID	NONE	2/11/51	2/17/54		MIA	GRANT, IN
DAVIS, JACK A	USA	ER15246484	E3	PFC	K CO 3/9 REGT 2ID	NONE	2/12/51	12/31/53		MIA	ST JOSEPH, IN

Notes/Explanations: (Unless denoted below, this report reflects information as reported in the service member's military record at the time of loss.)

- The "Grade" and "Rank" fields reflect the individual's pay grade and military rank as reflected by the military service; promotions awarded subsequent to the date of loss are appropriately reflected.
- The "Date of Death" field indicates the individual's date of death as determined by the individual Service Secretary. In the case of some individuals, this date was established by a Presumptive Finding Of Death (PFOD).
- The "Returned Date" field is the date the individual's remains were returned to the United States control. This date will be reflected only after a positive identification has been made.
- The "Status" field reflects the current classification of the individual as determined by the military branch of service. (KIA - Killed in Action; MIA - Missing in Action; POW - Prisoner of War; NBD - Non-Battle Death).

This list of Korean War missing personnel was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this list and other official missing personnel data lists.

Defense Prisoner of War/Missing Personnel Office

Personnel Missing - Korea (PMKOR)

(Report for Indiana)

Name	Military Service	Service Number	Grade	Rank	Unit	Incident Vehicle	Date of Incident	Date of Death (*See note)	Returned Date	Status	Home of Record
DAVIS, NORMAN GLEN	USAF	AF15209199	E6	SSG	8 BOMB SQ, LT	B-26	9/12/51	2/28/54		MIA	HYMERA, IN
DEBAUN, GEORGE JR	USMC	0550786	E3	CPL	G CO 3/1 REGT 1MAR	NONE	7/25/53	7/26/54		MIA	SHELBYVILLE, IN
DECKER, HOBART	USA	RA35098620	E3	PFC	D CO 1/31 REGT 7ID	NONE	12/20/50	12/20/50		NBD	, IN
DECKER, RAYMOND ALFRED	USAF	AO-2000360	O2	1LT	729TH BOMB SQ(L)	B-26	7/19/51	12/31/53		MIA	HOBART, IN
DELONG, CLAYTON C	USA	RA16311080	E4	CPL	K CO 3/31 REGT 7ID	NONE	12/12/50	12/31/53		MIA	ALLEN, IN
DENNIS, GENE ALTON	USAF	20163A	O2	1LT	428TH FTR BMB SQ	F-84E	9/28/52	12/31/53		MIA	MARION, IN
DEWITT, STANLEY L	USA	RA16312243	E5	SGT	MED DET 57 FA 7ID	NONE	12/6/50	12/31/53		MIA	CASS, IN
DICK, WILLIAM L JR	USA	RA16314645	E3	PFC	E CO 2/5 REGT 1CAV	NONE	8/15/50	2/19/54		MIA	JENNINGS, IN
DINERBOILER, MILTON J	USA	RA15277160	E3	PFC	HV MORT CO 32 REGT	NONE	12/2/50	4/30/51		POW	ELKHART, IN
DOODY, JAMES THOMAS	USA	RA15243815	E4	CPL	F CO 2/23 REGT 2ID	NONE	7/17/52	7/17/52		KIA	MARION, IN
DREW, DONALD D	USA	RA15419313	E4	CPL	M CO 3/34 REGT 24ID	NONE	7/20/50	12/31/53		MIA	WASHINGTON, IN
DUNN, JAMES R	USA	RA35725173	E7	SFC	HQ CO 3/8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	KNOX, IN
DURAKOVICH, JOSEPH	USA	ER35143986	E8	MSG	G CO 2/5 REGT 1CAV	NONE	11/28/50	12/31/53		MIA	LAKE, IN
EADS, DONALD WAYNE	USMC	1277798	E2	PFC	C CO 1/5 REGT 1MAR	NONE	3/26/53	3/26/54		MIA	BLOOMINGTON, IN
EATON, JOHN OMER	USA	RA16313235	E4	CPL	A CO 1/34 REGT 24ID	NONE	7/20/50	5/8/51		POW	CRAWFORD, IN
EGGERS, HERBERT PHILLIP	USA	RA16320452	E3	PFC	MED CO 19 REGT 24ID	NONE	7/16/50	12/31/53		MIA	MARION, IN
EMRICK, HOWARD W	USA	RA23008101	E3	PFC	L CO 3/34 REGT 24ID	NONE	7/20/50	12/31/53		MIA	ALLEN, IN
ENRIGHT, WILLIAM CHESTER	USMC	0894035	E4	SGT	I CO 3/7 REGT 1MAR	NONE	12/2/50	12/2/50		KIA	HAMMOND, IN
ESTES, ROBERT VERNON	USA	RA16312230	E4	CPL	HQ CO 1BN 9TH INF	NONE	11/30/50	1/31/51		POW	WHITE, IN
FAITH, DON CARLOS JR	USA	O-046673	O5	LTC	HQ CO 1/32ND INF	NONE	12/2/50	12/2/50		KIA	DAVIESS, IN
FINCH, ROBERT CLARENCE	USAF	AO-2078198	O2	1LT	728TH BOMB SQ(L)	B-26	9/7/51	12/31/53		MIA	LAFAYETTE, IN
FLUHR, PETER PAUL JR	USA	RA15380970	E4	CPL	F CO 2/8 REGT 1CAV	NONE	9/3/50	12/31/53		MIA	SCOTT, IN
FRAKES, EDWARD LEO	USMC	O-051084	O2	1STLT	VMF 311 MAG 33	F-9F	10/3/51	12/15/53		MIA	BRANCHVILLE, IN
FRANKART, NED CHARLES	USAF	AO-839010	O2	1LT	39TH FTR INT SQ	F-51D	11/3/51	12/31/53		KIA	FORT WAYNE, IN
FRANS, JACK MARVIN	USA	ER16313202	E4	CPL	A CO 1/38 REGT 2ID	NONE	2/12/51	1/18/54		MIA	DAVIESS, IN
FRANTZ, GEORGE ARTHUR	USA	RA16311766	E3	PFC	L CO 3/21 REGT 24ID	NONE	7/11/50	12/3/50		POW	MARION, IN
GARRIGUS, CHARLES	USA	RA35968746	E5	SGT	HQ CO 1/32 REGT 7ID	NONE	12/1/50	12/1/50		KIA	GIBSON, IN
GIBSON, CLIFTON E	USA	US55248898	E3	PFC	F CO 31ST INF	NONE	10/15/52	12/31/53		MIA	ST JOSEPH, IN
GIBSON, WILLARD M	USA	RA16314737	E5	SGT	E CO 2/9 REGT 2ID	NONE	12/1/50	6/21/51		POW	SULLIVAN, IN
GOE, CLYDE	USA	RA06662785	E8	MSG	I CO 38TH INF	NONE	11/30/50	12/31/53		MIA	BROWN, IN
GOODALL, ROBERT	USA	RA16332019	E3	PFC	K CO 9TH INF	NONE	2/12/51	3/31/51		POW	DELAWARE, IN
GREENE, JOSEPH P	USA	ER35720706	E3	PFC	2ND RECON CO 2ID	NONE	2/14/51	2/14/51		KIA	VANDERBURGH, IN
GRIFFITH, JACK WALTER	USN	O-283413	O3	LT	CARRIER AIR GP 2	F-9F2	7/4/52	5/25/54		MIA	EVANSVILLE, IN
GUDE, EDWARD ALLEN	USA	RA16310231	E4	CPL	M CO 3/23 REGT 2ID	NONE	11/19/50	12/31/53		MIA	PERRY, IN
GUYNN, JOHN EDWIN	USA	RA35902554	E4	CPL	HM CO 19TH INF	NONE	11/4/50	3/2/51		POW	HUNTINGTON, IN
HAMILTON, DONALD SEWELL	USA	RA15275073	E5	SGT	MED CO 32ND INF	NONE	12/2/50	12/31/53		MIA	GREENE, IN
HAMM, DONALD LANE	USA	RA15244528	E5	SGT	HHC 2/5 REGT 1CAV	NONE	11/28/50	12/31/53		MIA	DAVIESS, IN
HAMMON, KEITH EDWARD	USAF	AF15230651	E6	TSG	307TH BOMB GP	B-29	11/8/52	11/9/53		MIA	ROCKVILLE, IN
HARMON, GILBERT LARRY	USMC	1123570	E2	PFC	I CO 3/5 REGT 1MAR	NONE	7/26/53	7/26/54		MIA	TERRE HAUTE, IN
HARRIS, ELMER JR	USA	RA15416300	E4	CPL	C CO 2ND ENGR BN	NONE	11/28/50	12/31/53		MIA	MONROE, IN
HARRIS, MAX EUGENE	USA	RA15256584	E7	SFC	L CO 3/31 REGT 7ID	NONE	12/12/50	9/30/51		POW	WHITE, IN
HARRISON, BANNIE JR	USA	RA15278030	E4	CPL	M CO 9TH INF	NONE	12/1/50	1/7/51		POW	ALLEN, IN
HATCH, GENE N	USA	RA15278016	E5	SGT	MED CO 9TH INF	NONE	12/1/50	3/31/51		POW	ALLEN, IN
HAY, KENNETH VERNE	USA	RA15243924	E4	CPL	I CO 5TH CAV RGT	NONE	3/19/51	9/30/51		POW	WAYNE, IN
HENKENIUS, LEO JOSEPH	USMC	1063789	E2	PFC	E CO 2/7 REGT 1MAR	NONE	11/28/50	10/23/53		MIA	FORT WAYNE, IN
HILL, JAMES FELLA	USA	O-38835	O5	LTC	HH CO 9TH INF	NONE	12/1/50	12/15/50		POW	SPENCER, IN
HINDS, ROBERT LEE	USMC	1048219	E2	PFC	D CO 2/5 REGT 1MAR	NONE	12/7/50	12/7/50		KIA	INDIANAPOLIS, IN
HODGE, WILLIAM M	USA	RA15258056	E2	PVT	I CO 3/24 REGT 25ID	NONE	7/26/50	12/31/53		MIA	LAKE, IN

Notes/Explanations: (Unless denoted below, this report reflects information as reported in the service member's military record at the time of loss.)

- The "Grade" and "Rank" fields reflect the individual's pay grade and military rank as reflected by the military service; promotions awarded subsequent to the date of loss are appropriately reflected.
- The "Date of Death" field indicates the individual's date of death as determined by the individual Service Secretary. In the case of some individuals, this date was established by a Presumptive Finding Of Death (PFOD).
- The "Returned Date" field is the date the individual's remains were returned to the United States control. This date will be reflected only after a positive identification has been made.
- The "Status" field reflects the current classification of the individual as determined by the military branch of service. (KIA - Killed in Action; MIA - Missing in Action; POW - Prisoner of War; NBD - Non-Battle Death).

This list of Korean War missing personnel was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this list and other official missing personnel data lists.

Defense Prisoner of War/Missing Personnel Office

Personnel Missing - Korea (PMKOR)

(Report for Indiana)

Name	Military Service	Service Number	Grade	Rank	Unit	Incident Vehicle	Date of Incident	Date of Death (*See note)	Returned Date	Status	Home of Record
HOLLE, JOSEPH FRANCIS	USA	US55327978	E4	CPL	E CO 2/17 REGT 7ID	NONE	7/8/53	7/9/54		MIA	MARION, IN
HOLMAN, CHARLES RUTHERFORD	USN	O-486204	O2	LTJG	USS PRINCETON	AD-4	8/1/52	8/1/52		KIA	INDIANAPOLIS, IN
HOOPER, FLOYD E	USA	ER52007636	E4	CPL	I CO 19TH INF	NONE	2/4/51	6/30/51		POW	MADISON, IN
HUBARTT, RALPH ERNEST JR	USA	RA16311033	E4	CPL	H CO 2/38 REGT 2ID	NONE	11/27/50	12/31/53		MIA	HUNTINGTON, IN
HUKILL, PAUL F	USA	RA16311584	E3	PFC	A BTRY 38TH FA	NONE	11/30/50	1/12/51		POW	LAKE, IN
INMAN, RICHARD GEORGE	USA	O-00066536	O1	2LT	HM CO 17 REGT 7ID	NONE	7/7/53	7/7/53		MIA	KNOX, IN
JAYNES, EDWARD R	USA	RA15416806	E3	PFC	C CO 13 ENGR 7ID	NONE	12/1/50	12/31/53		MIA	GIBSON, IN
JESTER, WILLIAM F	USA	O-00057490	O2	1LT	HQ 3/21 REGT 24ID	NONE	7/12/50	5/31/51		POW	MARION, IN
JESTER, WILLIAM R	USA	RA15276540	E4	CPL	L CO 3/21 REGT 24ID	NONE	7/11/50	6/16/51		POW	SWITZERLAND, IN
JINKS, LEONARD W E	USA	RA15057580	E4	CPL	C CO 1/19 REGT 24ID	NONE	7/16/50	2/18/54		MIA	RIPLEY, IN
JOCHIM, CORNELIUS A	USA	RA15416759	E7	SFC	HV MTR CO 31 REGT 7ID	NONE	11/28/50	12/31/53		MIA	VANDERBURGH, IN
JOHNSON, WILLIAM H	USA	RA15275557	E3	PFC	F CO 2/7 REGT 3ID	NONE	12/3/50	12/31/53		MIA	CLARK, IN
KILLAR, PAUL MARTIN	USA	US55324677	E3	PFC	A CO 13 ENGR 7ID	NONE	7/9/53	7/10/54		MIA	LAKE, IN
LANDER, LAWRENCE EDWARD	USA	RA15208600	E5	SGT	HQ CO 3/9 REGT 2ID	NONE	12/1/50	2/28/51		POW	VANDERBURGH, IN
LANGWELL, ROBERT WARREN	USN	O-534047	O1	ENS	USS MAGPIE	SHIP	10/1/50	10/2/51		MIA	INDIANNAPOLIS, IN
LEFFLER, EVERETT W	USA	RA16310242	E4	CPL	C BTRY 38TH FA	NONE	11/30/50	12/31/53		MIA	KNOX, IN
LIDDLE, HARRY H JR	USA	US55200056	E3	PFC	F CO 179TH INF	NONE	6/11/52	6/11/52		KIA	DEARBORN, IN
LOVELESS, LARRY	USA	RA16311922	E3	PFC	C CO 1/9 REGT 2ID	NONE	8/11/50	8/11/50		KIA	HARRISON, IN
LYKINS, EARL PAUL	USA	RA15419183	E4	CPL	D CO 1/34 REGT 24ID	NONE	7/20/50	10/27/50		POW	RANDOLPH, IN
MACE, DELBERT ULYSSES	USA	US55031792	E7	SFC	A CO 21ST INF	NONE	12/12/51	12/12/51		KIA	PORTER, IN
MAGNUS, DONALD F	USA	RA15255097	E4	CPL	HQ CO 3/21 REGT 24ID	NONE	7/12/50	1/4/51		POW	VANDERBURGH, IN
MANION, EVERETT D	USA	RA15418921	E4	CPL	F CO 2/35 REGT 25ID	NONE	7/22/50	12/31/53		MIA	MONTGOMERY, IN
MARLATT, DONALD LEE	USA	RA16314684	E4	CPL	B CO 2ND ENGR BN	NONE	11/28/50	12/31/53		MIA	JASPER, IN
MARTIN, ALBERT F	USA	US55201362	E4	CPL	G CO 2/179TH INF	NONE	10/29/52	12/31/53		MIA	JAY, IN
MARTIN, HERBERT O	USA	RA15244895	E3	PFC	F CO 2/21 REGT 24ID	NONE	9/5/50	9/5/50		KIA	GIBSON, IN
MASTABAYVO, STEVE A	USA	US55219335	E3	PFC	C CO 1/9 REGT 2ID	NONE	8/14/52	12/31/53		MIA	LAKE, IN
MCCLAIN, EARL E	USA	RA15417938	E5	SGT	HM CO 21 REGT 24ID	NONE	9/4/50	12/31/53		MIA	MARION, IN
MCDANIEL, CHARLES H	USA	RA17000585	E8	MSG	MED CO 8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	JENNINGS, IN
MCDONIEL, RAYMOND JOHN	USA	O-1321324	O3	CPT	D CO 9TH INF	NONE	11/28/50	11/28/50		POW	MONROE, IN
MCFARREN, EDWARD Q	USA	ER52008423	E3	PFC	E CO 2/5 REGT 1CAV	NONE	11/28/50	12/31/53		MIA	KOSCIUSKO, IN
MCINTYRE, JAMES T	USA	RA16313204	E4	CPL	K CO 3/21 REGT 24ID	NONE	7/11/50	12/28/50		POW	FLOYD, IN
MCKEEHAN, HERBERT V	USA	RA16311516	E3	PFC	B CO 70 TNK 1CAV	NONE	11/2/50	11/2/50		KIA	LA PORTE, IN
MCNALLY, JOSEPH LAWRENCE	USA	RA35893731	E8	MSG	A CO 1/8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	HANCOCK, IN
MESHULAM, MORRIS	USA	RA15277708	E4	CPL	D CO 82 AAAW 2ID	NONE	12/1/50	1/11/51		POW	MARION, IN
METZCAR, R MAURICE	USA	O-1059560	O3	CPT	HQ CO 555 FA BN	NONE	4/25/51	9/28/51		POW	DELAWARE, IN
MICHAELS, MELVIN J	USA	RA16335916	E3	PFC	L CO 3/35 REGT 25ID	NONE	9/7/51	9/7/51		KIA	PORTER, IN
MIDDLETON, HARRY RICHARD	USAF	16941A	O3	CPT	12TH FTR BMBR SQ	F-51D	4/30/51	4/24/52		KIA	NAPPANEE, IN
MINNIEAR, ROBERT G	USA	RA16313155	E4	CPL	C BTRY 37TH FA	NONE	11/30/50	3/13/51		POW	TIPPECANOE, IN
MISHLER, JAMES E	USA	RA15276384	E3	PFC	SV BTRY 38 FA BN	NONE	11/30/50	3/4/51		POW	CLAY, IN
MITCHELL, DONALD K	USA	RA15417787	E4	CPL	G CO 23RD INF	NONE	11/30/50	11/30/50		KIA	LAKE, IN
MOORE, JOHN D JR	USA	RA35892154	E5	SGT	G CO 2/24 REGT 25ID	NONE	11/27/50	5/31/51		POW	LAKE, IN
MORRIS, CLARENCE TAYLOR	USMC	1243690	E2	PFC	E CO 2/1 REGT 1MAR	NONE	12/27/52	12/28/53		MIA	GARY, IN
MORRIS, DAVID WESLEY	USA	ER35145756	E4	CPL	D CO 1/38 REGT 2ID	NONE	2/12/51	6/17/51		POW	MADISON, IN
MORRIS, RUSSELL F	USA	ER35169826	E5	SGT	HQ CO 3/38 REGT 2ID	NONE	2/13/51	3/5/54		MIA	DELAWARE, IN
MULLETT, RICHARD EVERETT	USMC	0550847	E7	MSGT	VMF 513 MAG 12	F-73N	6/15/52	12/17/53		MIA	BUTLER, IN
MURDOCK, JACKIE LEE	USA	RA16314045	E3	PFC	B CO 1/34 REGT 24ID	NONE	7/6/50	10/29/50		POW	MONTGOMERY, IN
MYERS, DONALD WILLIAM	USMC	0655408	E2	PFC	C CO 1/7 REGT 1MAR	NONE	12/2/50	12/4/53		MIA	FT WAYNE, IN
NEISWINGER, THOMAS W	USA	RA15420168	E4	CPL	F CO 2/38 REGT 2ID	NONE	9/6/50	12/31/53		MIA	CLAY, IN

Notes/Explanations: (Unless denoted below, this report reflects information as reported in the service member's military record at the time of loss.)

- The "Grade" and "Rank" fields reflect the individual's pay grade and military rank as reflected by the military service; promotions awarded subsequent to the date of loss are appropriately reflected.
- The "Date of Death" field indicates the individual's date of death as determined by the individual Service Secretary. In the case of some individuals, this date was established by a Presumptive Finding Of Death (PFOD).
- The "Returned Date" field is the date the individual's remains were returned to the United States control. This date will be reflected only after a positive identification has been made.
- The "Status" field reflects the current classification of the individual as determined by the military branch of service. (KIA - Killed in Action; MIA - Missing in Action; POW - Prisoner of War; NBD - Non-Battle Death).

This list of Korean War missing personnel was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this list and other official missing personnel data lists.

Defense Prisoner of War/Missing Personnel Office

Personnel Missing - Korea (PMKOR)

(Report for Indiana)

Name	Military Service	Service Number	Grade	Rank	Unit	Incident Vehicle	Date of Incident	Date of Death (*See note)	Returned Date	Status	Home of Record
NICHOLSON, RICHARD L	USA	RA15276162	E4	CPL	E CO 2/7 REGT 1CAV	NONE	9/6/50	12/31/53		MIA	HENRY, IN
NORTHCUTT, CHARLES JR	USA	RA15417798	E4	CPL	C CO 3 ENGR 24ID	NONE	7/20/50	12/31/53		MIA	MONTGOMERY, IN
OLCOTT, RICHARD LEE	USAF	AO-736315	O2	1LT	39TH FTR INT SQ	F-51	10/6/51	10/18/51		KIA	FT WAYNE, IN
PEARSON, RAYMOND EDWARD	USA	O-02014734	O2	1LT	SVC BTRY 63 FA 24ID	NONE	7/14/50	2/28/51		POW	MONTGOMERY, IN
PHILLIPS, VIRGIL L	USA	RA35813775	E5	SGT	K CO 3/8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	MARTIN, IN
PICKENS, RUSSELL B	USA	RA16310805	E4	CPL	A BTRY 63 FA 24ID	NONE	7/20/50	12/31/53		MIA	ALLEN, IN
PLEISS, LEWIS PEIFER	USAF	AO-1912244	O2	1LT	25TH FTR INT SQ	F-80	9/23/51	12/31/53		MIA	NEW ALBANY, IN
PLUMP, JAMES	USA	RA34014959	E8	MSG	C CO 1/24 REGT 25ID	NONE	11/27/50	11/27/50		KIA	ST JOSEPH, IN
POTHAST, BOBBY LEE	USMC	1181849	E2	PFC	F CO 2/1 REGT1MAR	NONE	6/13/52	6/13/52		KIA	INDIANAPOLIS, IN
REYNOLDS, BERNARD CLAYTON	USA	US55049102	E4	CPL	D CO 1/38 REGT 2ID	NONE	5/18/51	12/31/53		MIA	RANDOLPH, IN
RICE, DONALD RAY	USA	RA16311222	E5	SGT	L CO 3/23 REGT 2ID	NONE	5/18/51	10/31/51		POW	PORTER, IN
RIDER, ALEXANDER DAVID	USMC	443270	E6	TSGT	4-2 MORT CO 7TH MAR	NONE	12/6/50	12/6/50		KIA	GARY, IN
RILEY, CHARLES D	USA	RA16314614	E4	CPL	B CO 2ND ENGR BN	NONE	11/28/50	2/28/51		POW	DELAWARE, IN
RODMAN, MARVIN L	USA	US55200683	E7	SFC	K CO 3/32 REGT 7ID	NONE	10/20/52	12/31/53		MIA	WASHINGTON, IN
ROSS, EDWARD F	USA	ER35540297	E5	SGT	H CO 2/7 REGT 3ID	NONE	4/25/51	12/31/53		MIA	DEKALB, IN
ROSS, ROBERT LEWIS	USAF	AF22998208	E5	SSG	28TH BOMB SQ	B-29	6/10/52	2/28/54		MIA	ROCKVILLE, IN
RUBY, GENE ROBERT	USMC	1082534	E2	PFC	HQ BTRY 3/11	NONE	11/30/50	11/30/50		KIA	ROANOKE, IN
RUSH, JOHN EARL	USMC	520559	E3	CPL	I CO 3/7 REGT 1MAR	NONE	12/2/50	1/14/54		MIA	SOUTH BEND, IN
SCOTT, MARLE D	USA	RA15278294	E3	PFC	B BTRY 57 FA 7ID	NONE	11/29/50	11/29/50		KIA	FOUNTAIN, IN
SCOTT, RICHARD DALE	USN	2916861	E6	BM1	USS MAGPIE	SHIP	10/1/50	10/2/51		MIA	PERU, IN
SECHMAN, DONALD R	USA	RA15275776	E4	CPL	I CO 3/34 REGT 24ID	NONE	7/20/50	1/20/54		MIA	MONTGOMERY, IN
SELMAN, CLIFFORD GENE	USAF	AO-1864097	O2	1LT	13 BOMB SQ, LT	B-26	5/17/53	5/18/54		MIA	LAFAYETTE, IN
SERWISE, LUTHER DEAN	USA	ER35096983	E7	SFC	A CO 1/38 REGT 2ID	NONE	2/12/51	2/17/54		MIA	LAKE, IN
SHEPLER, GERALD IVIN	USA	RA15419662	E4	CPL	K CO 3/187 ABN RCT	NONE	11/29/50	11/29/50		KIA	UNION, IN
SIMMONS, WALLACE JR	USA	RA35569696	E8	MSG	HQ BTRY 57 FA 7ID	NONE	12/6/50	12/31/53		MIA	MARION, IN
SIZEMORE, CHARLES EDWARD	USA	RA16311923	E4	CPL	HHC 8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	RUSH, IN
SMITH, CHARLES E	USA	RA16314105	E3	PFC	B CO 1/29 REGT 24ID	NONE	7/27/50	12/31/53		MIA	ST JOSEPH, IN
SMITH, LELAND FORD	USA	RA23021038	E4	CPL	K CO 3/35 REGT 25ID	NONE	11/28/50	2/28/51		POW	STEUBEN, IN
SODERSTROM, MARVIN W	USA	US55091639	E3	PFC	E CO 2/35 REGT 25ID	NONE	9/9/51	2/15/54		MIA	PORTER, IN
SPANGLER, DONALD E	USA	RA15275871	E3	PFC	B CO 1/8 REGT 1CAV	NONE	11/2/50	12/31/53		MIA	DELAWARE, IN
STEBBENS, ALVIN LOWELL	USA	RA16312837	E4	CPL	A CO 32ND INF	NONE	12/2/50	1/26/53		MIA	GRANT, IN
STRAWSER, PAUL P	USA	RA15212417	E4	CPL	A CO 1/34 REGT 24ID	NONE	7/6/50	11/22/50		POW	STEUBEN, IN
STURDIVANT, CHARLES	USA	ER52005770	E3	PFC	I CO 3/38 REGT 2ID	NONE	2/12/51	12/31/53		POW	HUNTINGTON, IN
STURGEON, GENE ALFRED	USMC	0450033	E3	CPL	B CO 1/7 REGT 1MAR	NONE	11/28/50	11/28/50		KIA	CONNERSVILLE, IN
SURBER, HAROLD PAUL	USA	US55031109	E4	CPL	C CO 38TH INF	NONE	5/18/51	7/31/51		POW	MARION, IN
TABACZYNSKI, EDWIN FELIX	USAF	AO-2221757	O1	2LT	16TH FTR INT SQ	F-80	8/20/51	8/1/52		KIA	MISHAWAKA, IN
TALLEY, JAMES WILLIS	USA	RA16324102	E3	PFC	C CO 1/24 REGT 25ID	NONE	11/26/50	11/26/50		KIA	LAKE, IN
THURMAN, JOHN EDWARD	USAF	AF16346460	E4	AIC	1ST SHORAN SQ	C-46	10/16/52	11/7/52		NBD	GREENSBORO, IN
TITUS, ROBERT ELI	USA	RA16312767	E3	PFC	C CO 1/19 REGT 24ID	NONE	7/16/50	12/31/50		POW	GRANT, IN
TOOPS, WILLIAM WILBUR	USAF	AO-1911692	O2	1LT	8TH FTR BMBR SQ	F-84E	6/16/52	6/16/52		KIA	ANDERSON, IN
TUCKER, ROBERT JEROME	USA	RA35724130	E4	CPL	E CO 2/24 REGT 25ID	NONE	11/27/50	11/27/50		KIA	GIBSON, IN
TURNER, ROBERT WILLIAM	USN	2914368	E7	ENC	USS PLEDGE, AM-277	AM	10/12/50	10/12/50		KIA	LOGANSPORT, IN
WAGNER, GENE LEWIS	USA	RA15275693	E4	CPL	A CO 1/19 REGT 24ID	NONE	7/16/50	10/31/50		POW	WHITE, IN
WASIAK, RICHARD L	USA	RA16311250	E4	CPL	C CO 1/32 REGT 7ID	NONE	12/2/50	12/31/53		MIA	LAKE, IN
WHITE, ROBERT LEE	USA	RA16312975	E4	CPL	A BTRY 38TH FA	NONE	11/30/50	4/4/51		POW	HENRY, IN
WHITE, ROBERT LOUIS	USA	RA16320481	E5	SGT	HQ CO 1BN 9INF	NONE	11/30/50	12/31/53		MIA	DECATUR, IN
WILDER, ROBERT DEWITT	USMC	1176607	E3	CPL	G CO 3/7 REGT 1MAR	NONE	10/6/52	10/6/52		KIA	EVANSVILLE, IN
WILLIAMS, GROVER LOIS	USMC	0593728	E3	CPL	E CO 2/7 REGT 1MAR	NONE	11/28/50	10/22/53		MIA	WALKERTON, IN

Notes/Explanations: (Unless denoted below, this report reflects information as reported in the service member's military record at the time of loss.)

- The "Grade" and "Rank" fields reflect the individual's pay grade and military rank as reflected by the military service; promotions awarded subsequent to the date of loss are appropriately reflected.
- The "Date of Death" field indicates the individual's date of death as determined by the individual Service Secretary. In the case of some individuals, this date was established by a Presumptive Finding Of Death (PFOD).
- The "Returned Date" field is the date the individual's remains were returned to the United States control. This date will be reflected only after a positive identification has been made.
- The "Status" field reflects the current classification of the individual as determined by the military branch of service. (KIA - Killed in Action; MIA - Missing in Action; POW - Prisoner of War; NBD - Non-Battle Death).

This list of Korean War missing personnel was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this list and other official missing personnel data lists.

Defense Prisoner of War/Missing Personnel Office

Personnel Missing - Korea (PMKOR)

(Report for Indiana)

Name	Military Service	Service Number	Grade	Rank	Unit	Incident Vehicle	Date of Incident	Date of Death (*See note)	Returned Date	Status	Home of Record
WILSON, MERBLE EUGENE	USA	RA15242639	E3	PFC	L CO 5TH CAV RGT	NONE	2/15/51	3/5/54		POW	TIPPECANOE, IN
WOLIUNG, JOHN GEORGE	USAF	AO-826818	O3	CPT	12TH FTR BMBR SQ	F-51	11/5/52	10/28/53		MIA	GREENCASTLE, IN
ZEKUCIA, BERNARD M	USA	US55061590	E4	CPL	G CO 2/38 REGT 2ID	NONE	8/27/51	8/27/51		KIA	LAKE, IN

Count Total: 195

End of Report

Notes/Explanations: (Unless denoted below, this report reflects information as reported in the service member's military record at the time of loss.)

- The "Grade" and "Rank" fields reflect the individual's pay grade and military rank as reflected by the military service; promotions awarded subsequent to the date of loss are appropriately reflected.
- The "Date of Death" field indicates the individual's date of death as determined by the individual Service Secretary. In the case of some individuals, this date was established by a Presumptive Finding Of Death (PFOD).
- The "Returned Date" field is the date the individual's remains were returned to the United States control. This date will be reflected only after a positive identification has been made.
- The "Status" field reflects the current classification of the individual as determined by the military branch of service. (KIA - Killed in Action; MIA - Missing in Action; POW - Prisoner of War; NBD - Non-Battle Death).

Report Prepared: 7/22/02

This list of Korean War missing personnel was prepared by the Defense Prisoner of War/Missing Personnel Office (DPMO).
Please visit our web site at http://www.dtic.mil/dpmo for updates to this list and other official missing personnel data lists.

IRAQ

Mr. VOINOVICH. Mr. President, I submit for the CONGRESSIONAL RECORD the following statement on Iraq, which I released following the President's remarks to the United Nations one week ago today. I ask unanimous consent that my statement be printed in the RECORD.

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

Mr. VOINOVICH. President Bush's speech today before the United Nations outlined well Saddam Hussein's sustained history of defiance of UN resolutions and the will of the international community. He left no doubt in any reasonable person's mind that Iraq is a threat to the stability of the Middle East, is a danger to his own people, and is fundamentally hostile to the basic human rights of life, liberty and the pursuit of happiness upon which our nation is founded. Saddam Hussein is a threat to peace and his defiance of the world community and his continued pursuit of weapons of mass destruction show that he has no intention of changing his ways.

The President's simple recitation of Iraq's defiance and broken promises was convincing and persuasive. No interpretation was required. The President said it best: ''By breaking every pledge by his deceptions and his cruelties, Saddam Hussein has made the case against himself.''

The President's challenge, therefore, isn't making the case against Iraq, but building the support for action to force Iraqi compliance with UN resolutions calling for it to cease its support of terrorist groups, cease the production of weapons of mass destruction and allow international weapons inspections. Generating this support among the American people, Congress and our international partners is critical if any effort to deal with the Iraqi threat is to be successful.

As governor of Ohio and commander-in-chief of the Ohio National Guard during the Persian Gulf War, I saw firsthand how the unequivocal support that existed for our campaign to evict Saddam Hussein from Kuwait made it so much easier for our soldiers to leave home for an overseas mission. Ohioans supported our military mission and they supported our troops. There was no doubt about Saddam Hussein's guilt or his need to be stopped. This type of support is important if we are to ultimately succeed in stopping the Iraqi threat.

With his speech today, President Bush has started to build this base of support. I applaud his decision to go before the world community at the United Nations and to challenge the body to stand behind its resolutions, live up to its charter and be a force for peace and the preservation of human rights. The President's meeting with British Prime Minister Tony Blair last weekend and his recent series of conversations with world leaders are the right beginning. It must be built upon and strengthened. Our allies must be consulted, probed for advice, and engaged in the process, not just lectured, if we are to succeed. The President also must reach out to our emerging allies in the Middle East who, since 9–11, have begun to cooperate in the war on terrorism.

There is still much work to do as we consider options for confronting the looming threat presented by Iraq's ongoing programs to develop weapons of mass destruction. It is clear that we cannot sit idly by and allow Saddam Hussein to move forward in his work to acquire these deadly capabilities. As we examine possible courses of action I'm confident the President is going to take every necessary step to continue to make his case to Congress and to the American people, and to consult with our allies as well as the countries in the region with whom we have emerging, important relationships. We owe it to those at home and abroad that we seek to protect from Saddam Hussein and his weapons to be diligent in the building of consensus so that our efforts to handle the Iraqi threat can be successful and conclusive.

ADDITIONAL STATEMENTS

TRIBUTE TO NORMA DICKSON

• Mr. BURNS. Mr. President, I would like to take the opportunity to congratulate Norma Eudora Cronk Dickson. On October 16th, 2002 she will celebrate her 100th birthday. Norma is a resident of Chinook, MT.

Norma Dickson was born October 16, 1902. She was the eldest of four children born to John Colburn Cronk and Anna Rogers Cronk. John and Anna Cronk moved to Montana in 1898, and settled in the Milk River Valley in Coburg, MT. Her parents were ranchers and prominent members of the community. Her father John was elected State representative in Montana in 1923. Her parents raised cattle and prize winning Percheron horses. The livestock pavilion at the Blaine County Fairgrounds was dedicated to her father's memory.

Norma attended college and taught for a few years prior to her marriage in 1928 to Dr. Joseph Robert Dickson, another Montana native who practiced dentistry in Chinook, MT.

Norma and Dr. Dickson had four children, Joseph Robert Dickson Jr., Marilyn Dickson Gregg, James Cronk Dickson, and George William Hunt Dickson. They also have thirteen grandchildren and ten great-grandchildren.

In addition to Norma's dedication to her family, she has been very active in her community of Chinook, MT. Her involvements include the Eastern Star, Chinook Presbyterian Church, and High School Girl's State. She has also worked at the Chinook Senior Center as a volunteer from its inception until she was 97 years old. Finally, she was named Senior of the Year in Chinook. She is a treasure to her community, her State, and of course, to her family.•

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 11, 2001 in Rifle, CO. Kyle Skyock, 16, was found unconscious on the side of a road after being beaten by four teenage boys who believed he was gay. Skyock's injuries included a fractured skull, burns, three broken ribs, and a bruise described by doctors as being in the shape of a two-by-four. During the beating, the assailants made derogatory comments about the victim's perceived sexual orientation.

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 and changing current law, we can change hearts and minds as well.•

OREGON'S TECHNOLOGY LEADERS

• Mr. WYDEN. Mr. President, a little more than a year ago, the terrible events of September 11 forced the awakening and mobilization of a critical resource in this country. In response to that tremendous tragedy, America's technology innovators, skilled workers in all walks of life, have stepped forward to help America address the numerous threats our enemies pose.

One of these threats is cybersecurity. As computer networks have become increasingly central to this Nation's infrastructure and businesses, that the importance of securing our information and information technologies has grown. Today I wish to draw the Senate's attention to emerging technologies for dealing with these new threats. I also want to discuss how this country can maximize a uniquely American resource: that is, the skilled innovation of our tech sector.

Technology workers and managers from my home State of Oregon have inspired me with their technical skills and their passion to put their talents to work serving America. The Portland area is home to one of the Nation's largest concentration of cybersecurity vendors in the country. Portland now boasts a remarkable cluster of small and large companies actively working to make America's portion of cyberspace a safer place.

Just a few examples: Tripwire is the world leader in data integrity assurance, providing software that establishes the foundation for IT security and reliability. Tripwire is used to protect some of the world's most sensitive data, and that includes some of the most important systems right here in Washington.

Digimarc provides digitally watermarked drivers licenses for 37 States, and supplies official identification documents for governments around the world. Its technology enables authentication with a greater level of assurance than has historically been possible.

Swan Island Networks is building software platforms that enable secure communications of sensitive information to trusted users across organizational boundaries. It is helping Federal

and local agencies and first responders to communicate effectively to audiences inside and outside the firewall.

Intel Corporation, which has its largest base of employment in Oregon, is leading the National Emergency Messaging Systems initiative from the Portland area. Intel is helping local, State and Federal officials respond to emergencies.

WireX has won international recognition for its Immunix Network Security Solutions. The company was founded by a grant from DARPA in 1998.

Galois Connections designs and develops high confidence software for critical and demanding applications. Its clientele includes the National Security Agency.

Kryptiq builds secure email systems that are built to preserve privacy, as well as the integrity of documents.

Oregon is home to many, many more, including Flatrock, Infotects, Network Associates, Rulespace, TechTracker and True Disk. Some of these companies have persevered and become successful selling products and services that government is using to defend its infrastructure. Many others have developed products, launched companies, and knocked on doors in Washington, trying to find an entry point. Their efforts must be sustained and encouraged.

There are numerous ways to provide that encouragement, and not all of them originate in Washington. It is vital to look at what is working on the local level and nurture it there. It is time to lower the speedbumps. Straighten the curves. Shorten the straightaways. Bring our technological talent quickly to the front lines of this new kind of war.

In Oregon, a coalition of these cybersecurity companies has come together in the wake of 9/11. The Oregon Regional Alliance for Information and Network Security, or Oregon RAINS, is banding together to offer products and services America needs now. These companies are working together to find new ways of navigating the Federal bureaucracy to get their products on the ground.

In my view, the Federal Government should do all it can to be responsive to organizations like Oregon RAINS. Currently, our sluggish bureaucracy often discriminates against small, young and distant vendors. America's enemies won't be defeated solely by the ideas of huge corporations or entrenched government contractors. This country needs the help of smaller, nimble players who are long on passion and talent, but short on expertise about dealing with their Federal Government.

It is essential to eliminate the roadblocks American innovators face. A 20-person company in Beaverton, OR shouldn't have to devote precious resources to hiring lobbyists, making multiple trips to see different people in different agencies, and pursuing expensive and, frankly, frequently obsolete certifications.

Earlier this year I was proud to author the Science and Technology Emergency Mobilization Act, along with my colleague Senator ALLEN, and to see it passed by this Senate. That legislation mandated the creation of a clearinghouse, or single entry point, for technology innovators offering new products for the war on terrorism. I am gratified to see that concept echoed in the Homeland Security legislation sponsored by Senator LIEBERMAN.

My legislation, as well as Senator LIEBERMAN's homeland security bill, also directs the executive branch to establish a national test bed to evaluate new technologies.

In my view, this national test bed could eventually serve as a model for regional test beds. If that little company in Beaverton, OR, could run pilot programs in its backyard, the company could more easily answer questions, deal with challenges and monitor results.

Regional efforts to test new technologies would also increase our likelihood of finding unexpected solutions in unexpected places. Some technology or technique that we couldn't have foreseen might pop up and help us win this war. The beauty of American innovation is that it could just as easily come from a suburban basement, a sparsely furnished loft, or a coalition of small companies as it could from the business-as-usual landscape.

There are other ways the Federal Government can be a better partner to small technology innovators like those in my home State. Accelerating research and public-private technology partnerships through Federal grants. Deepening our cyber-security bench by funding IT education and channeling bright students into those areas. Raising awareness in the general public so that everyone sees the importance of securing this country's infrastructure.

I can assure you that in my home state alone there are a plethora of skilled software engineers and managers who are eager to see their technologies deployed to serve America. The Federal Government needs to partner with them and help them help their neighbors. American lives are at stake.●

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.)

MESSAGE FROM THE HOUSE

At 12:39 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 337. Concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 19, 2002, by the President pro tempore (Mr. BYRD):

S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

H.R. 4687. An act to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 337. Concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 20, 2002, she had presented to the President of the United States the following enrolled bill:

S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

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. SARBANES (for himself and Ms. MIKULSKI):

S. 2984. A bill to authorize a project for environmental restoration at Smith Island, Maryland; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 2985. A bill to direct the Environmental Protection Agency to provide technical assistance for the cleanup at the site of the first anthrax attack; to the Committee on Environment and Public Works.

By Ms. STABENOW:

S. 2986. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan; to the Committee on Indian Affairs.

By Mr. INOUYE:

S. 2987. A bill to amend title 38, United States Code, to provide special compensation for former prisoners of war, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NELSON of Florida:

S. 2988. A bill to provide for the cleanup of the site of the first anthrax attack; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DODD:

S. Res. 329. A resolution authorizing the Sergeant at Arms and Doorkeeper of the Senate to ascertain and settle claims arising out of anthrax exposure in the Senate complex; considered and agreed to.

By Mr. HATCH (for himself, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. LOTT, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WYDEN, and Ms. LANDRIEU):

S. Res. 330. A resolution designating the month of October 2002, as ''Family History Month''; considered and agreed to.

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

S. Con. Res. 144. A concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 969

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1914

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1914, a bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes.

S. 2663

At the request of Mr. BREAUX, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

S. 2714

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2714, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2002.

S. 2841

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2841, a bill to adjust the indexing of multifamily mortgage limits, and for other purposes.

S. 2945

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2945, to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 2953

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2953, a bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 143

At the request of Mr. CHAFEE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Con. Res. 143, a concurrent resolution designating October 6, 2002, through October 12, 2002, as ''National 4–H Youth Development Program Week''.

AMENDMENT NO. 4535

At the request of Mr. THOMAS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 4535 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2984. A bill to authorize a project for environmental restoration at Smith Island, Maryland; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, this measure would authorize the Smith Island, Maryland ecosystem restoration project. Joining me in sponsoring this measure is my colleague Senator MIKULSKI.

Smith Island, is one of the last remaining inhabited islands in the Chesapeake Bay and an area of unique cultural, historical and environmental significance. Because of its location and elevation, it is highly susceptible to the damaging forces of nature. In the past 150 years, more than 3,000 acres of the island have eroded into the Chesapeake Bay. As a consequence, the communities of Ewell, Tylerton and Rhodes Point are seriously threatened, the Federal navigation channels shoal within months after dredging, and habitat and other natural resources are being lost at an alarming rate. Since 1993 alone, the Smith Island vicinity has lost over 2400 acres of Submerged Aquatic Vegetation, SAV ecologically valuable wetlands have also been lost. This habitat is critical to the health of the Bay and the area's fishing and crabbing industry.

Over the years, Senator MIKULSKI and I have worked very closely with the citizens of Smith Island, the Somerset County Commissioners, the U.S. Army Corps of Engineers and other State and Federal resource agencies to address the serious erosion problem and other needs on the island. Among other projects, we secured funding to help protect the eroding shoreline of Tylerton, to dredge the channels and repair of the stone jetties leading into Ewell, which has also helped with the erosion problem in that community, to construct a new sewage treatment facility, and to expedite completion of the Corps of Engineers' feasibility study for Smith Island.

That latter study was completed in May of 2001 and the Chief of Engineers report on this project was transmitted to the Congress in October, 2001. The reports recommend construction of offshore segmented breakwaters and back-filling to create additional wetlands along the coastline of Martin National Wildlife Refuge to stop or reverse the tremendous loss of SAV around parts of Smith Island. The recommended plan is expected to protect approximately 720 acres and restore about 1,400 acres of wetland and SUV habitat. The legislation, which we are introducing today, would authorize construction of this project at a total cost of approximately $7.5 million. It is our hope that this measure will be included as part of a broader package of water resource projects being developed by the Senate Environment and Public Works Committee.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 329—AUTHORIZING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE TO ASCERTAIN AND SETTLE CLAIMS ARISING OUT OF ANTHRAX EXPOSURE IN THE SENATE COMPLEX

Mr. DODD submitted the following resolution; which was considered and agreed to:

S. RES. 329

Resolved, That (a) the Sergeant at Arms and Doorkeeper of the Senate—

(1) in accordance with such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain any claim incident to service by a Member, officer, or employee of the Senate for any damage to, or loss of, personal property, for which the Member, officer, or employee has not been reimbursed, resulting from the anthrax incident of October 15, 2001, or the related remediation efforts undertaken from such date through March 15, 2002; and

(2) may, with the approval of the Committee on Rules and Administration and in accordance with the provisions of section 3721 of title 31, United States Code, determine, compromise, adjust, and settle such claim in an amount not exceeding $4,000 per claimant.

(b) Claimants shall file claims pursuant to this resolution with the Sergeant at Arms not later than December 31, 2002.

(c) Any compromise, adjustment, or settlement of any such claim pursuant to this resolution shall be paid from the contingent fund of the Senate on a voucher approved by the chairman of the Committee on Rules and Administration.

SENATE RESOLUTION 330—DESIGNATING THE MONTH OF OCTOBER 2002, AS ''FAMILY HISTORY MONTH''

Mr. HATCH (for himself, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. LOTT, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINVOICH, Mr. WYDEN, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 330

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of October 2002, as ''Family History Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 144—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing two significant cases before the United States Supreme Court, one criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, set out to craft legislation seeking to ensure that these Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world in the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 7,800,000 men and women, including 2,200,000 in college, 3,400,000 in other schools, 1,400,000 in vocational education, and 690,000 in farm training;

Whereas as a result of the benefits available to veterans through the initial GI Bill, the Nation gained over 800,000 professionals as the GI Bill transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas 2,100,000 World War II veterans purchased homes through the GI Bill;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963 President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order 11085, the Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to ''(1) the security or national interests of the United States, or (2) world peace, or (3) cultural or other significant public or private endeavors''; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4695. Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4696. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H .R. 5005, supra; which was ordered to lie on the table.

SA 4697. Mr. BYRD (for Mr. BIDEN) proposed an amendment to the bill H.R. 2121, An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.

TEXT OF AMENDMENTS

SA 4695. Mrs. FEINSTEIN (for herself. Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 347, after line 5, add the following:

DIVISION D—EXEMPT COMMODITIES TRANSACTIONS

SEC. 3101. SHORT TITLE.

This division may be cited as the ''Exempt Commodities Transactions Act''.

SEC. 3102. OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsections (g) and (h) and inserting the following:

''(g) OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED ENTITY.—The term 'covered entity' means—

''(i) an electronic trading facility; and

''(ii) a dealer market.

''(B) DEALER MARKET.—

''(i) IN GENERAL.—The term 'dealer market' has the meaning given the term by the Commission.

''(ii) INCLUSIONS.—The term 'dealer market' includes each bilateral or multilateral agreement, contract, or transaction determined by the Commission, regardless of the means of execution of the agreement, contract, or transaction.

''(2) EXEMPTION FOR TRANSACTIONS NOT ON TRADING FACILITIES.—Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that—

''(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

''(B) is not entered into on a trading facility.

''(3) EXEMPTION FOR TRANSACTIONS ON COVERED ENTITIES.—Except as provided in paragraphs (4), (5), and (6), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that is—

''(A) entered into on a principal-to-principal basis solely between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

''(B) executed or traded on a covered entity.

''(4) REGULATORY AND OVERSIGHT REQUIREMENTS.—

''(A) IN GENERAL.—An agreement, contract, or transaction described in paragraph (2) or (3) (and the covered entity on which the agreement, contract, or transaction is executed) shall be subject to—

''(i) sections 5b, 12(e)(2)(B), and 22(a)(4);

''(ii) the provisions relating to manipulation and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2);

''(iii) the provisions relating to fraud and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, and 8a; and

''(iv) in the case of a transaction or covered entity performing a significant pricing or price discovery function for transactions in the cash market for the underlying commodity, the requirements (to the extent the Commission determines appropriate by regulation) that—

''(I) notice be provided to the Commission in such form as the Commission may require;

''(II)(aa) reports be filed with the Commission (including large trader position reports); and

''(bb) timely dissemination of price, trading volume, and other trading data be provided; and

''(III) consistent with section 4i, books and records be maintained relating to each transaction in such form as the Commission may require for a period of at least 5 years after the date of the transaction.

''(B) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Notwithstanding any exemption by the Commission under section 4(c), an agreement, contract, or transaction described in paragraph (2) or (3) shall be subject to the authorities in clauses (i), (ii), and (iii) of subparagraph (A).

''(5) COVERED ENTITIES.—An agreement, contract, or transaction described in paragraph (3) and the covered entity on which the agreement, contract, or transaction is executed, shall be subject to (to the extent the Commission determines appropriate)—

''(A) section 5a, to the extent provided in section 5a(g)) and 5d;

''(B) consistent with section 4i, a requirement that books and records relating to the business of the covered entity on which the agreement, contract, or transaction is executed be made available to representatives of the Commission and the Department of Justice for inspection for a period of at least 5 years after the date of each transaction, including—

''(i) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the covered entity; and

''(ii) the name and address of each participant on the covered entity authorized to enter into transactions; and

''(C) a requirement that information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure be made available to the public on a daily basis, except that the Commission shall not—

''(i) require the real-time publication of proprietary information; or

''(ii) prohibit the commercial sale of real-time proprietary information.

''(6) NOTIFICATION, DISCLOSURES, AND OTHER REQUIREMENTS FOR COVERED ENTITIES.—A covered entity subject to the exemption under paragraph (3) shall (to the extent the Commission determines appropriate)—

''(A) notify the Commission of the intention of the covered entity to operate as a covered entity subject to the exemption under paragraph (3), which notice shall include—

''(i) the name and address of the covered entity and a person designated to receive communications from the Commission;

''(ii) the commodity categories that the covered entity intends to list or otherwise make available for trading on the covered entity in reliance on the exemption under paragraph (3);

''(iii) certifications that—

''(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the covered entity is a person described in any of subparagraphs (A) through (H) of section 8a(2);

''(II) the covered entity will comply with the conditions for exemption under this subsection; and

''(III) the covered entity will notify the Commission of any material change in the information previously provided by the covered entity to the Commission under this paragraph; and

''(iv) the identity of any derivatives clearing organization to which the covered entity transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the covered entity subject to the exemption under paragraph (3);

''(B)(i) provide the Commission with access to the trading protocols of the covered entity and electronic access to the covered entity with respect to transactions conducted in reliance on the exemption under paragraph (3); and

''(ii) on special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information relating to the business of the covered entity as a covered entity exempt under paragraph (3), including information relating to data entry and transaction details with respect to transactions entered into in reliance on the exemption under paragraph (3), as the Commission may determine appropriate—

''(I) to enforce the provisions specified in paragraph (4);

''(II) to evaluate a systemic market event; or

''(III) to obtain information requested by a Federal financial regulatory authority to enable the authority to fulfill the regulatory or supervisory responsibilities of the authority;

''(C)(i) on receipt of any subpoena issued by or on behalf of the Commission to any foreign person that the Commission believes is conducting or has conducted transactions in reliance on the exemption under paragraph (3) on or through the covered entity relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner that is reasonable under the circumstances, or as specified by the Commission; and

''(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission under clause (i), and the Commission in writing directs that a covered entity relying on the exemption under paragraph (3) deny or limit further transactions by the person, deny that person further trading access to the covered entity or, as applicable, limit that access of the person to the covered entity for liquidation trading only;

''(D) comply with the requirements of this subsection applicable to the covered entity and require that each participant, as a condition of trading on the covered entity in reliance on the exemption under paragraph (3), agree to comply with all applicable law;

''(E) certify to the Commission that the covered entity has a reasonable basis for believing that participants authorized to conduct transactions on the covered entity in reliance on the exemption under paragraph (3) are eligible contract participants;

''(F) maintain sufficient capital, commensurate with the risk associated with the transaction; and

''(G) not represent to any person that the covered entity is registered with, or designated, recognized, licensed, or approved by the Commission.

''(7) HEARING.—A person named in a subpoena referred to in paragraph (6)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this subsection, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.

''(8) PRIVATE REGULATORY ORGANIZATIONS.—

''(A) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—A covered entity may comply with any core principle under subparagraph (B) that is applicable to the covered entity through delegation of any relevant function to—

''(i) a registered futures association under section 17; or

''(ii) another registered entity.

''(B) CORE PRINCIPLES.—The Commission may establish core principles requiring a covered entity to monitor trading to—

''(i) prevent fraud and manipulation;

''(ii) prevent price distortion and disruptions of the delivery or cash settlement process;

''(iii) ensure that the covered entity has adequate financial, operational, and managerial resources to discharge the responsibilities of the covered entity; and

''(iv) ensure that all reporting, recordkeeping, notice, and registration requirements under this subsection are discharged in a timely manner.

''(C) RESPONSIBILITY.—A covered entity that delegates a function under subparagraph (A) shall remain responsible for carrying out the function.

''(D) NONCOMPLIANCE.—If a covered entity that delegates a function under subparagraph (A) becomes aware that a delegated function is not being performed as required under this Act, the covered entity shall promptly take action to address the noncompliance.

''(E) VIOLATION OF CORE PRINCIPLES.—

''(i) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a covered entity is violating any applicable core principle specified in subparagraph (B), the Commission shall—

''(I) notify the covered entity in writing of the determination; and

''(II) afford the covered entity an opportunity to make appropriate changes to bring the covered entity into compliance with the core principles.

''(ii) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under clause (i)(I), a covered entity fails to make changes that, as determined by the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

''(F) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this paragraph limits or affects the emergency powers of the Commission provided under section 8a(9).

''(9) NO EFFECT ON OTHER AUTHORITY.—This subsection shall not affect the authority of the Federal Energy Regulatory Commission to regulate an agreement, contract, or transaction under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).''.

SEC. 3103. FRAUDULENT TRANSACTIONS PROHIBITED.

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for any person, directly or indirectly, in or in connection with any account, or any offer to enter into, the entry into, or the confirmation of the execution of, any agreement, contract, or transaction subject to this Act—

''(1) to cheat or defraud or attempt to cheat or defraud any person;

''(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered for any person any false record;

''(3) willfully to deceive or attempt to deceive any person by any means whatsoever; or

''(4) except as permitted in written rules of a registered entity—

''(A) to bucket an order;

''(B) to fill an order by offset against the 1 or more orders of another person; or

''(C) willfully and knowingly, for or on behalf of any other person and without the prior consent of the person, to become—

''(i) the buyer with respect to any selling order of the person; or

''(ii) the seller with respect to any buying order of the person.''.

SEC. 3104. FERC LIAISON.

Section 2(a)(9) of the Commodity Exchange Act (7 U.S.C. 2(a)(9)) is amended by adding at the end the following:

''(C) LIAISON WITH FEDERAL ENERGY REGULATORY COMMISSION.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.''.

SEC. 3105. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the tenth sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: '', or (B) in any case of manipulation of, or attempt to manipulate, the price of any commodity, a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,''.

(b) MANIPULATIONS OR OTHER VIOLATIONS.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence—

(1) by striking ''paragraph (a) or (b) of section 9 of this Act'' and inserting ''subsection (a), (b), or (f) of section 9''; and

(2) by striking ''said paragraph 9(a) or 9(b)'' and inserting ''subsection (a), (b), or (f) of section 9''.

(c) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence—

(A) by inserting ''section 2(g)(8),'' after ''sections 5 through 5c,''; and

(B) by inserting before the period at the end the following: '', or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than $1,000,000 for each such violation''; and

(2) in the second sentence, by inserting before the period at the end the following: '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(f), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)''.

(d) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a–1(d)) is amended by striking ''(d)'' and all that follows through the end of paragraph (1) and inserting the following:

''(d) CIVIL PENALTIES.—

''(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(B) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(e) VIOLATIONS GENERALLY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) by adding at the end the following:

''(f) PRICE MANIPULATION.—It shall be a felony punishable by a fine of not more than $1,000,000 for each violation or imprisonment for not more than 10 years, or both, together with the costs of prosecution, for any person—

''(1) to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity;

''(2) to corner or attempt to corner any such commodity;

''(3) knowingly to deliver or cause to be delivered (for transmission through the mails or interstate commerce by telegraph, telephone, wireless, or other means of communication) false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce; or

''(4) knowingly to violate section 4 or 4b, any of subsections (a) through (e) of subsection 4c, or section 4h, 4o(1), or 19.''.

SEC. 3106. FEDERAL ENERGY REGULATORY COMMISSION REVIEW OF ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

''(i) REVIEW OF DERIVATIVES TRANSACTIONS.—

''(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

''(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Department of the Treasury, and the Federal Reserve Board to discuss—

''(A) conditions and events in energy trading markets; and

''(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

''(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.''.

SEC. 3107. CONFORMING AMENDMENTS.

(a) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (d)(1), by striking ''section 5b'' and inserting ''section 5a(g), 5b,'';

(2) in subsection (e)—

(A) in paragraph (1), by striking '', 2(g), or 2(h)(3)''; and

(B) in paragraph (3), by striking ''2(h)(5)'' and inserting ''2(g)(6)'';

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h) (as redesignated by paragraph (3)); and

(A) in paragraph (1)—

(i) by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsection (g), no provision''; and

(ii) in subparagraph (A)—

(I) by striking ''section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act'' and inserting ''subsection (c), (d), (e), or (f)''; and

(II) by striking ''section 2(h)'' and inserting ''subsection (g)''; and

(B) in paragraph (2), by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsection (g), no provision''.

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting '', or pursuant to an exemption under section 4(c)'' after ''transaction execution facility''.

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting ''or covered entity under section 2(g)'' after ''direct the contract market'';

(2) by striking ''on any futures contract''; and

(3) by inserting ''or covered entity under section 2(g)'' after ''given by a contract market''.

SA 4696. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 3 and 4, insert the following:

(4) OPERATIONAL TEST AND EVALUATION.—

(A) PRINCIPAL OFFICIAL FOR OPERATIONAL TEST AND EVALUATION.—The Under Secretary is the official within the Department who, under the Secretary, is responsible for operational test and evaluation activities of the Department. As such, the Under Secretary is the principal adviser to the Secretary regarding such activities and shall carry out the duties set forth in the other provisions of this paragraph subject to the authority, direction, and control of the Secretary.

(B) POLICIES AND PROCEDURES.—The Under Secretary shall prescribe policies and procedures for the conduct of operational test and evaluation activities of the Department.

(C) MONITORING AND REVIEW.—The Under Secretary shall monitor and review the conduct of operational test and evaluation activities of the Department. The Under Secretary shall require prompt reports on the conduct of such activities.

(D) COORDINATION.—The Under Secretary shall coordinate operational test and evaluation that is carried out jointly by two or more Under Secretaries of Homeland Security.

(E) FINANCIAL MANAGEMENT.—The Under Secretary shall review all matters relating to the budget and financial management for operational test and evaluation by the Department and submit to the Secretary any recommendations that the Under Secretary determines appropriate regarding such matters.

(F) ACCESS TO INFORMATION.—The Under Secretary shall have access to any records and other information of the Department that the Under Secretary determines necessary to carry of the duties of the position under this paragraph.

(G) ANNUAL REPORT TO CONGRESS.—Not later than February 15 of each year, the Under Secretary shall submit to Congress a report on the conduct of operational test and evaluation activities of the Department during the fiscal year ending in the preceding year. The report shall include an assessment of the overall strength and effectiveness of the operational test and evaluation infrastructure of the Department and, for each major system subjected to operational test and evaluation during the fiscal year covered by the report, the following information:

(i) SYSTEM MISSION.—The mission of the major system.

(ii) BACKGROUND SYSTEM INFORMATION.—Background technical and programmatic information on the major system.

(iii) TEST AND EVALUATION ACTIVITIES.—A discussion of the operational test and evaluation conducted on the major system during such fiscal year.

(iv) OPERATIONAL EFFECTIVENESS ASSESSMENT.—An assessment of the operational effectiveness of the major system, as determined on the basis of the results of the operational test and evaluation.

(H) DEFINITIONS.—In this paragraph:

(i) MAJOR SYSTEM.—The term ''major system'' has the meaning given such term in section 4(9) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(9)).

(ii) OPERATIONAL TEST AND EVALUATION.—The term ''operational test and evaluation'' means a test, under realistic combat conditions, of any item (or key component) of a technology, of a device, or of equipment for the purpose of determining the effectiveness and suitability of the technology, device, or equipment for use by typical users to meet homeland security needs or objectives, together with an evaluation of the results of such test.

(I) GAO REPORT.—Not later than two years after the effective date of this division, the Comptroller General shall submit to Congress a report on the administration of operational test and evaluation within the Department. The report shall include a discussion of the implementation of this paragraph, together with any recommendations for improvement of the implementation of this section that the Comptroller General considers appropriate. Effective 90 days after the date on which the report under this section is due, this subparagraph is repealed.

On page 91, beginning on line 9, strike ''(h) OFFICE FOR TECHNOLOGY EVALUATION AND TRANSITION.—'' and insert ''(h) OFFICE FOR TESTING, EVALUATION, AND TRANSITION.—''.

On page 91, beginning on line 14, strike ''Office for Technology Evaluation and Transition'' and insert ''Office for Testing, Evaluation, and Transition''.

On page 91, between lines 16 and 17, insert ''(A) carry out the duties of the Under Secretary with respect to operational test and evaluation;''.

On page 92, line 11, insert ''(except for the function described in paragraph (2)(A))'' after ''The functions described under this subsection''.

SA 4697. Mr. BYRD (for Mr. BIDEN) proposed an amendment to the bill H.R. 2121, An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country; as follows:

At the appropriate place in the bill insert the following:

SEC. . PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than $1,500,000.

SEC. . EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of P.L. 106–113, shall apply to U.S. contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, September 20, 2002 at 10:00 a.m. and 2:30 p.m. to hold a joint open hearing with the House Permanent Select Committee on Intelligence regarding the Joint Inquiry into the events of September 11, 2001.

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

AUTHORIZING SERGEANT AT ARMS AND DOORKEEPER OF SENATE TO ASCERTAIN AND SETTLE CLAIMS ARISING OUT OF ANTHRAX EXPOSURE

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 329 submitted earlier today by Senator DODD.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) authorizing the Sergeant at Arms and Doorkeeper of the Senate to ascertain and settle claims arising out of anthrax exposure in the Senate complex.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, en bloc, without intervening action or debate.

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

The resolution (S. Res. 329) was agreed to as follows:

S. RES. 329

Resolved, That (a) the Sergeant at Arms and Doorkeeper of the Senate—

(1) in accordance with such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain any claim incident to service by a Member, officer, or employee of the Senate for any damage to, or loss of, personal property, for which the Member, officer, or employee has not been reimbursed, resulting from the anthrax incident of October 15, 2001, or the related remediation efforts undertaken from such date through March 15, 2002; and

(2) may, with the approval of the Committee on Rules and Administration and in accordance with the provisions of section

3721 of title 31, United States Code, determine, compromise, adjust, and settle such claim in an amount not exceeding $4,000 per claimant.

(b) Claimants shall file claims pursuant to this resolution with the Sergeant at Arms not later than December 31, 2002.

(c) Any compromise, adjustment, or settlement of any such claim pursuant to this resolution shall be paid from the contingent fund of the Senate on a voucher approved by the chairman of the Committee on Rules and Administration.

FAMILY HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 330.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 330) designating the month of October 2002, as ''Family History Month''.

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

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and that any statements pertaining thereto be printed in the RECORD.

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

The resolution (S. Res. 330) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 330), with its preamble, reads as follows:

S. RES. 330

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of October 2002, as ''Family History Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 1035, 1036, 1039 and the nominations on the Secretary's desk; that the nominations be confirmed; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and that any statements relating thereto be printed in the RECORD; and that the Senate then resume legislative session, with the preceding all occurring without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

NOMINATIONS

COAST GUARD

The following named officers for appointment in the United States Cast Guard to the grade indicated under Title 14, U.S.C., Section 271:

To be rear admiral (lower half)

Capt. Jody A. Breckenridge, 6724
Capt. John E. Crowley, 5694
Capt. Larry L. Hereth, 6731
Capt. Richard R. Houck, 0136
Capt. Clifford I. Pearson, 4808
Capt. James C. Van Sice, 3714

The following named officer for appointment to the grade indicated in the United States Coast Guard under Title 14, U.S. Code, Section 211:

To be Rear Admiral Lower Half

Stephen W. Rochon, 4866

DEPARTMENT OF JUSTICE

Antonio Candia Amador, of California, to be United States Marshal for the Eastern District of California for the term of four years, vice Jerry J. Enomoto.

PN2162 Coast Guard nomination of David C. Clippinger, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 17, 2002

PN2161 Coast Guard nominations (59) beginning Christine D Balboni, and ending Steven E Vanderplas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 17, 2002

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, SEPTEMBER 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2:30 p.m., Monday, September 23; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 3:30, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of Senator LOTT or his designee and the second half under the control of Senator DASCHLE or his designee.

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

PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will resume consideration of the Interior Appropriations Act. The next rollcall votes will occur on Monday at about 5:30 in relation to the Dodd amendment to the Interior Appropriations Act, and on cloture on the Byrd substitute amendment to the Interior appropriations bill.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business now to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from West Virginia, Mr. BYRD.

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

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

Mr. BYRD. Mr. President, what is the parliamentary situation at the moment?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Is there an order permitting Senators to speak during morning business?

The PRESIDING OFFICER. The previous order is for 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed out of order for as much time as I may consume.

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

Mr. BYRD. Mr. President, I do not expect to speak overly long. I think I should be able to complete my statement in 20 minutes.

HOW SADDAM HAPPENED

Mr. BYRD. Mr. President, yesterday, at a hearing of the Senate Armed Services Committee, I asked a question of the Secretary of Defense. I referred to a Newsweek article that will appear in the September 23, 2002, edition. That article reads as follows. It is not overly lengthy. I shall read it. Beginning on page 35 of Newsweek, here is what the article says:

America helped make a monster. What to do with him—and what happens after he is gone—has haunted us for a quarter century.

The article is written by Christopher Dickey and Evan Thomas. It reads as follows:

The last time Donald Rumsfeld saw Saddam Hussein, he gave him a cordial handshake. The date was almost 20 years ago, Dec. 20, 1983; an official Iraqi television crew recorded the historic moment.

The once and future Defense secretary, at the time a private citizen, had been sent by President Ronald Reagan to Baghdad as a special envoy. Saddam Hussein, armed with a pistol on his hip, seemed ''vigorous and confident,'' according to a now declassified State Department cable obtained by Newsweek. Rumsfeld ''conveyed the President's greetings and expressed his pleasure at being in Baghdad,'' wrote the notetaker. Then the two men got down to business, talking about the need to improve relations between their two countries.

Like most foreign-policy insiders, Rumsfeld was aware that Saddam was a murderous thug who supported terrorists and was trying to build a nuclear weapon. (The Israelis had already bombed Iraq's nuclear reactor at Osirak.) But at the time, America's big worry was Iran, not Iraq. The Reagan administration feared that the Iranian revolutionaries who had overthrown the shah (and taken hostage American diplomats for 444 days in 1979–81) would overrun the Middle East and its vital oilfields. On the—theory that the enemy of my enemy is my friend, the Reaganites were seeking to support Iraq in a long and bloody war against Iran. The meeting between Rumsfeld and Saddam was consequential: for the next five years, until Iran finally capitulated, the United States backed Saddam's armies with military intelligence, economic aid and covert supplies of munitions.

Rumsfeld is not the first American diplomat to wish for the demise of a former ally. After all, before the cold war, the Soviet Union was America's partner against Hitler in World War II. In the real world, as the saying goes, nations have no permanent friends, just permanent interests. Nonetheless, Rumsfeld's long-ago interlude with Saddam is a reminder that today's friend can be tomorrow's mortal threat. As President George W. Bush and his war cabinet ponder Saddam's successor's regime, they would do well to contemplate how and why the last three presidents allowed the Butcher of Baghdad to stay in power so long.

The history of America's relations with Saddam is one of the sorrier tales in American foreign policy. Time and again, America turned a blind eye to Saddam's predations, saw him as the lesser evil or flinched at the chance to unseat him. No single policymaker or administration deserves blame for creating, or at least tolerating, a monster; many of their decisions seemed reasonable at the time. Even so, there are moments in this clumsy dance with the Devil that make one cringe. It is hard to believe that, during most of the 1980s, America knowingly permitted the Iraq Atomic Energy Commission to import bacterial cultures that might be used to build biological weapons.

Let me read that again:

It is hard to believe that, during most of the 1980s, America knowingly permitted the Iraq Atomic Energy Commission to import bacterial cultures that might be used to build biological weapons. But it happened.

America's past stumbles, while embarrassing, are not an argument for inaction in the future. Saddam probably is the ''grave and gathering danger'' described by President Bush in his speech to the United Nations last week. It may also be true that ''whoever replaces Saddam is not going to be worse,'' as a senior administration official put it to Newsweek. But the story of how America helped create a Frankenstein monster it now wishes to strangle is sobering. It illustrates the power of wishful thinking, as well as the iron law of unintended consequences.

America did not put Saddam in power. He emerged after two decades of turmoil in the '60s and '70s, as various strongmen tried to gain control of a nation that had been concocted by British imperialists in the 1920s out of three distinct and rival factions, the Sunnis, Shiites and the Kurds. But during the cold war, America competed with the Soviets for Saddam's attention and welcomed his war with the religious fanatics of Iran. Having cozied up to Saddam, Washington found it hard to break away—even after going to war with him in 1991. Through years of both tacit and overt support, the West helped create the Saddam of today, giving him time to build deadly arsenals and dominate his people. Successive administrations always worried that if Saddam fell, chaos would follow, rippling through the region and possibly igniting another Middle East war. At times it seemed that Washington was transfixed by Saddam.

The Bush administration wants to finally break the spell. If the administration's true believers are right, Baghdad, after Saddam falls will look something like Paris after the Germans fled in August 1944. American troops will be cheered as liberators, and democracy will spread forth and push Middle Eastern despotism back into the shadows. Yet if the gloomy predictions of the administration's many critics come true, the Arab street, inflamed by Yankee imperialism, will rise up and replace the shaky but friendly autocrats in the region with Islamic fanatics.

While the Middle East is unlikely to become a democratic nirvana, the worst-case scenarios, always a staple of the press, are probably also wrong or exaggerated. Assuming that a cornered and doomed Saddam does not kill thousands of Americans in some kind of horrific Gotterdammerung—a scary possibility, one that deeply worries administration officials—the greatest risk of his fall is that one strongman may simply be replaced by another. Saddam's successor may not be a paranoid sadist. But there is no assurance that he will be America's friend or forswear the development of weapons of mass destruction.

American officials have known that Saddam was a psychopath—

Get that.

American officials have known that Saddam was a psychopath ever since he became the country's de facto ruler in the early 1970s. One of Saddam's early acts after he took the title of president in 1979 was to videotape a session of his party's congress, during which he personally ordered several members executed on the spot.

Let me repeat that:

American officials have known that Saddam was a psychopath ever since he became the country's de facto ruler in the early 1970s. One of Saddam's early acts after he took the title of president in 1979 was to videotape—

Videotape—

a session of his party's congress, during which he personally ordered several members executed on the spot.

The message, carefully conveyed to the Arab press, was not that these men were executed for plotting against Saddam, but rather for thinking about plotting against him. From the beginning, U.S. officials worried about Saddam's taste for nasty weaponry; indeed, at their meeting in 1983, Rumsfeld warned that Saddam's use of chemical weapons might ''inhibit'' American assistance. But top officials in the Reagan administration saw Saddam as a useful surrogate. By going to war with Iran, he could bleed the radical mullahs who had seized control of Iran from the pro-American shah. Some Reagan officials even saw Saddam as another Anwar Sadat, capable of making Iraq into a modern secular state, just as Sadat had tried to lift up Egypt before his assassination in 1981.

But Saddam had to be rescued first. The war against Iran was going badly by 1982. Iran's ''human wave attacks'' threatened to overrun Saddam's armies. Washington decided to give Iraq a helping hand.

After Rumsfeld's visit to Baghdad in 1983, U.S. intelligence began supplying the Iraqi dictator with satellite photos showing Iranian deployments. Official documents suggest that America may also have secretly arranged for tanks and other military hardware to be shipped to Iraq in a swap deal—American tanks to Egypt, Egyptian tanks to Iraq. Over the protest of some Pentagon skeptics, the Reagan administration began allowing the Iraqis to buy a wide variety of ''dual use'' equipment and materials from American suppliers. According to confidential Commerce Department export-control documents obtained by NEWSWEEK, the shopping list included a computerized database for Saddam's Interior Ministry (presumably to help keep track of political opponents); helicopters to transport Iraqi officials; television cameras for ''video surveillance applications''; chemical-analysis equipment for the Iraq Atomic Energy Commission (IAEC), and, most unsettling, numerous shipments of ''bacteria/fungi/protozoa'' to the IAEC. According to former officials, the bacterial cultures could be used to make biological weapons, including anthrax. The State Department also approved the shipment of 1.5 million atropine injectors, for use against the effects of chemical weapons, but the Pentagon blocked the sale. The helicopters, some American officials later surmised, were used to spray poison gas on the Kurds.

The United States almost certainly knew from its own satellite imagery that Saddam was using chemical weapons against Iranian troops. When Saddam bombed Kurdish rebels and civilians with a lethal cocktail of mustard gas, sarin, tabun and VX in 1988, the

Reagan administration first blamed Iran, before acknowledging, under pressure from congressional Democrats, that the culprits were Saddam's own forces. There was only token official protest at the time. Saddam's men were unfazed. An Iraqi audiotape, later captured by the Kurds, records Saddam's cousin Ali Hassan al-Majid (known as Ali Chemical) talking to his fellow officers about gassing the Kurds. ''Who is going to say anything?'' he asks. ''The international community? F——k them!''

The United States was much more concerned with protecting Iraqi oil from attacks by Iran as it was shipped through the Persian Gulf. In 1987, an Iraqi Exocet missile hit an American destroyer, the USS Stark, in the Persian Gulf, killing 37 crewmen. Incredibly, the United States excused Iraq for making an unintentional mistake and instead used the incident to accuse Iran of escalating the war in the gulf. The American tilt to Iraq became more pronounced. U.S. commandos began blowing up Iranian oil platforms and attacking Iranian patrol boats. In 1988, an American warship in the gulf accidentally shot down an Iranian Airbus, killing 290 civilians. Within a few weeks, Iran, exhausted and fearing American intervention, gave up its war with Iraq.

Saddam was feeling cocky. With the support of the West, he had defeated the Islamic revolutionaries in Iran. America favored him as a regional pillar; European and American corporations were vying for contracts with Iraq. He was visited by congressional delegations led by Sens. Bob Dole of Kansas and Alan Simpson of Wyoming, who were eager to promote American farm and business interests. But Saddam's megalomania was on the rise, and he overplayed his hand. In 1990, a U.S. Customs sting operation snared several Iraqi agents who were trying to buy electronic equipment used to make triggers for nuclear bombs. Not long after, Saddam gained the world's attention by threatening ''to burn Israel to the ground.'' At the Pentagon, analysts began to warn that Saddam was a growing menace, especially after he tried to buy some American-made high-tech furnaces useful for making nuclear-bomb parts. Yet other officials in Congress and in the Bush administration continued to see him as a useful, if distasteful, regional strongman. The State Department was equivocating with Saddam right up to the moment he invaded Kuwait in August 1990.

Mr. President, I referred to this Newsweek article yesterday at a hearing of the Senate Armed Services Committee. Specifically, during the hearing, I asked Secretary Rumsfeld:

Mr. Secretary, to your knowledge, did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq war? Are we in fact now facing the possibility of reaping what we have sewn?

The Secretary quickly and flatly denied any knowledge but said he would review Pentagon records.

I suggest that the administration speed up that review. My concerns and the concerns of others have grown.

A letter from the Centers For Disease Control and Prevention, which I shall submit for the RECORD, shows very clearly that the United States is, in fact, preparing to reap what it has sewn. A letter written in 1995 by former CDC Director David Satcher to former Senator Donald W. Riegle, Jr., points out that the U.S. Government provided nearly two dozen viral and bacterial samples to Iraqi scientists in 1985—samples that included the plague, botulism, and anthrax, among other deadly diseases.

According to the letter from Dr. Satcher to former Senator Donald Riegle, many of the materials were hand carried by an Iraqi scientist to Iraq after he had spent 3 months training in the CDC laboratory.

The Armed Services Committee is requesting information from the Departments of Commerce, State, and Defense on the history of the United States, providing the building blocks for weapons of mass destruction to Iraq. I recommend that the Department of Health and Human Services also be included in that request.

The American people do not need obfuscation and denial. The American people need the truth. The American people need to know whether the United States is in large part responsible for the very Iraqi weapons of mass destruction which the administration now seeks to destroy.

We may very well have created the monster that we seek to eliminate. The Senate deserves to know the whole story. The American people deserve answers to the whole story.

Also yesterday, in the same 6 minutes that I was given in which to ask questions—which was extended by virtue of the kindness of the distinguished Senator from Georgia, Mr. MAX CLELAND, and other members of the committee, so it was perhaps 9 or 10 minutes—there was another interesting question that I asked. Let me read a portion of that transcript from the Armed Services Committee:

Thank you, Mr. Chairman, for holding these hearings. Mr. Secretary, to your knowledge, did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq War? Are we, in fact, now facing the possibility of reaping what we have sown?

Rumsfeld: Certainly not to my knowledge. I have no knowledge of United States companies or government being involved in assisting Iraq develop chemical, biological or nuclear weapons.

There is another excerpt from that question and answer period in which Secretary Rumsfeld and I engaged:

Byrd: Now, the Washington Post reported this morning [yesterday] that the United States is stepping away from efforts to strengthen the Biological Weapons Convention. Are we not sending exactly the wrong signal to the world, at exactly the wrong time?

Doesn't this damage our credibility in the international community at the very time that we are seeking their support to neutralize the threat of Iraq's biological weapons program? If we supplied, as the Newsweek article said, if we supplied the building blocks for germ and chemical warfare to this madman in the first place, this psychopath, how do we look to the world to be backing away from this effort to control it at this point?

That question speaks for itself. I ask unanimous consent that the following material be printed in the RECORD at the close of my remarks: The partial transcript from the Senate Armed Services Committee hearing on September 19; the article from the Washington Post of yesterday, titled ''U.S. Drops Bid to Strengthen Germ Warfare Accord''; the Newsweek article, which I have alluded to already; a letter dated January 6, 1994, requesting information from the Centers for Disease Control and a response to the Honorable Donald W. Riegle, Jr., U.S. Senator, dated June 21, 1995, from David Satcher, M.D., Ph.D., Director; a U.S. Senate Hearing Report 103–900, dealing with U.S. exports of biological materials to Iraq to the Senate Committee on Banking, Housing, and Urban Affairs which has oversight responsibility for the Export Administration Act, and keeping in mind that the U.S. Department of Commerce approves licenses by that Department for exports; including also the U.S. Senate hearing report in that matter. Included in the approved sales are such items as Bacillus Anthracis, anthrax, Clostridium Botulinum, Histoplasma Capsulatum, which causes a disease superficially resembling tuberculosis that may cause pneumonia; Brucella Melitensis, a bacteria which can cause chronic fatigue, and so on; Clostridium Perfringens, which causes gas gangrene. I believe that completes the list.

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

BYRD-RUMSFELD TRANSCRIPT—PARTIAL TRANSCRIPT FROM SENATE ARMED SERVICES COMMITTEE, SEPTEMBER 19, 2002

LEVIN. Senator Byrd?

BYRD. Thank you, Mr. Chairman, for holding these hearings.

Mr. Secretary, to your knowledge, did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq War? Are we, in fact, now facing the possibility of reaping what we have sown?

RUMSFELD. Certainly not to my knowledge. I have no knowledge of United States companies or government being involved in assisting Iraq develop chemical, biological or nuclear weapons.

BYRD. Mr. Secretary, let me read to you from the September 23, 2002, Newsweek story. I read this, I read excerpts, because my time is limited.

''Some Reagan officials even saw Saddam as another Anwar Sadat, capable of making Iraq into a modern secular state, just as Sadat had tried to lift up Egypt before his assassination in 1981. But Saddam had to be rescued first. The war against Iran was going badly by 1982.''

BYRD. ''Iran's human-wave attacks threatened to overrun Saddam's armies. Washington decided to give Iraq a helping hand. After Rumsfeld's visit to Baghdad in 1982, U.S. intelligence began supplying the Iraqi dictator with satellite photos showing Iranian deployments.

''Official documents suggest that America may also have secretly arranged for tanks and other military hardware to be shipped to Iraq in a swap deal: American tanks to Egypt, Egyptian tanks to Iraq.

''Over the protest of some Pentagon skeptics, the Reagan administration began allowing the Iraqis to buy a wide variety of, quote, 'dual-use,' close quote, equipment and materials from American suppliers.

''According to confidential Commerce Department export control documents obtained

by Newsweek, the shopping list included a computerized database for Saddam's Interior Ministry, presumably to help keep track of political opponents, helicopters to help transport Iraqi officials, television cameras for video surveillance applications, chemical analysis equipment for the Iraq Atomic Energy Commission, IAEC, and, most unsettling, numerous shipments of the bacteria, fungi, protozoa to the IAEC.

''According to former officials the bacterial cultures could be used to make biological weapons, including anthrax. The State Department also approved the shipment of 1.5 million atropine injectors for use against the effects of chemical weapons but the Pentagon blocked the sale.

''The helicopters, some American officials later surmised, were used to spray poison gas on the Kurds. The United States almost certainly knew from its own satellite imagery that Saddam was using chemical weapons against Iranian troops.

''When Saddam bombed Kurdish rebels and civilians with a lethal cocktail of mustard gas, sarin, tabun and VX in 1988, the Reagan administration first blamed Iran before acknowledging, under pressure from congressional Democrats, that the culprit were Saddam's own forces. There was only token official protest at the time. Saddam's men were unfazed.

''An Iraqi audiotape later captured by the Kurds records Saddam's cousin, Ali Hassan al-Majid, known as Ali Chemical, talking to his fellow officers about gassing the Kurds. Quote, 'Who is going to say anything?' close quote, he asks, 'the international community? F-blank them!' exclamation point, close quote.''

Now can this possibly be true? We already knew that Saddam was dangerous man at the time. I realize that you were not in public office at the time, but you were dispatched to Iraq by President Reagan to talk about the need to improve relations between Iraq and the U.S.

Let me ask you again: To your knowledge did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq war? Are we, in fact, now facing the possibility of reaping what we have sown?

The Washington Post reported this morning that the United States is stepping away from efforts to strengthen the Biological Weapons Convention. I'll have a question on that later.

Let me ask you again: Did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq War? Are we, in fact, now facing the possibility of reaping what we have sown?

RUMSFELD. I have not read the article. As you suggest, I was, for a period in late '83 and early '84, asked by President Reagan to serve as Middle East envoy after the Marines—241 Marines were killed in Beirut.

As part of my responsibilities I did visit Baghdad. I did meet with Mr. Tariq Aziz. And I did meet with Saddam Hussein and spent some time visiting with them about the war they were engaged in with Iran.

At the time our concern, of course, was Syria and Syria's role in Lebanon and Lebanon's role in the Middle East and the terrorist acts that were taking place.

As a private citizen I was assisting only for a period of months. I have never heard anything like what you've read, I have no knowledge of it whatsoever, and I doubt it.

BYRD. You doubt what?

RUMSFELD. The questions you posed as to whether the United States of America assisted Iraq with the elements that you listed in your reading of Newsweek and that we could conceivably now be reaping what we've sown.

I think—I doubt both.

BYRD. Are you surprised that this is what I've said? Are you surprised at this story in Newsweek?

RUMSFELD. I guess I'm at an age and circumstance in life where I'm no longer surprised about what I hear in the newspapers.

BYRD. That's not the question, I'm of that age, too. Somewhat older than you, but how about that story I've read?

RUMSFELD. I see stories all the time that are flat wrong. I just don't know. All I can say . . .

BYRD. How about this story? This story? How about this story, specifically?

RUMSFELD. As I say, I have not read it, I listened carefully to what you said and I doubt it.

BYRD. All right.

Now the Washington Post reported this morning that the United States is stepping away from efforts to strengthen the Biological Weapons Convention. Are we not sending exactly the wrong signal to the world, at exactly the wrong time?

BYRD. Doesn't this damage our credibility in the international community at the very time that we are seeking their support to neutralize the threat of Iraq's biological weapons program? If we supplied, as the Newsweek article said, if we supplied the building blocks for germ and chemical warfare to this madman in the first place, this psychopath, how do we look to the world to be backing away from this effort to control it at this point?

RUMSFELD. Senator, I think it would be a shame to leave this committee and the people listening with the impression that the United States assisted Iraq with chemical or biological weapons in the 1980s. I just do not believe that's the case.

BYRD. Well, are you saying that the Newsweek article is inaccurate?

RUMSFELD. I'm saying precisely what I said, that I didn't read the Newsweek article, but that I doubt it's accurate.

BYRD. I'll be glad to send you up a copy.

RUMSFELD. But that I was not in government at that time, except as a special envoy for a period of months. So one ought not to rely on me as the best source as to what happened in that mid-'80s period that you were describing.

I will say one other thing. On two occasions I believe when you read that article, you mentioned the IAEC, which as I recall is the International Atomic Energy Commission, and mentioned that if some of the things that you were talking about were provided to them, which I found quite confusing to be honest.

With respect to the Biological Weapons Convention, I was not aware that the United States government had taken a position with respect to it. It's not surprising because it's a matter for the Department of State, not the Department of Defense.

If in fact they have indicated, as The Washington Post reports, that they are not going to move forward with a—I believe it's an enforcement regime, it's not my place to discuss the administration's position when I don't know what it is.

But I can tell you, from a personal standpoint, my recollection is that the biological convention never, never was anticipated that there would even be thought of to have an enforcement regime. And that an enforcement regime on something like that, where there are a lot of countries involved who are on the terrorist list who were participants in that convention, that the United States has, over a period of administrations, believed that it would not be a good idea, because the United States would be a net loser from an enforcement regime.

But that is not the administration's position. I just don't know what the administration's position is.

LEVIN. We're going to have to leave it there, because you're way over.

BYRD. This is a very important question.

LEVIN. It is indeed, and you're over time, I agree with you on the importance, but you're way over time, sir.

BYRD. I know I'm over time, but are we going to leave this in question out there dangling?

LEVIN. One last question.

BYRD. I ask unanimous consent that I may have an additional five minutes.

LEVIN. No, I'm afraid you can't do that. If you could just do one last—well, wait a minute, ask unanimous consent, I can't stop you from doing that.

(UNKNOWN). I object.

(LAUGHTER)

BYRD. Mr. Chairman?

LEVIN. Just one last question. Would that be all right so you could wind that up?

Senator Byrd, if you could just take one additional question.

BYRD. I've never—I've been in this Congress 50 years. I've never objected to another senator having a few additional minutes.

Now Mr. Chairman, I think that the secretary should have a copy of this report, this story that—from Newsweek that I've been querying him about. I think he has a right to look at that.

LEVIN. Could somebody take that out to the secretary?

BYRD. Now, while that's being given to the secretary, Mr. Secretary, I think we're put into an extremely bad position before the world today if we're going to walk away from an international effort to strengthen the Biological Weapons Convention against germ warfare, advising its allies that the U.S. wants to delay further discussions until 2006. Especially in the light of the Newsweek story; I think we bear some responsibility.

INHOFE. Mr. Chairman I ask for a point of order.

LEVIN. Can we just have this be the last question, if you would just go along with us please, Senator Inhofe?

INHOFE. I'll only say though, in all respect to the Senator from West Virginia, we have a number of senators here. We have a limited time of six minutes each, and we're entitled to have our six minutes. That should be a short questions if it's the last question.

LEVIN. If we could just make that the last question and answer, I would appreciate it. The chair would appreciate the cooperation of all senators.

Secretary Rumsfeld, could you answer that question please?

RUMSFELD. I'll do my best.

Senator, I just in glancing at this, and I hesitate to do this because I have not read it carefully.

But it says here that, ''According to confidential Commerce Department export control documents obtained by Newsweek, the shopping list included.'' It did not say that there were deliveries of these things. It said that Iran—Iraq asked for these things. It talks about a shopping list.

Second, in listing these things, it says that they wanted television cameras for video surveillance applications, chemical analysis equipment for the Iraq Atomic Energy Commission, the IAEC—and that may very well be the Iraqi Atomic Energy Commission, which would be—mean that my earlier comment would not be correct, because I thought it was the International Atomic Energy Commission. But this seems to indicate it's the Iraq Commerce Commission.

BYRD. Mr. Chairman, may I say to my friend from Oklahoma, I'm amazed that he himself wouldn't yield me time for this important question. I would do the same for him.

Mr. Chairman, I would like to ask . . .

(CLELAND). I yield my five minutes, Senator.

BYRD. I thank the distinguished Senator.

Mr. Chairman, I would like to ask the secretary—and I don't just like to ask him—I asked him to review Pentagon records to see if the Newsweek article is true or not. Will the secretary do that?

RUMSFELD. It appears that they're Department of Commerce records, as opposed to Pentagon. But I can certainly ask that the Department of Commerce and, to the extent that it's relevant, the Department of State, look into it and see if we can't determine the accuracy or inaccuracy of some aspects of this. Yes, sir.

LEVIN. And we go one step further than that. I think the request is that the Defense Department search its records. Will you do that?

RUMSFELD. We'll be happy to search ours, but this refers to the Commerce Department.

LEVIN. We will ask the State Department and the Commerce Department to do the same thing.

RUMSFELD. We'd be happy to.

LEVIN. And we will also ask the Intelligence Committee to stage a briefing for all of us on that issue, so that Senator Byrd's question. . .

BYRD. Mr. Chairman, I thank the chairman.

LEVIN. Thank you very much, Senator.

BYRD. I thank the secretary.

RUMSFELD. Thank you.

LEVIN. Senator Byrd, we will ask Senator Graham and Senator Shelby to hold a briefing on that subject, because it is a very important subject.

BYRD. I thank the chairman.

[From the Washington Post, Sept. 19, 2002]

U.S. DROPS BID TO STRENGTHEN GERM WARFARE ACCORD

(By Peter Slevin)

The Bush administration has abandoned an international effort to strengthen the Biological Weapons Convention against germ warfare, advising its allies that the United States wants to delay further discussions until 2006. A review conference on new verification measures for the treaty has been scheduled for November.

Less than a year after a State Department envoy abruptly pulled out of biowarfare negotiations in Geneva, promising that the United States would return with new proposals, the administration has concluded that treaty revisions favored by the European Union and scores of other countries will not work and should not be salvaged, administration officials said yesterday.

The decision, which has been conveyed to allies in recent weeks, has been greeted with warnings that the move will weaken attempts to curb germ warfare programs at a time when biological weapons are a focus of concern because of the war on terrorism and the administration's threats to launch a military campaign against Iraq. It also comes as the administration, which has angered allies by rejecting a series of multilateral agreements, is appealing to the international community to work with it in forging a new U.N. Security Council resolution on Iraq's programs to develop weapons of mass destruction.

The 1972 Biological Weapons Convention, which has been ratified by the United States and 143 other countries, bans the development, stockpiling and production of germ warfare agents, but has no enforcement mechanism. Negotiations on legally binding measures to enforce compliance have been underway in Geneva for seven years.

The administration stunned its allies last December by proposing to end the negotiators' mandate, saying that while the treaty needed strengthening, the enforcement protocol under discussion would not deter enemy nations from acquiring or developing biological weapons if they were determined to do so. Negotiators suspended the discussions, saying they would meet again in November when U.S. officials said they would return with creative solutions to address the impasse.

Instead, U.S. envoys are now telling allies that the administration's position is so different from the views of the leading supporters of the enforcement protocol that a meeting would dissolve into public squabbling and should be avoided, administration officials said. Better, they said, to halt discussions altogether.

''It's based on an incorrect approach. Our concern is that it would be fundamentally ineffective,'' a State Department official said. Another administration official said the ''best and least contentious'' approach would be to hold a very brief meeting in November—or even no meeting at all—and talk again when the next review is scheduled four years from now.

Amy Smithson, a biological and chemical weapons specialist, said the administration is making a mistake by halting collaborative work to strengthen the convention. ''It sounds to me as though they've thrown the baby out with the bath water,'' said Smithson, an analyst at the Henry L. Stimson Center. ''The contradiction between the rhetoric and what the administration is actually doing—the gulf is huge. Not a day goes by when they don't mention the Iraq threat.''

The Stimson Center is releasing a report today that criticizes the U.S. approach to the convention. Drawn from a review by 10 pharmaceutical companies and biotechnology experts, the document argues that bioweapons inspections can be effective with the right amount of time and the right science and urges the administration to develop stronger measures.

''To argue that this wouldn't be a useful remedy would just be a mistake. I think it's because they're looking through the wrong end of the telescope,'' said Matthew Meselson, a Harvard biologist who helped draft a treaty to criminalize biological weapons violations. ''We're denying ourselves useful tools.''

The administration has focused publicly on a half-dozen countries identified by the State Department as pursuing germ warfare programs. Undersecretary of State John R. Bolton said the existence of Iraq's bioweapons project is ''beyond dispute.'' The U.S. government also believes Iran, North Korea, Sudan, Libya and Syria are developing such weapons, he said.

Meselson concurred with the administration's position that a limited enforcement provision for the bioweapons treaty could not provide confidence that countries are staying clean. But he said that a pact establishing standards and verification measures would deter some countries while also helping to build norms of international behavior.

Bolton, on the other hand, told delegates to last year's review conference that ''the time for 'better-than-nothing' protocols is over. We will continue to reject flawed texts like the BWC draft protocol, recommended to us simply because they are the product of lengthy negotiations or arbitrary deadlines, if such texts are not in the best interests of the United States.''

With only hours to go at the meeting, Bolton stopped U.S. participation in the final negotiations. He said of the resulting one-year delay, ''This gives us time to think creatively on alternatives.''

In Bolton's view, each country should develop criminal laws against germ warfare activities, develop export controls for dangerous pathogens, establish codes of conduct for scientists and install strict biosafety procedures. The administration has proposed that governments resolve disputes over biowarfare violations among themselves, perhaps through voluntary inspections or by referral to the United Nations secretary general.

Such an approach is ''at best ineffectual,'' said the specialists gathered by the Stimson Center. At worst, they concluded, the approach could damage U.S. interests because it would not be structured to deliver ''meaningful monitoring.''

''If a challenge inspection system is not geared to pursue violators aggressively, then it does not serve U.S. security interests,'' the 65-page report states. The participants strongly favored establishing mandatory standards backed by penalties and ''robust'' inspections, which goes significantly further than the proposed protocol backed by the EU and other nations.

The State Department Web site has not yet been changed to reflect the change in policy. It says, ''The United States is committed to strengthening the BWC as part of a comprehensive and multidisciplinary strategy for combating the proliferation of weapons of mass destruction and international terrorism. . . . We would like to share these ideas with our international partners.''

PARTIAL TRANSCRIPT FROM SENATE ARMED SERVICES COMMITTEE, SEPTEMBER 19, 2002

LEVIN. Senator Byrd?

BYRD. Thank you, Mr. Chairman, for holding these hearings.

Mr. Secretary, to your knowledge, did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq War? Are we, in fact, now facing the possibility of reaping what we have sown?

RUMSFELD. Certainly not to my knowledge. I have no knowledge of United States companies or government being involved in assisting Iraq develop chemical, biological or nuclear weapons.

BYRD. Mr. Secretary, let me read to you from the September 23, 2002, Newsweek story. I read this, I read excerpts, because my time is limited.

''Some Reagan officials even saw Saddam as another Anwar Sadat, capable of making Iraq into a modern secular state, just as Sadat had tried to lift up Egypt before his assassination in 1981. But Saddam had to be rescued first. The war against Iran was going badly by 1982.''

''Iran's human-wave attacks threatened to overrun Saddam's armies. Washington decided to give Iraq a helping hand. After Rumsfeld's visit to Baghdad in 1983, U.S. intelligence began supplying the Iraqi dictator with satellite photos showing Iranian deployments.

''Official documents suggest that America may also have secretly arranged for tanks and other military hardware to be shipped to Iraq in a swap deal: American tanks to Egypt, Egyptian tanks to Iraq.

''Over the protest of some Pentagon skeptics, the Reagan administration began allowing the Iraqis to buy a wide variety of, quote, 'dual-use,' close quote, equipment and materials from American suppliers.

''According to confidential Commerce Department export control documents obtained by Newsweek, the shopping list include a computerized database for Saddam's Interior Ministry, presumably to help keep track of political opponents, helicopters to help transport Iraqi officials, television cameras for video surveillance applications, chemical analysis equipment for the Iraq Atomic Energy Commission, IAEC, and, most unsettling, numerous shipments of the bacteria, fungi, protozoa to the IAEC.

''According to former officials the bacterial cultures could be used to make biological weapons, including anthrax. The State Department also approved the shipment of 1.5 million atropine injectors for use against the effects of chemical weapons but the Pentagon blocked the sale.

''The helicopters, some American officials later surmised, were used to spray poison gas on the Kurds. The United States almost certainly knew from its own satellite imagery that Saddam was using chemical weapons against Iranian troops.

''When Saddam bombed Kurdish rebels and civilians with a lethal cocktail of mustard gas, sarin, tabun and VX in 1988, the Reagan administration first blamed Iran before acknowledging, under pressure from congressional Democrats, that the culprit were Saddam's own forces. There was only token official protest at the time. Saddam's men were unfazed.

''An Iraqi audiotape later captured by the Kurds records Saddam's cousin, Ali Hassan al-Majid, known as Ali Chemical, talking to his fellow officers about gassing the Kurds. Quote, 'Who is going to say anything?' close quote, he asks, 'the international community? F-blank them!' exclamation point, close quote.''

Now can this possibly be true? We already knew that Saddam was dangerous man at the time. I realize that you were not in public office at the time, but you were dispatched to Iraq by President Reagan to talk about the need to improve relations between Iraq and the U.S.

Let me ask you again: To your knowledge did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq war? Are we, in fact, now facing the possibility of reaping what we have sown?

The Washington Post reported this morning that the United is stepping away from efforts to strengthen the Biological Weapons Convention. I'll have a question on that later.

Let me ask you again: Did the United States help Iraq to acquire the building blocks of biological weapons during the Iran-Iraq War? Are we, in fact, now facing the possibility of reaping what we have sown?

RUMSFELD. I have not read the article. As you suggest, I was, for a period in late '83 and early '84, asked by President Reagan to serve as Middle East envoy after the Marines—241 Marines were killed in Beirut.

As part of my responsibilities I did visit Baghdad. I did meet with Mr. Tariq Aziz. And I did meet with Saddam Hussein and spent some time visiting with them about the war they were engaged in with Iran.

At the time our concern, of course, was Syria and Syria's role in Lebanon and Lebanon's role in the Middle East and the terrorist acts that were taking place.

As a private citizen I was assisting only for a period of months. I have never heard anything like what you've read, I have no knowledge of it whatsoever, and I doubt it.

BYRD. You doubt what?

RUMSFELD. The questions you posed as to whether the United States of America assisted Iraq with the elements that you listed in your reading of Newsweek and that we could conceivably now be reaping what we've sown.

I think—I doubt both.

BYRD. Are you surprised that this is what I've said? Are you surprised at this story in Newsweek?

RUMSFELD. I guess I'm at an age and circumstance in life where I'm no longer surprised about what I hear in the newspapers.

BYRD. That's not the question. I'm of that age, too. Somewhat older than you, but how about that story I've read?

RUMSFELD. I see stories all the time that are flat wrong. I just don't know. All I can say . . .

BYRD. How about this story? This story? How about this story, specifically?

RUMSFELD. As I say, I have not read it, I listened carefully to what you said and I doubt it.

BYRD. All right.

Now the Washington Post reported this morning that the United States is stepping away from efforts to strengthen the Biological Weapons Convention. Are we not sending exactly the wrong signal to the world, at exactly the wrong time?

BYRD. Doesn't this damage our credibility in the international community at the very time that we are seeking their support to neutralize the threat of Iraq's biological weapons program? If we supplied, as the Newsweek article said, if we supplied the building blocks for germ and chemical warfare to this madman in the first place, this psychopath, how do we look to the world to be backing away from this effort to control it at this point?

RUMSFELD. Senator, I think it would be a shame to leave this committee and the people listening with the impression that the United States assisted Iraq with chemical or biological weapons in the 1980s. I just do not believe that's the case.

BYRD. Well, are you saying that the Newsweek article is inaccurate?

RUMSFELD. I'm saying precisely what I said, that I didn't read the Newsweek article, but that I doubt its accurate.

BYRD. I'll be glad to send you up a copy.

RUMSFELD. But that I was not in government at that time, except as a special envoy for a period of months. So one ought not to rely on me as the best source as to what happened in that mid-'80s period that you were describing.

I will say one other thing. On two occasions I believe when you read that article, you mentioned the IAEC, which as I recall is the International Atomic Energy Commission, and mentioned that if some of the things that you were talking about were provided to them, which I found quite confusing to be honest.

With respect to the Biological Weapons Convention, I was not aware that the United States government had taken a position with respect to it. It's not surprising because it's a matter for the Department of State, not the Department of Defense.

If in fact they have indicated, as The Washington Post reports, that they are not going to move forward with a—I believe it's an enforcement regime, it's not my place to discuss the administration's position when I don't know what it is.

But I can tell you, from a personal standpoint, my recollection is that the biological convention never, never was anticipated that there would even be thought of to have an enforcement regime. And that an enforcement regime on something like that, where there are a lot of countries involved who are on the terrorist list who were participants in that convention, that the United States has, over a period of administrations, believed that it would not be a good idea, because the United States would be a net loser from an enforcement regime.

But that is not the administration's position. I just don't know what the administration's position is.

LEVIN. We're going to have to leave it there, because you're way over.

BYRD. This is a very important question.

LEVIN. It is indeed, and you're over time. I agree with you on the importance, but you're way over time, sir.

BYRD. I know I'm over time, but are we going to leave this in question out there dangling?

LEVIN. One last question.

BYRD. I ask unanimous consent that I may have an additional five minutes.

LEVIN. No, I'm afraid you can't do that. If you could just do one last—well, wait a minute, ask unanimous consent, I can't stop you from doing that.

(UNKNOWN). I object.

(Laughter)

BYRD. Mr. Chairman?

LEVIN. Just one last question. Would that be all right so you could wind it up?

Senator Byrd, if you could just take one additional question.

BYRD. I've never—I've been in this Congress 50 years. I've never objected to another senator having a few additional minutes.

Now Mr. Chairman, I think that the secretary should have a copy of this report, this story that—from Newsweek that I've been querying him about. I think he has a right to look at that.

LEVIN. Could somebody take that out to the secretary?

BYRD. Now, while that's being given to the secretary, Mr. Secretary, I think we're put into an extremely bad position before the world today if we're going to walk away from an international effort to strengthen the Biological Weapons Convention against germ warfare, advising its allies that the U.S. wants to delay further discussions until 2006., Especially in the light of the Newsweek story; I think we bear some responsibility.

INHOFE. Mr. Chairman I ask for a point of order.

LEVIN. Can we just have this be the last question, if you would just go along with us please, Senator Inhofe?

INHOFE. I'll only say though, in all respect to the senator from West Virginia, we have a number of senators here. We have a limited time of six minutes each, and we're entitled to have our six minutes. That should be a short question if it's the last question.

LEVIN. If we could just make that the last question and answer, I would appreciate it. The chair would appreciate the cooperation of all senators.

RUMSFELD. I'll do my best.

Senator, I just in glancing at this, and I hesitate to do this because I have not read it carefully.

But it says here that, ''According to confidential Commerce Department export control documents obtained by Newsweek, the shopping list included.'' It did not say that there were deliveries of these things. It said that Iran—Iraq asked for these things. It talks about a shopping list.

Second, in listing these things, it says that they wanted television cameras for video surveillance applications, chemical analysis equipment for the Iraq Atomic Energy Commission, the IAEC—and that may very well be the Iraqi Atomic Energy Commission, which would be—mean that my earlier comment would not be correct, because I thought it was the International Atomic Energy Commission. But this seems to indicate it's the Iraq Commerce Commission.

BYRD. Mr. Chairman, may I say to my friend from Oklahoma, I'm amazed that he himself wouldn't yield me time for this important question. I would do the same for him.

Mr. Chairman, I would like to ask . . .

(CLELAND). I yield my five minutes, Senator.

BYRD. I thank the distinguished senator.

Mr. Chairman, I would like to ask the secretary—and I don't just like to ask him—I ask him to review Pentagon records to see if the Newsweek article is true or not. Will the secretary do that?

RUMSFELD. It appears that they're Department of Commerce records, as opposed to Pentagon. But I can certainly ask that the

Department of Commerce and, to the extent that it's relevant, the Department of State, look into it and see if we can't determine the accuracy or inaccuracy of some aspects of this. Yes, sir.

LEVIN. And we go one step future than that. I think the request is that the Defense Department search its records. Will you do that?

RUMSFELD. We'll be happy to search ours, but this refers to the Commerce Department.

LEVIN. We will ask the State Department and the Commerce Department to do the same thing.

RUMSFELD. We'd be happy to.

LEVIN. And we will also ask the Intelligence Committee to stage a briefing for all of us on that issue, so that Senator Byrd's question . . .

BYRD. Mr. Chairman, I thank the chairman.

LEVIN. Thank you very much, Senator.

BYRD. I thank the secretary.

RUMSFELD. Thank you.

LEVIN. Senator Byrd, we will ask Senator Graham and Senator Shelby to hold a briefing on that subject, because it is a very important subject.

BYRD. I thank the chairman.

[From Newsweek, Sept. 23, 2002]

HOW SADDAM HAPPENED

(By Christopher Dickey and Evan Thomas)

The last time Donald Rumsfeld saw Saddam Hussein, he gave him a cordial handshake. The date was almost 20 years ago, Dec. 20, 1983; an official Iraqi television crew recorded the historic moment.

The once and future Defense secretary, at the time a private citizen, had been sent by President Ronald Reagan to Baghdad as a special envoy. Saddam Hussein, armed with a pistol on his hip, seemed ''vigorous and confident,'' according to a new declassified State Department cable obtained by Newsweek. Rumsfeld ''conveyed the President's greetings and expressed his pleasure at being in Baghdad,'' wrote the notetaker. Then the two men got down to business, talking about the need to improve relations between their two countries.

Like most foreign-policy insiders, Rumsfeld was aware that Saddam was a murderous thug who supported terrorists and was trying to build a nuclear weapon. (The Israelis had already bombed Iraq's nuclear reactor at Osirak.) But at the time, America's big worry was Iran, not Iraq. The Reagan administration feared that the Iranian revolutionaries who had overthrown the shah (and taken hostage American diplomats for 444 days in 1979–81) would overrun the Middle East and its vital oilfields. On the theory that the enemy of my enemy is my friend, the Reaganites were seeking to support Iraq in a long and bloody war against Iran. The meeting between Rumsfeld and Saddam was consequential: for the next five years, until Iran finally capitulated, the United States backed Saddam's armies with military intelligence, economic aid and covert supplies of munitions.

FORMER ALLIES

Rumsfeld is not the first American diplomat to wish for the demise of a former ally. After all, before the cold war, the Soviet Union was America's partner against Hitler in World War II. In the real world, as the saying goes, nations have no permanent friends, just permanent interests. Nonetheless, Rumsfeld's long-ago interlude with Saddam is a reminder that today's friend can be tomorrow's mortal threat. As President George W. Bush and his war cabinet ponder Saddam's successor's regime, they would do well to contemplate how and why the last three presidents allowed the Butcher of Baghdad to stay in power so long.

The history of America's relations with Saddam is one of the sorrier tales in American foreign policy. Time and again, America turned a blind eye to Saddam's predations, saw him as the lesser evil or flinched at the chance to unseat him. No single policymaker or administration deserves blame for creating, or at least tolerating, a monster; many of their decisions seemed reasonable at the time. Even so, there are moments in this clumsy dance with the Devil that make one cringe. It is hard to believe that, during most of the 1980s, America knowingly permitted the Iraq Atomic Energy Commission to import bacterial cultures that might be used to build biological weapons. But it happened.

America's past stumbles, while embarrassing, are not an argument for inaction in the future. Saddam probably is the ''grave and gathering danger'' described by President Bush in his speech to the United Nations last week. It may also be true that ''whoever replaces Saddam is not going to be worse,'' as a senior administration official put it to Newsweek. But the story of how America helped create a Frankenstein monster it now wishes to strangle is sobering. It illustrates the power of wishful thinking, as well as the iron law of unintended consequences.

TRANSFIXED BY SADDAM

America did not put Saddam in power. He emerged after two decades of turmoil in the '60s and '70s, as various strongmen tried to gain control of a nation that had been concocted by British imperialists in the 1920s out of three distinct and rival factions, the Sunnis, Shiites and the Kurds. But during the cold war, America competed with the Soviets for Saddam's attention and welcomed his war with the religious fanatics of Iran. Having cozied up to Saddam, Washington. . . .

While the Middle East is unlikely to become a democratic nirvana, the worst-case scenarios, always a staple of the press, are probably also wrong or exaggerated. Assuming that a cornered and doomed Saddam does not kill thousands of Americans in some kind of horrific Götterdämmerung—a scary possibility, one that deeply worries administration officials—the greatest risk of his fall is that one strongman may simply be replaced by another. Saddam's successor may not be a paranoid sadist. But there is no assurance that he will be America's friend or forswear the development of weapons of mass destruction.

A TASTE FOR NASTY WEAPONS

American officials have known that Saddam was a psychopath ever since he became the country's de facto ruler in the early 1970s. One of Saddam's early acts after he took the title of president in 1979 was to videotape a session of his party's congress, during which he personally ordered several members executed on the spot. The message, carefully conveyed to the Arab press, was not that these men were executed for plotting against Saddam, but rather for thinking about plotting against him. From the beginning, U.S. officials worried about Saddam's taste for nasty weaponry; indeed, at their meeting in 1983, Rumsfeld warned that Saddam's use of chemical weapons might ''inhibit'' American assistance. But top officials in the Reagan administration saw Saddam as a useful surrogate. By going to war with Iran, he could bleed the radical mullahs who had seized control of Iran from the pro-American shah. Some Reagan officials even saw Saddam as another Anwar Sadat, capable of making Iran into a modern secular state, just as Sadat had tried to lift up Egypt before his assassination in 1981.

But Saddam had to be rescued first. The war against Iran was going badly by 1982. Iran's ''human wave attacks'' threatened to overrun Saddam's armies. Washington decided to give Iraq a helping hand. After Rumsfeld's visit to Baghdad in 1983, U.S. intelligence began supplying the Iraqi dictator with satellite photos showing Iranian deployments. Official documents suggest that America may also have secretly arranged for tanks and other military hardware to be shipped to Iraq in a swap deal—American tanks to Egypt, Egyptian tanks to Iraq. Over the protest of some Pentagon skeptics, the Reagan administration began allowing the Iraqis to buy a wide variety of ''dual use'' equipment and materials from American suppliers. According to confidential Commerce Department export-control documents obtained by Newsweek, the shopping list included a computerized database for Saddam's Interior Ministry (presumably to help keep track of political opponents); helicopters to transport Iraqi officials; television cameras for ''video surveillance applications''; chemical-analysis equipment for the Iraq Atomic Energy Commission (IAEC), and, most unsettling, numerous shipments of ''bacteria/fungi/protozoa'' to the IAEC. According to former officials, the bacteria cultures could be used to make biological weapons, including anthrax. The State Department also approved the shipment of 1.5 million atropine injectors, for use against the effects of chemical weapons, but the Pentagon blocked the sale. The helicopters, some American officials later surmised, were used to spray poison gas on the Kurds.

''WHO IS GOING TO SAY ANYTHING?''

The United States almost certainly knew from its own satellite imagery that Saddam was using chemical weapons against Iranian troops. When Saddam bombed Kurdish rebels and civilians with a lethal cocktail of mustard gas, sarin, tabun and VX in 1988, the Reagan administration first blamed Iran, before acknowledging, under pressure from congressional Democrats, that the culprits were Saddam's own forces. There was only token official protest at the time. Saddam's men were unfazed. An Iraqi audiotape, later captured by the Kurds, records Saddam's cousin Ali Hassan al-Majid (known as Ali Chemical) talking to his fellow officers about gassing the Kurds. ''Who is going to say anything?'' he asks. ''The international community? F—k them!''

The United States was much more concerned with protecting Iraqi oil from attacks by Iran as it was shipped through the Persian Gulf. In 1987, an Iraqi Exocet missile hit an American destroyer, the USS Stark, in the Persian Gulf, killing 37 crewmen. Incredibly, the United States excused Iraq for making an unintentional mistake and instead used the incident to accuse Iran of escalating the war in the gulf. The American tilt to Iraq became more pronounced. U.S. commandos began blowing up Iranian oil platforms and attacking Iranian patrol boats. In 1988, an American warship in the gulf accidentally shot down an Iranian Airbus, killing 290 civilians. Within a few weeks, Iran, exhausted and fearing American intervention, gave up its war with Iraq.

Saddam was feeling cocky. With the support of the West, he had defeated the Islamic revolutionaries in Iran. America favored him as a regional pillar; European and American corporations were vying for contracts with Iraq. He was visited by congressional delegations led by Sens. Bob Dole of Kansas and Alan Simpson of Wyoming, who were eager to promote American farm and business interests. But Saddam's megalomania was on the rise, and he overplayed his hand. In 1990, a U.S. Customs sting operation snared several Iraqi agents who were trying to buy

electronic equipment used to make triggers for nuclear bombs. Not long after, Saddam gained the world's attention by threatening ''to burn Israel to the ground.'' At the Pentagon, analysts began to warn that Saddam was a growing menace, especially after he tried to buy some American-made high-tech furnaces useful for making nuclear-bomb parts. Yet other officials in Congress and in the Bush administration continued to see him as a useful, if distasteful, regional strongman. The State Department was equivocating with Saddam right up to the moment he invaded Kuwait in August 1990.

AMBIVALENT ABOUT SADDAM'S FATE

Some American diplomats suggest that Saddam might have gotten away with invading Kuwait if he had not been quite so greedy. ''If he had pulled back to the Mutla Ridge [overlooking Kuwait City], he'd still be there today,'' one ex-ambassador told Newsweek. And even though President George H.W. Bush compared Saddam to Hitler and sent a half-million-man Army to drive him from Kuwait, Washington remained ambivalent about Saddam's fate. It was widely assumed by policymakers that Saddam would collapse after his defeat in Desert Storm, done in by him humiliated officer corps or overthrown by the revolt of a restive minority population. But Washington did not want to push very hard to topple Saddam. The gulf war, Bush I administration officials pointed out, had been fought to liberate Kuwait, not oust Saddam. ''I am certain that had we taken all of Iraq, we would have been like the dinosaur in the tar pit—we would still be there,'' wrote the American commander in Desert Storm, Gen. Norman Schwarzkopf, in his memoirs. America's allies in the region, most prominently Saudi Arabia, feared that a post-Saddam Iraq would splinter and destabilize the region. The Shiites in the south might bond with their fellow religionists in Iran, strengthening the Shiite mullahs, and threatening the Saudi border. In the north, the Kurds were agitating to break off parts of Iraq and Turkey to create a Kurdistan. So Saddam was allowed to keep his tanks and helicopters—which he used to crush both Shiite and Kurdish rebellions.

The Bush administration played down Saddam's darkness after the gulf war. Pentagon bureaucrats compiled dossiers to support a war-crimes prosecution of Saddam, especially for his sordid treatment of POWs. They documented police stations and ''sports facilities'' where Saddam's henchmen used acid baths and electric drills on their victims. One document suggested that torture should be ''artistic.'' But top Defense Department officials stamped the report secret. One Bush administration official subsequently told The Washington Post, ''Some people were concerned that if we released it during the [1992 presidential] campaign, people would say, 'Why don't you bring this guy to justice?' '' (Defense Department aides say politics played no part in the report.)

The Clinton administration was no more aggressive toward Saddam. In 1993, Saddam apparently hired some Kuwaiti liquor smugglers to try to assassinate former president Bush as he took a victory lap through the region. According to one former U.S. ambassador, the new administration was less than eager to see an open-and-shut case against Saddam, for fear that it would demand aggressive retaliation. When American intelligence continued to point to Saddam's role, the Clintonites lobbed a few cruise missiles into Baghdad. The attack reportedly killed one of Saddam's mistresses, but left the dictator defiant.

CLINTON-ERA COVERT ACTIONS

The American intelligence community, under orders from President Bill Clinton, did mount covert actions aimed at toppling Saddam in the 1990s, but by most accounts they were badly organized and halfhearted. In the north, CIA operatives supported a Kurdish rebellion against Saddam in 1995. According to the CIA's man on the scene, former case officer Robert Baer, Clinton administration officials back in Washington ''pulled the plug'' on the operation just as it was gathering momentum. The reasons have long remained murky, but according to Baer, Washington was never sure that Saddam's successor would be an improvement, or that Iraq wouldn't simply collapse into chaos. ''The question we could never answer,'' Baer told Newsweek, ''was, 'After Saddam goes, then what?' '' A coup attempt by Iraqi Army officers fizzled the next year. Saddam brutally rolled up the plotters. The CIA operatives pulled out, rescuing everyone they could, and sending them to Guam.

Meanwhile, Saddam was playing cat-and-mouse with weapons of mass destruction. As part of the settlement imposed by America and its allies at the end of the gulf war, Saddam was supposed to get rid of his existing stockpiles of chem-bio weapons, and to allow in inspectors to make sure none were being hidden or secretly manufactured. The U.N. inspectors did shut down his efforts to build a nuclear weapon. But Saddam continued to secretly work on his germ- and chemical-warfare program. When the inspectors first suspected what Saddam was trying to hide in 1995, Saddam's son-in-law, Hussein Kamel, suddenly fled Iraq to Jordan. Kamel had overseen Saddam's chem-bio program, and his defection forced the revelation of some of the secret locations of Saddam's deadly labs. That evidence is the heart of the ''white paper'' used last week by President Bush to support his argument that Iraq has been defying U.N. resolutions for the past decade. (Kamel had the bad judgment to return to Iraq, where he was promptly executed, along with various family members.)

By now aware of the scale of Saddam's efforts to deceive, the U.N. arms inspectors were unable to certify that Saddam was no longer making weapons of mass destruction. Without this guarantee, the United Nations was unwilling to lift the economic sanctions imposed after the gulf war. Saddam continued to play ''cheat and retreat'' with—the inspectors, forcing a showdown in December 1998. The United Nations pulled out its inspectors, and the United States and Britain launched Operation Desert Fox, four days of bombing that was supposed to teach Saddam a lesson and force his compliance.

Saddam thumbed his nose. The United States and its allies, in effect, shrugged and walked away. While the U.N. sanctions regime gradually eroded, allowing Saddam to trade easily on the black market, he was free to brew all the chem-bio weapons he wanted. Making a nuclear weapon is harder, and intelligence officials still believe he is a few years away from even regaining the capacity to manufacture enriched uranium to build his own bomb. If he can steal or buy ready-made fissile material, say from the Russian mafia, he could probably make a nuclear weapon in a matter of months, though it would be so large that delivery would pose a challenge.

LASHING OUT?

As the Bush administration prepares to oust Saddam, one way or another, senior administration officials are very worried that Saddam will try to use his WMD arsenal Intelligence experts have warned that Saddam may be ''flushing'' his small, easy-to-conceal biological agents, trying to get them out of the country before an American invasion. A vial of bugs or toxins that could kill thousands could fit in a suitcase—or a diplomatic pouch. There are any number of grim end-game scenarios. Saddam could try blackmail, threatening to unleash smallpox or some other grotesque virus in an American city if U.S. forces invaded. Or, like a cornered dog, he could lash out in a final spasm of violence, raining chemical weapons down on U.S. troops, handing out his bioweapons to terrorists. ''That's the single biggest worry in all this,'' says a senior administration official. ''We are spending a lot of time on this,'' said another top official.

Some administration critics have said, in effect, let sleeping dogs lie. Don't provoke Saddam by threatening his life; there is no evidence that he has the capability to deliver weapons of mass destruction. Countered White House national-security adviser Condoleezza Rice, ''Do we wait until he's better at it?'' Several administration officials indicated that an intense effort is underway, covert as well as overt, to warn Saddam's lieutenants to save themselves by breaking from the dictator before it's too late. ''Don't be the fool who follows the last order'' is the way one senior administration official puts it.

The risk is that some will choose to go down with Saddam, knowing that they stand to be hanged by an angry mob after the dictator falls. It is unclear what kind of justice would follow his fall, aside from summary hangings from the nearest lamppost.

POST-SADDAM IRAQ

The Bush administration is determined not to ''overthrow one strongman only to install another,'' a senior administration official told Newsweek. This official said that the president has made clear that he wants to press for democratic institutions, government accountability and the rule of law in post-Saddam Iraq. But no one really knows how that can be achieved. Bush's advisers are counting on the Iraqis themselves to resist a return to despotism. ''People subject to horrible tryanny have strong antibodies to anyone who wants to put them back under tyranny,'' says a senior administration official. But as another official acknowledged, ''a substantial American commitment'' to Iraq is inevitable.

At what cost? And who pays? Will other nations chip in money and men? It is not clear how many occupation troops will be required to maintain order, or for how long. Much depends on the manner of Saddam's exit: whether the Iraqis drive him out themselves, or rely heavily on U.S. power. Administration officials shy away from timeables and specifies but say they have to be prepared for all contingencies. ''As General Eisenhower said, 'Every plan gets thrown out on the first day of battle. Plans are useless. Planning is everything','' said Vice President Cheney's chief of staff, I, Lewis (Scooter) Libby.

It is far from clear that America will be able to control the next leader of Iraq, even if he is not as diabolical as Saddam. Any leader of Iraq will look around him and see that Israel and Pakistan have nuclear weapons and that Iran may soon. Just as England and France opted to build their own bombs in the cold war, and not depend on the U.S. nuclear umbrella, the next president of Iraq may want to have his own bomb. ''He may want to, but he can't be allowed to,'' says a Bush official. But what is to guarantee that a newly rich Iraqi strongman won't buy one with his nation's vast oil wealth? In some ways, Iraq is to the Middle East as Germany was to Europe in the 20th century, too large, too militaristic and too competent to coexit peacebly with neighbors. It took two world wars and millions of lives to solve ''the German problem.'' Getting rid of Saddam may be essential to creating a stable, democratic

Iraq. But it may be only a first step on a long and dangerous march.

Per our previous conversation, after reviewing the available licensing records of the Bureau of Export Administration, U.S. Department of Commerce, related to biological materials exported to the government of Iraq, additional information identifying the genus species, and strain or origin (if known) of the following viruses, bacteria, fungi, and protozoa for which export licenses were granted is requested.

Date License Approved, Consignee, and Material information:

02/08/85, Iraq Atomic Energy Commission, Ustilago
02/22/85 (2 each), Ministry of Higher Education, Fungi Histoplasma
07/11/85 (2 each), Middle and Near East Regional A, Fungi Histoplasma
10/02/85 (46 each), Ministry of Higher Education, Bacteria
10/08/85 (10 each), Ministry of Higher Education, Bacteria, Clostridium, Francisella
03/21/86 (18 each), Agriculture and Water Resources, Fungi, Alysidium, Aspergillus, Hypopichia
03/21/86 (21 each), Agriculture and Water Resources, Fungi, Actinormucor, Aspergillus, Rhizopus, Rhizomucor, Talaromyces, Fusarium, Penicillium, Tricyoderma
02/04/87 (11 each), State Company for Drug Indust, Bacteria Bacillus, Bacillus, Escherichia, Staphylococcus, Klebsiella, Salmonella, Pseudomonas
08/17/87 (2 each), Iraq Atomic Energy Commission, Bacteria, Escherichia
03/24/88 (3 each), Iraq Atomic Energy Commission, Bacteria, Escherichia
04/22/88, Sera and Vaccine Institute, Bacteria, Salmonella (Class I), Clostridium (Class II), Brucella (Class III), Corynebacterium (II), Vibrio (Class III)
05/05/88 (1 each), Iraq Atomic Energy Commission, Bacteria, Escherichia
08/16/88, Ministry of Trade, Bacteria, (12 each) Bacillus (Class III), (6 each) Bacillus (Class II), (6 each) Bacillus (Class III), (9 each) Clostridium (Class 10)
11/07/88 (2 each), Iraq Atomic Energy Commission, Bacteria, Escherichia (Class I)
12/19/88 (3 each), Iraq Atomic Energy Commission, Bacteria Escherichia (Class I)

The above listing includes only those material for which export licenses were granted from January 1, 1985, until the present. A number of requests were returned without action. If any information is available as to the specific materials requested by the consignee in these cases, it may also prove useful. A listing of materials for which export licenses were approved between January 1, 1980 and December 31, 1984 follows. I understand that record may no longer be available for these items, however, if any specific information is available which identifies these materials please forward it as well.

Data License Approved, Consignee, and Material Information

08/14/80 (20 each), Ministry of Health for College, Bacteria/Fungi, not further identified
09/11/80 (45 each), University of Baghdad, Bacteria/Fungi/Protozoa, Virus/Viroids (15 each), not further identified
03/17/82 (1 each), University of Mosul, Bacteria/Fungi/Protozoa
04/09/82 (6 each), General Establishment/Drugs, Pseudomonas, Salmonella, Aspergillus
04/09/82 (6 each), General Establishment/Drugs, Pseudomonas, Salmonella, Aspergillus
07/30/82 (3 each), State Co for Drug Industries, Bacillus
08/08/84 (2 each), Ministry of Health for College, Bacteria Corynebacterium
11/30/84 (59 each), College of Medicine, Aspergillus, Epidermophyton, Microsporum, Penicillium, Trichophyton, Alternaria, Neisseria, Clostridium, Bacteroides, Escherichia

I understand that information for those items exported prior to January 1, 1985 may be unavailable. Please feel free to contact me if you have any questions regarding this request at 202–224–4822.

HEADLINE: Ustilago nuda (Jensen) Rostrup, ATCC 34718. TEXT: CBS 118.19. H. Kniep. USDA permit PPQ–526 required. Growth Conditions: Medium 336 24C. Shipped: Test tube. Price Code: W.

HEADLINE: Histoplasma capsulatum var. farciminosum, ATCC 32136. TEXT: A.A. Padhye CDC Disagnostic 76–066816 (Histoplasma farciminosum). CBS 176.57. Class III pathogen, requests must carry signed statement assuming all risks and responsibilities for lab handling. Growth Conditions: Medium 337 25C. Shipped: Test tube. Price Code: W.

AMERICAN TYPE CULTURE COLLECTION, CUSTOMER ACTIVITY DETAIL REPORT, FROM: 01/01/85 TO: 12/31/93; FOR: ALL CUSTOMERS, FOR COUNTRY: IRAQ

Inv. #	Date	ATCC #	Description	Batch #	Quantity	Price
			Cust #: 015408 Customer Name: UNIV OF BAGHDAD			
010072 ..	05/02/86	000000000010	BACILLUS ANTHRACIS	8–20–82	2	108.80
010072 ..	05/02/86	000000000082	BACILLUS SUBTILIS	6–20–84	2	108.80
010072 ..	05/02/86	000000003502	CLOSTRIDIUM BOTULINUM TYPE A	7–7–81	3	163.20
010072 ..	05/02/86	000000003624	CLOSTRIDIUM PERFRINGENS	10–85SV	2	20.40
010072 ..	05/02/86	000000006051	BACILLUS SUBTILIS	12–6–84	2	20.40
010072 ..	05/02/86	000000006223	FRANCISELLA TULARENSIS VAR. TULARENSIS	5–14–79	2	108.80
010072 ..	05/02/86	000000009441	CLOSTRIDIUM TETANI	3–84	3	163.20
010072 ..	05/02/86	000000009564	CLOSTRIDIUM BOTULINUM TYPE E	3–29–79	2	108.80
010072 ..	05/02/86	000000010779	CLOSTRIDIUM TETANI	4–24–84S	3	30.60
010072 ..	05/02/86	000000012916	CLOSTRIDIUM PERFRINGENS	8–14–80	2	108.80
010072 ..	05/02/86	000000013124	CLOSTRIDIUM PERFRINGENS	7–84SV	3	30.60
010072 ..	05/02/86	000000014185	BACILLUS ANTHRACIS	1–14–80	3	163.20
010072 ..	05/02/86	000000014578	BACILLUS ANTHRACIS	1–6–78	2	108.80
010072 ..	05/02/86	000000014581	BACILLUS MEGATERIUM	4–18–85	2	20.40
010072 ..	05/02/86	000000014945	BACILLUS MEGATERIUM	6–21–81	2	108.80
010072 ..	05/02/86	000000017855	CLOSTRIDIUM BOTULINUM TYPE E	6–21–71	2	108.80
010072 ..	05/02/86	000000019213	BACILLUS MEGATERIUM	3–84	2	108.80
010072 ..	05/02/86	000000019397	CLOSTRIDIUM BOTULINUM TYPE A	8–18–81	3	163.20
010072 ..	05/02/86	000000023450	BRUCELLA ABORTUS BIOTYPE 3	8–2–84	3	163.20
010072 ..	05/02/86	000000023455	BRUCELLA ABORTUS BIOTYPE 9	2–5–68	3	163.20
010072 ..	05/02/86	000000023456	BRUCELLA MELITENSIS BIOTYPE 1	3–8–78	2	108.80
010072 ..	05/02/86	000000023458	BRUCELLA MELITENSIS BIOTYPE 3	1–29–68	2	108.80
010072 ..	05/02/86	000000025763	CLOSTRIDIUM BOTULINUM TYPE A	8–83	2	108.80
010072 ..	05/02/86	000000035415	CLOSTRIDIUM BOTULINUM TYPE F	2–24–84	2	108.80
						297.12
010072 ..	05/02/86	FREIGHT			.....	0.00
010072 ..	05/02/86	TAX			.....	.....
010072 ..	05/02/86		Total Invoice		58	2,813.12
			Total for: UNIV OF BAGHDAD	.....	58	2,813.12
			Cust #: 016124 Customer Name: STATE CO FOR DRUG INDUST.			
AC377 ...	08/31/87	000000002601	SACCHAROMYCES CEREVISIAE	8–28–80	1	12.00
AC377 ...	08/31/87	000000006539	SALMONELLA CHOLERAESUIS SUBSP. CHOLERAESUIS	6–86S	1	12.00
AC377 ...	08/31/87	000000006633	BACILLUS SUBTILIS	10–85	2	128.00
AC377 ...	08/31/87	000000010031	KLEBSIELLA PNEUMONIAE SUBSP. PNEUMONIAE	8–13–80	1	64.00
AC377 ...	08/31/87	000000010536	ESCHERICHIA COLI	4–9–80	1	64.00
AC377 ...	08/31/87	000000011778	BACILLUS CEREUS	5–85SV	2	24.00
AC377 ...	08/31/87	000000012228	STAPHYLOCOCCUS EPIDERMIDIS	11–86S	1	12.00
AC377 ...	08/31/87	000000014884	BACILLUS PUMILUS	9–8–80	2	128.00

AC1507, 04/26/88, Total Invoice

AC1616, 07/11/88, 0000000035–X, COMMUNICATION FEES, 35–X.

AC1616, 07/11/88, 000000011303, ESCHERICHIA COLI, 4–87S.

AC1616, 07/11/88, 000000037349, PTIBO542 PLASMID IN AGROBACTERIUM TUMEFACIENS, 6–14–85.

AC1616, 07/11/88, 000000045031, CAULIFLOWER MOSAIC CAULIMOVIRUS CLONE, 5–28–85.

AC1616, 07/11/88, FREIGHT.

AC1616, 07/11/88, TAX.

062876, 10/12/87, Total Invoice

AC1507, 04/26/88, 0000000035–X, COMMUNICATION FEES.

AC1507, 04/26/88, 000000057236, HU LAMBDA 4X–8 PHAGE LYSATE.

AC1507, 04/26/88, 000000057240, HU LAMBDA 14 PHAGE LYSATE.

AC1507, 04/26/88, 000000057242, HU LAMBDA 15 PHAGE LYSATE.

AC1507, 04/26/88, FREIGHT.

AC1507, 04/26/88, TAX.

AC489, 08/31/87, 000000023846, ESCHERICHIA COLI, 7–29–83.

AC489, 08/31/87, 000000033694, ESCHERICHIA COLI, 7–29–83.

AC489, 08/31/87, FREIGHT.
AC489, 08/31/87, MINIMUM.

CUST #: 022913, Customer Name: TECHNICAL & SCIENTIFIC

AC2658, 09/29/88, 000000000240, BACILLUS ANTHRACIS, 5–14–63.
AC2658, 09/29/88, 000000000938, BACILLUS ANTHRACIS, 1963.
AC2658, 09/29/88, 000000003629, CLOSTRIDIUM PERFRINGENS, 10–23–85.
AC2658, 09/29/88, 000000008009, CLOSTRIDIUM PERFRINGENS, 3–30–84.
AC2658, 09/29/88, 000000008705, BACILLUS ANTHRACIS, 6–27–62.
AC2658, 09/29/88, 000000009014, BRUCELLA ABORTUS, 5–11–66.
AC2658, 09/29/88, 000000010388, CLOSTRIDIUM PERFRINGENS, 6–1–73.
AC2658, 09/29/88, 000000011966, BACILLUS ANTHRACIS, 5–5–70.
AC2658, 09/29/88, 000000025763, CLOSTRIDIUM BOTULINUM TYPE A, 7–86.
AC2658, 09/29/88, 000000033018, BACILLUS CEREUS, 4–83.
AC2658, 09/29/88, 000000033019, BACILLUS CEREUS, 3–88.
AC2658, 09/29/88, DISCOUNT.
AC2658, 09/29/88, FREIGHT.
AC2658, 09/29/88, TAX.

AC3352, 01/17/89, Total Invoice

AC1639, 01/31/89, 0000000035–X, COMMUNICATION FEES, 35–X.
AC1639, 01/31/89, 000000057056, PHPT31 PLASMID IN ESCHERICHIA COLI JM83, 3–88.
AC1639, 01/31/89, 000000057212, P LAMBDA 500 PLASMID IN ESCHERICHIA COLI, 88–09.
AC1639, 01/31/89, FREIGHT.
AC1639, 01/31/89, TAX.

DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION,
Atlanta, GA, June 21, 1995.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate,
Washington, DC.

DEAR SENATOR RIEGLE: In 1993, at your request, the Centers for Disease Control and Prevention (CDC) forwarded to your office a listing of all biological materials, including viruses, retroviruses, bacteria, and fungi, which CDC provided to the government of Iraq from October 1, 1984, through October 13, 1993. Recently, in the course of reviewing our shipping records for a Freedom of Information Act (FOIA) request from a private citizen, we identified an additional shipment, on May 21, 1985, that was not included on the list that was provided to your office. Following this discovery, we conducted a thorough review of all of our shipping records and are confident that we have now included a listing of all shipments. A corrected list is enclosed (Note: the new information is italicized).

These additional materials were hand-carried by Dr. Mohammad Mahoud to Iraq after he had spent three months training in a CDC laboratory. Most of the materials were non-infectious diagnostic reagents for detecting evidence of infections to mosquito-borne viruses. Only two of the materials are on the Commodity Control List, i.e., Yersinin Pestis (the agent of plague) and dengue virus. (the strain of plague bacillus was non-virulent, and CDC is currently petitioning the Department of Commerce to remove this particular variant from the list of controlled materials).

We regret that our earlier list was incomplete and appreciate your understanding.

Sincerely,

DAVID SATCHER,
Director.

Enclosure. (Copy unclear)

CDC SHIPMENTS TO IRAQ OCTOBER 1, 1984 THROUGH PRESENT

4/26/85—MINISTER OF HEALTH, MINISTRY OF HEALTH, BAGHDAD, IRAQ

8 Vials antigen and antisera, (R. rickettsii and R. typhi) to diagnose rickettsial infections (non-infectious).

5/21/85—DR. MAHAMMAD IMAD, AL-DEAN M. MAHMUD, DEPT. OF MICROBIOLOGY, COLLEGE OF MEDICINE, UNIVERSITY OF BASRAH, BASRAH, IRAQ

Etiologic Agents:—lyophilized arbovirus seed;
West Nile Fever Virus, Lyophilized cultures of avirulant yersinia pestis and Y. pseudotuberculosis ((strain r);
0.5 m1 Bhania Virus (Iq 690);
0.5 m1 Dongua Virus type 2 (New Guinea C);
0.5 m1 Dongua Virus type 3 (H–97);
0.5 m1 Hazara Virus (Pak IC 280);
0.5 m1 Kemeroud Virus (rio);
0.5 m1 Langat Virus (TP 21);
0.5 m1 Sandfly Fever/Naples Virus (original);
0.5 m1 Sandfly Fever/Sicilian Virus (original);
0.5 m1 Sindbis Virus (Egar 339);
0.5 m1 Tahyna Virus (Bardos 92);
0.5 m1 Thgoto Virus (II A).
Diagnostic Reagents and Associated Materials:
2. vials each Y. pestis FA (+ & -) conjugates;
2 vials Y. pestis Fraction 1 antigen;
10 vials Y. pestis bacteriophage impregnated paper strips;
5 plague-infected mouse tissue smears (fixed);
Various protocols for diagnostic bacteriology tests;
23 X 0.5 m1 Bhanja (Ig 690) antigen;
22 X 0.5 m1 Dengue Type 2 (New Guinea C) antigen;
22 X 0.5 ml Dengue type 3 (H–69) antigen;
22 X 0.5 ml Hazara (Pak IC 290) antigen;
22 X 0.5 ml Kemarovo (Rio) antigen;
22 X 0.5 ml Langat (IF 21) antigen,
24 X 0.5 ml Sandfly Fever/Naples (original) antigen;
24 X 0.5 ml Sandfly Fever/Sicilian (original) antigen;
Diagnostic Reagents and Associated Materials:
2 vials each *Y. pestis* PA (+6 –) conjugates;
2 vials *Y. pestis* Fraction 2 antigen;
10 vials *Y. pestis* bacteriophage impregnated paper stripe;
5 plague-infected mouse tissue smears (fixed);
Various protocols for diagnostic bacteriology tests;
23 X 0.5 ml Bhanja (Ig 690) antigen;
22 X 0.5 ml Dengue Type 2 (New Guinea C) antigen;
22 X 0.5 ml Dengue Type 3 (H–67) antigen;
22 X 0.5 ml Hazara (Pak IC 280) antigen;
23 X 0.5 ml Kemorovo (Rio) antigen;
21 X 0.5 ml Langat (TP 21) antigen;
24 X 0.5 ml Sandfly Fever/Maples (original) antigen;
24 X 0.5 ml Sandfly Fever/Sicilian (original) antigen;
23 X 0.5 ml Sindbis (EgAr 339) antigen;
23 X 0.5 ml Tahyna (Bardos 92) antigen;
20 X 0.5 ml Thogoto (II A) antigen;
23 X 0.5 ml Bhanja (Ig 690) antigen;
21 X 0.5 ml West Nile (Eg 101) antigen;
20 X 0.5 ml Normal SMB antigen;
10 X 0.5 ml Normal SML antigen;
5 X 1.0 ml Bhanja (Ig 690) antibody;
5 X 1.0 ml Dengue Type 2 (New Guinea C) antibody;
5 X 1.0 ml Dengue Type 3 (H–87) antibody;
5 X 1.0 ml Hazara (Pak IC 280) antibody;
5 X 1.0 ml Xemerovo (Rio) antibody;
5 X 2.0 ml Langat (TP 21) antibody;
5 X 1.0 ml Sandfly Fever/Naples (original) antibody;
5 X 2.0 ml Sandfly Fever/Sicilian (original) antibody;
5 X 1.0 ml Sindbis (EgAr 339) antibody;
5 X 1.0 ml Tahyna (Bardos 92) antibody;
5 X 1.0 ml Thogoto (II A) antibody;
5 X 1.0 ml West Nile (Eg 101) antibody;
3 X 1.0 ml Normal MHIAF (SMB) antibody;
3 X 1.0 ml Normal MHIAF (SML) antibody;
1.0 ml A polyvalent grouping fluid;
1.0 ml AIYA, etc. polyvalent grouping fluid;
1.0 ml B polyvalent grouping fluid;
1.0 ml BUN polyvalent grouping fluid;
1.0 ml BWA polyvalent grouping fluid;
1.0 ml C–1 polyvalent grouping fluid;
1.0 ml C–2 polyvalent grouping fluid;
1.0 ml CAL polyvalent grouping fluid;
1.0 ml CAP polyvalent grouping fluid;
1.0 ml CON polyvalent grouping fluid;
1.0 ml GMA polyvalent grouping fluid;
1.0 ml KEM polyvalent grouping fluid;
1.0 ml PAL polyvalent grouping fluid;
1.0 ml PAT polyvalent grouping fluid;
1.0 ml PHL polyvalent grouping fluid;
1.0 ml ORF polyvalent grouping fluid;
1.0 ml Rabies, etc. polyvalent grouping fluid;
1.0 ml STM polyvalent grouping fluid;
1.0 ml TCR polyvalent grouping fluid;
1.0 ml VSV polyvalent grouping fluid;
1.0 ml polyvalent 1;
1.0 ml polyvalent 2;
1.0 ml polyvalent 3;
1.0 ml polyvalent 4;
1.0 ml polyvalent 5;
1.0 ml polyvalent 6;
1.0 ml polyvalent 7;
1.0 ml polyvalent 8;
1.0 ml polyvalent 9;
1.0 ml polyvalent 10;
1.0 ml polyvalent 12;
1.0 ml Group B1 reagent;
1.0 ml Bluetongue reagent;
4 X 0.5 ml Dengue 1–4 set monoclonal antibodies;
1.0 ml St. Louis Enc. (MSI–7) monoclonal antibody;
1.0 ml Western Eq. Enc. (McMillian) monoclonal antibody.

6/26/85—

Dr. Mohammed S. Khidar, University of Baghdad, College of Medicine, Department of Microbiology, Baghdad, Iraq 3 yeast cultures *Candida sp.* (etiologic).

3/10/86

Dr. Rowil Shawil Georgis, M.B.CH.B.D.F.H., Officers City Al-Muthanna, Quartret 710, Street 13, Close 69, House 28/I, Baghdad, Iraq. 1 vial Botulinum Toxiod # A–2 (non-infectious).

4/21/56—DR. ROWIL SHAWIL GEORGIS, N.B. CIR. D.D.F.H., OFFICERS CITY AL-MUTHANA, QUARTRET 710, STREET 13, CLOSE 69, HOUSE 23/R, BAGHDAD, IRAQ

1 vial Botulinum toxin (non-infections).

7/21/88—DR. FAQID ALFARHOOD, MAHELA 887, ZIKAK 54, HOUSE 97, HAY ALJIHAD, KERK, BAGHDAD, IRAQ

teaching supplies (non-infectious); CDC procedures manuals.

7/27/88—DR. FAGID ALFARHOOD, MAHELA 887, ZIKAK 54, HOUSE 97, HAY ALJIHAD, KERK, BAGHDAD, IRAQ

teaching supplies (non-infectious); CDC procedure manuals.

11/28/89—DR. NADEAL T. AL HADITHI, UNIVERSITY OF BASRAH, COLLEGE OF SCIENCE, DEPARTMENT OF BIOLOGY, BASRAH, IRAQ

5.0 mls Enterococcus faecalis;
5.0 mls Enterococcus faccium;
5.0 mls Enterococcus avium;
5.0 mls Enterococcus raffinosus;
5.0 mls Enterococcus gallinarum;

5.0 mls Enterococcus durans;
5.0 mls Enterococcus hirac;
5.0 mls Streptococcus bovis (cciologic).

FROM U.S. SENATE HEARING REPORT 103–900

U.S. EXPORTS OF BIOLOGICAL MATERIALS TO IRAQ

The Senate Committee on Banking, Housing, and Urban Affairs has oversight responsibility for the Export Administration Act. Pursuant to the Act, Committee staff contacted the U.S. Department of Commerce and requested information on the export of biological materials during the years prior to the Gulf War. After receiving this information, we contacted a principal supplier of these materials to determine what, if any, materials were exported to Iraq which might have contributed to an offensive or defensive biological warfare program. Records available from the supplier for the period from 1985 until the present show that during this time, pathogenic (meaning ''disease producing''), toxigenic (meaning ''poisonous''), and other biological research materials were exported to Iraq pursuant to application and licensing by the U.S. Department of Commerce. Records prior to 1985 were not available, according to the supplier. These exported biological materials were not attenuated or weakened and were capable of reproduction. According to the Department of Defense's own Report to Congress on the Conduct of the Persian Gulf War, released in April 1992:

''By the time of the invasion of Kuwait, Iraq had developed biological weapons. It's advanced and aggressive biological warfare program was the most advanced in the Arab world. The program probably began late in the 1970's and concentrated on the development of two agents, botulinum toxin and anthrax bacteria. . . . Large scale production of these agents began in 1989 at four facilities near Baghdad. Delivery means for biological agents ranged from simple aerial bombs and artillery rockets to surface-to-surface missiles.''

Included in the approved sales are the following biological materials (which have been considered by various nations for use in war), with their associated disease symptoms:

Bacillus Anthracis: anthrax is a disease-producing bacteria identified by the Department of Defense in the The Conduct of the Persian Gulf War: Final Report to Congress, as being a major component in the Iraqi biological warfare program.

Anthrax is an often-fatal infectious disease due to ingestion of spores. It begins abruptly with high fever, difficulty in breathing, and chest pain. The disease eventually results in septicemia (blood poisoning), and the mortality is high. Once septicemia is advanced, antibiotic therapy may prove useless, probably because the exotoxins remain, despite the death of the bacteria.

Clostridium Botulinum: a baterial source of botulinum toxin, which causes vomiting, constipation, thirst, general weakness, headache, fever, dizziness, double vision, dilation of the pupils and paralysis of the muscles involving swallowing. It is often fatal.

Histoplasma Capsulatum: causes a disease superficially resembling tuberculosis that may cause pneumonia, enlargement of the liver and spleen, anemia, an influenza-like illness and an acute inflammatory skin disease marked by tender red modules, usually on the shins. Reactivated infection usually involves the lungs, the brain, spinal membranes, heart, peritoneum, and the adrenals.

Brucella Melitensis: a bacterial which can cause chronic fatigue, loss of appetite, profuse sweating when at rest, pain in joints and muscles, insomnia, nausea, and damage to major organs.

Clostridium Perfringens: a highly toxic bacteria which causes gas gangrene. The bacteria produce toxins that move along muscle bundles in the body killing cells and producing necrotic tissue that is then favorable for further growth of the bacteria itself. Eventually, these toxins and bacteria enter the bloodstream and cause systemic illness.

In addition, several shipments of Escherichia Coli (E.Coli) and genetic materials, as well as human and bacterial DNA, were shipped directly to the Iraq Atomic Energy Commission.

The following is a detailed listing of biological materials, provided by the American Type Culture Collection, which were exported to agencies of the government of Iraq pursuant to the issuance of an export licensed by the U.S. Commerce Department:

Date: February 8, 1985

Sent to: Iraq Atomic Energy Agency

Materials Shipped: Ustilago nuda (Jensen) Rostrup.

Date: February 22, 1985

Sent to: Ministry of Higher Education

Materials Shipped: Histoplasma capsulanum var. farciminosum (ATCC 32136). Class III pathogen.

Date: July 11, 1985.

Sent to: Middle And Near East Regional A.

Materials Shipped: Histoplasma capsulatum var. farciminosum (ATCC 32136). Class III pathogen.

Date: May 2, 1986.

Sent to: Ministry of Higher Education.

Materials Shipped: 1. Bacillus Anthracis Cohn (ATCC 10). Batch #08–20–82 (2 each). Class III pathogen.

2. Bacillus Subtitlis (Ehrenberg) Cohn (ATCC 82). Batch #06–20–84 (2 each).

3. Clostridium botulinum Type A (ATCC 3502). Batch #07–07–81 (3 each). Class III Pathogen.

4. Clostridium perfringens (Weillon and Zuber) Hauduroy, et al (ATCC 3624). Batch #10–85SV (2 each).

5. Bacillus subtilis (ATCC 6051). Batch #12–06–84 (2 each).

6. Francisella tularensis, var. tularensis Olsufiev (ATCC 6223) Batch #05–14–79 (2 each). Avirulent, suitable for preparations of diagnostic antigens.

7. Clostridium tetani (ATCC 9441). Batch #03–84 (3 each). Highly toxigenic.

8. Clostridium botulinum Type E (ATCC 9564). Batch #03–02–79 (2 each). Class III pathogen.

9. Clostridium tetani (ATCC 10779). Batch #04–24–84S (3 each).

10. Clostridium perfringens (ATCC 12916). Batch #08–14–80 (2 each). Agglutinating type 2.

11. Clostridium perfringens (ATCC 13124). Batch #07–84SV (3 each). Type A, alpha-toxigenic, produces lechitinase C.J. Appl.

12. Bacillus Anthracis (ATCC 14185). Batch #01–14–80 (3 each). G.G. Wright (Fort Dertick) V770–NP1–R. Bovine anthrax, Class III pathogen.

13. Bacillus Anthracis (ATCC 14578). Batch #01–06–78 (2 each). Class III pathogen.

14. Bacillus megaterium (ATCC 14581). Batch #04–18–85 (2 each).

15. Bacillus megaterium (ATCC 14945). Batch #06–21–81 (2 each).

16. Clostridium botulinum Type E (ATCC 17855. Batch #06–21–71. Class III pathogen.

17. Bacillus megaterium (ATCC 19213). Batch #3–84 (2 each).

18. Clostridium botulinum Type A (ATCC 19397). Batch #08–18–81 (2 each). Class III pathogen.

19. Brucella abortus Biotype 3 (ATCC 23450). Batch #08–02–84 (3 each). Class III pathogen.

20. Brucella abortus Biotype 9 (ATCC 23455). Batch #02–05–68 (3 each). Class III pathogen.

21. Brucella melitensis Biotype 1 (ATCC 23456). Batch #03–08–78 (2 each). Class III pathogen.

22. Brucella melitensis Biotype 3 (ATCC 23458. Batch #01–29–68 (2 each). Class III pathogen.

23. Clostridium botulinum Type A (ATCC 25763. Batch #8–83 (2 each). Class III pathogen.

24. Clostridium botulinum Type F (ATCC 35415). Batch #02–02–84 (2 each). Class III pathogen.

Date: August 31, 1987.

Sent to: State Company for Drug Industries.

Materials Shipped:

1. Saccharomyces cerevesia (ATCC 2601). Batch #08–28–08 (1 each).

2. Salmonella choleraesuis subsp. choleraesuis Serotype typhia (ATCC 6539). Batch #06–86S (1 each).

3. Bacillus subtillus (ATCC 6633). Batch# 10–85 (2 each).

4. Klebsiella pneumoniae subsp. pneumoniae (ATCC 10031). Batch# 08–13–80 (1 each).

5. Escherichia coli (ATCC 10536). Batch# 04–09–80 (1 each).

6. Bacillus cereus (11778). Batch# 05–85SV (2 each).

7. Staphylococcus epidermidis (ATCC 12228). Batch# 11–86s (1 each).

8. Bacillus pumilus (ATCC 14884). Batch# 09–08–90 (2 each).

Date: July 11, 1988.

Sent to: Iraq Atomic Energy Commission.

Materials Shipped:

1. Escherichia coli (ATCC 11303). Batch# 04–87S. Phage host.

2. Cauliflower Mosaic Caulimovirus (ATCC 45031). Batch# 06–14–85. Plant virus.

3. Plasmid in Agrobacterium Tumefaciens (ATCC 37349). (Ti plasmid for co-cultivation with plant integration vectors in E Coli). Batch# 05–28–85.

Date: April 26, 1988.

Sent to: Iraq Atomic Energy Commission.

Materials Shipped:

Hulambda4x-8, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57236) Phage vector; Suggested host: E.coli.

2. Hulambdal 14–8, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57240) Phage vector; Suggest host: E.coli.

3. Hulambda 15, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57242) Phage vector; Suggested host: E.coli.

Date: August 31, 1987.

Sent to: Iraq Atomic Energy Commission.

Materials Shipped:

1. Escherichia coli (ATCC 23846). Batch# 07–29–83 (1 each).

2. Escherichia coli (ATCC 33694). Batch# 05–87 (1 each).

Date: September 29, 1988.

Sent to: Ministry of Trade.

Materials Shipped:

1. Bacillus anthracis (ATCC 240). Batch# 05–14–63 (3 each). Class III pathogen.

2. Bacillus anthracis (ATCC 938). Batch# 1963 (3 each). Class III pathogen.

3. Clostridium perfringens (ATCC 3629). Batch# 10–23–85 (3 each).

4. Clostridium perfringens (ATCC 8009). Batch# 03–30–84 (3 each).

5. Bacillus anthracis (ATCC 8705). Batch# 06–27–62 (3 each). Class III pathogen.

6. Brucella abortus (ATCC 9014). Batch# 05–11–66 (3 each). Class III pathogen.

7. Clostridium perfringens (ATCC 10388). Batch# 06–01–73 (3 each).

8. Bacillus anthracis (ATCC 11966). Batch# 05–05–70 (3 each). Class III pathogen.

9. Clostridium botulinum Type A. Batch# 07–86 (3 each). Class III pathogen.

10. Bacillus cereus (ATCC 33018). Batch# 04–83 (3 each).

11. Bacillus ceres (ATCC 33019). Batch# 03–88 (3 each).

Date: January 31, 1989.

Sent to: Iraq Atomic Energy Commission.

Materials Shipped:

1. PHPT31, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57057)

2. plambda500, clone: human hypoxanthine phosphoribosyltransferase pseudogene (HPRT). Chromosome(s): 5 p14–p13 (ATCC 57212).

Date: January 17, 1989

Sent to: Iraq Atomic Energy Commission.

Materials Shipped:

1. Hulambda4x–8, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57237) Phage vector; Suggested host: E. coli.

2. Hulambda14, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57240) Cloned from human lymphoblast. Phage vector; Suggested host: E. coli.

3. Hulambda15, clone: human hypoxanthine phosphoribosyltransferase (HPRT). Chromosome(s): X q26.1 (ATCC 57241) Phage vector; Suggested host: E. coli.

Additionally, the Centers for Disease Control has compiled a listing of biological materials shipped to Iraq prior to the Gulf War. The listing covers the period from October 1, 1984 (when the CDC began keeping records) through October 13, 1993. The following materials with biological warfare significance were shipped to Iraq during this period:

Date: November 28, 1989.

Sent to: University of Basrah, College of Science, Department of Biology.

Materials Shipped:

1. Enterococcus faecalis.
2. Enterococcus faecium.
3. Enterococcus avium.
4. Enterococcus raffinosus.
5. Enterococcus gallinarium.
6. Enterococcus durans.
7. Enterococcus hirae.
8. Streptococcus bovis (etiologic).

Date: April 21, 1986.

Sent to: Officers City Al-Muthanna, Quartret 710, Street 13, Close 69 House 28/I, Baghdad, Iraq.

Materials Shipped:

1. 1 vial botulinum toxoid (non-infectious).

Date: March 10, 1986.

Sent to: Officers City Al-Muthanna, Quartret 710, Street 13, Close 69 House 28/I, Baghdad, Iraq.

Materials Shipped:

1. 1 vial botulinum toxoid #A2 (non-infectious).

Date: June 25, 1985.

Sent to: University of Baghdad, College of Medicine, Department of Microbiology.

Materials Shipped:

1. 3 yeast cultures (etiologic) Candida sp.

Date: May 21, 1985.

Sent to: Basrah, Iraq.

Materials Shipped:

1. Lyophilized arbovirus seed (etiologic).
2. West Nile Fever Virus.

Date: April 26, 1985.

Sent to: Minister of Health, Ministry of Health, Baghdad, Iraq.

Materials Shipped:

1.8 vials antigen and antisera (r. rickettsii and r. typhi) to diagnose rickettsial infections (non-infectious).

UNSCOM BIOLOGICAL WARFARE INSPECTIONS

UNSCOM inspections uncovered evidence that the government of Iraq was conducting research on pathogen enhancement on the following biological warfare-related materials: bacillus anthracis; clostridium botulinum; clostridium perfirgens; brucella abortis; brucella melentensis; francisella tularensis; and clostridium tetani.

In addition, the UNSCOM inspections revealed that biological warfare-related stimulant research was being conducted on the following materials: bacillus subtillus; bacillus ceres; and bacillus megatillus.

UNSCOM reported to Committee staff that a biological warfare inspection (BW3) was conducted at the Iraq Atomic Energy Commission in 1993. This suggests that the Iraqi government may have been experimenting with the materials cited above (E. coli and rDNA) in an effort to create genetically altered microorganisms (novel biological warfare agents). Committee staff plans to interview the BW3 team leader, Col. David Franz of the United States Army Medical Research Institute for Infectious Diseases (USAMRIID) in the near future. This phase of the investigation continues.

BIOLOGICAL WARFARE DEFENSE

The following section, describing the types, dissemination, and defensive measures against biological agents, is quoted verbatim from a United States Marine Corps Institute document, Nuclear and Chemical Operations, MCI 7711B, used in the Command and Staff College's nonresident program. It is clear from this document that the Department of Defense recognizes both the threat and U.S. vulnerability to biological weapons. This document also outlines the Department's understanding of what actions should be taken in the event that a biological weapon has been or is suspected to have been employed.

''Biological agents cannot be detected by the human senses. A person could become a casualty before he is aware he has been exposed to a biological agent. An aerosol or mist of biological agent is borne in the air. These agents can silently and effectively attack man, animals, plants, and in some cases, materiel. Agents can be tailored for a specific type of target.

Methods of using antipersonnel agents undoubtedly vary so that no uniform pattern of employment or operation is evident. It is likely that agents will be used in combinations so that the disease symptoms will confuse diagnosis and interfere with proper treatment. It is also probable that biological agents would be used in heavy concentrations to insure a high percentage of infection in the target area. The use of such concentrations could result in the breakdown of individual immunity because the large number of micro-organisms entering the body could overwhelm the natural body defenses.

Types of biological agents

Different antipersonnel agents require varying periods of time before they take effect, and the periods of time for which they will incapacitate a person also vary. Most of the diseases having antipersonnel employment potential are found among group of diseases that are naturally transmitted between animals and man. Mankind is highly vulnerable to them since he has little contact with animals in today's urban society. The micro-organisms of possible use in warfare are found in four naturally occurring groups—the fungi, bacteria, ricketisiae, and viruses.

a. Fungi. Fungi occur in many forms and are found almost everywhere. They range in size from a single cell, such as yeast, to multicellular forms, such as mushrooms and puffballs. Their greatest employment potential is against plants, although some forms cause disease in man. A fungus causes the disease coccidioidomycosis in man. Other common infections caused by Fungi include ringworm and ''athletes foot.''

b. Bacteria. Bacteria comprise a large and varied group of organisms. They occur in varying shapes, such as rods, spheres, and spirals, but they are all one-celled plants. Some bacteria can assume a resistant structure called a spore, which enables them to resist adverse environmental conditions. Others may produce poisonous substances called toxins. Examples of human disease caused by bacteria are anthrax, brucellosis, tularemia, staphylococcus, and streptococcus.

c. Rickettsiae. Rickettsiae organisms have the physical appearances of bacteria and the growth characteristics of viruses. Members of this group must have living tissue for growth and reproduction, whereas most fungi and bacteria can be grown on artificial material. Another characteristic of rickettsiae is that most diseases caused by this group are transmitted by the bite of an insect, such as the mosquito, mite, or tick. Rocky Mountain Spotted Fever, Q fever, and typhus are diseases of mankind caused by rickettsiae.

d. Virus. The smallest living things known to mankind are virsuses. Viruses are so small that an electron microscope is required to see them. Viruses cannot be grown in the absence of living tissue. Diseases which are caused by viruses cannot normally be treated with antibiotics. Viruses cause yellow fever, rabies, and poliomyelitis.

Dissemination of biological agents

a. Aerosol. Biological agents may be disseminated on, or over, the target by many means, such as aircraft, missiles, and explosive munitions. These devices produce a biological aerosol, and, if antipersonnel biological agents are ever used, they will probably be disseminated in the form of biological mists or aerosols. This method of dissemination would be extremely effective because the micro-organisms would be drawn into the lungs as a person breathes, and there they would be rapidly absorbed into the blood stream. *The hours from dusk until dawn appear to be the best time for dissemination of biological agents. The weather conditions are most favorable for these agents at night, since sunlight will destroy many of them. In field trials, using harmless biological aerosols, area coverages of thousands of square miles have been accomplished. The aerosol particles were carried for long distances by air currents.* (emphasis added)

b. Living Hosts. Personnel may be infected by disease carrying vectors, such as insects, rats, or other animals. Mosquitos may

spread malaria, yellow fever, or encephalitis; rats spread plague (any mammal may carry rabies). Militarily, specific vectors may be selected, infected as required, and then released in the target area to seek out their human victims and pass on the disease. Since infection is transmitted through a bite in the skin, protective masks offer no protection. A vectorborne agent may remain in the target area for as long as there are live hosts; thus, a major disadvantage results. The vectorborne agent can become a permanent hazard in the area as the host infects others of his species.

c. Food and Water Contamination. Biological agents could also be delivered to target personnel by placing the agent in food and water supplies (sabotage). This type of attack would probably be directed against small targets, such as industrial complexes, headquarters, or specific individuals. The methods of delivering the attack are many and varied.

Defensive Measures

The United States carries out research aimed at improved means of detection of biological agents and treatment and immunization of personnel. Both of these are essential to biological defense.

a. Before an Attack. The inability of the individual to detect a biological attack is perhaps the greatest problem. Contributing factors are the delay experienced before the onset of symptoms and the time required to identify specific agents. Without an adequate means of detection, complete defensive measures may not be taken since an attack must first be detected before you can defend against it. Diseases caused by biological agents do not appear until a few days to weeks after contact with the agent. Personnel are protected against biological agents in aerosol form by the protective mask. Ordinary clothing protects the skin from contamination by biological agents. Other means of protection include immunizations; quarantining contaminated areas; cleanliness of the body, clothing, and living quarters; stringent rodent and pest control; proper care of cuts and wounds; and education of troops to eat and drink only from approved sources.

b. After an Attack: *After a biological agent attack has occurred, it will be necessary to identify the agent used in the attack so that proper medical treatment may be given to exposed personnel. To perform this identification, it is necessary to collect samples or objects from the contaminated area and send them to a laboratory or suitable facility for processing. Samples may be taken from the air, from contaminated surfaces, or from contaminated water. After the sample is taken, laboratory time will be required to identify the suspected biological agent.* The length of time for identification is being significantly shortened through the use of new medical and laboratory techniques. Proper defensive actions taken during a biological attack depend upon the rapid detection of the attack. Biological defense is continuous. You must always be prepared for the employment of these weapons. (emphasis added)

Mr. BYRD. Mr. President, I thank the Chair and I thank all Members.

RUSSIAN DEMOCRACY ACT OF 2002

Mr. BYRD. Mr. President, by request of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 543, H.R. 2121.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote society in that country and to support independent media.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic]

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 ''Russian Democracy Act of 2001''.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress makes the following findings:

[(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

[(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

[(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

[(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

[(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, small grants, and technical assistance to independent television, radio, and print media across the Russian Federation, have strengthened nongovernment-owned media, provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of over 65,000 nongovernmental organizations, thousands of vibrant independent media outlets, and numerous political parties.

[(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999 and Presidential elections in 1996 and 2000.

[(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy by encouraging the transparent privatization of state-owned enterprises. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector.

[(5)(A) The United States fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

[(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent of the gross domestic product of the Russian Federation.

[(C) United States-funded programs help to fight corruption and financial crime, such as money laundering, by helping to—

[(i) establish a commercial legal infrastructure;

[(ii) develop an independent judiciary;

[(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

[(iv) develop a legal and regulatory framework for the Russian Federation's equivalent of the United States Securities and Exchange Commission;

[(v) support Russian law schools;

[(vi) create legal aid clinics; and

[(vii) bolster law-related activities of nongovernmental organizations.

[(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations will further enhance Russian cooperation with the United States on a wide-range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society's support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia's independent media.

[(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to strengthen and advance institutions of democratic government and of a free and independent media and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

[(2) to focus United States foreign assistance programs on using local expertise and giving local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

[SEC. 3. UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION.

[(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

[(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

[(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

[(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

[(1) to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy, and also including Russia's membership in the appropriate international institutions;

[(2) to engage the Government of Russian Federation and Russian society in order to

strengthen democratic reform and institutions, and to promote good governance principles based on the internationally recognized norms of transparency in business practices, the rule of law, religious freedom, and human rights;

[(3) to advance a dialog between United States Government officials and private sector individuals and representatives of the Government of the Russian Federation regarding Russian integration into the Western community of nations;

[(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, and reform-minded politicians from Moscow and the various regions of the Russian Federation;

[(5) to incorporate democratic reforms, the promotion of an independent media, and economic reforms in the broad United States agenda with the Government of the Russian Federation;

[(6) to encourage the Government of the Russian Federation to address cross-border issues, including the environment, crime, trafficking, and corruption in a cooperative and transparent manner consistent with internationally recognized and accepted principles of the rule of law;

[(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia's transition to a fully functioning market economy;

[(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

[(9) to encourage the G–7 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

[SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

[(a) AMENDMENTS.—

[(1) DEMOCRACY AND RULE OF LAW.—Section 498(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295(2)) is amended—

[(A) in the heading, by striking ''DEMOCRACY'' and inserting ''DEMOCRACY AND RULE OF LAW'';

[(B) by striking subparagraphs (E) and (G);

[(C) by redesignating subparagraph (F) as subparagraph (I);

[(D) by inserting after subparagraph (D) the following:

[''(E) development and support of grassroots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

[''(F) international exchanges to promote greater understanding by Russian Federation citizens on how democracy, public policy process, market institutions, and an independent judiciary function in Western societies;

[''(G) political parties committed to promoting democracy, human rights, and economic reforms;

[''(H) support for civic organizations committed to promoting human rights; and''; and

[(E) by adding at the end the following:

[''(J) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e), including—

[''(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary based on merit;

[''(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

[''(iii) support for the creation of Russian legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.''.

[(2) INDEPENDENT MEDIA.—Section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—

[(A) by redesignating paragraphs (3) through (13) as paragraphs (4) though (14), respectively; and

[(B) by inserting after paragraph (2) the following:

[''(3) INDEPENDENT MEDIA.—Developing a free and independent media, including—

[''(A) supporting all forms of non-state-owned media reporting, including print, radio, and television;

[''(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources for Internet connectivity and training new Internet users in nongovernmental and other civic organizations on methods and uses of Internet-based media; and

[''(C) training in journalism, including investigative journalism techniques which educate the public on the costs of corruption and act as a deterrent against corrupt officials.''.

[(b) CONFORMING AMENDMENT.—Section 498B(e) of such Act is amended by striking ''paragraph (2)(G)'' and inserting ''paragraph (2)(J)''.

[SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.

[(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to carry out the following specific activities:

[(1) Work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws.

[(2) Establish civic education programs relating to democracy, public policy, the rule of law, and the importance of an independent media, including the establishment of ''American Centers'' and public policy schools at Russian universities and programs by universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities.

[(3) Support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated commitment to reform, democracy, and the rule of law, and which promote the concept of such programs as a model for all regions of the Russian Federation.

[(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—Radio Free Europe/Radio Liberty and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources, to disseminate information throughout the Russian Federation relating to democracy, free-market economics, the rule of law, and human rights.

[SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.

[Of the amounts made available to carry out the provision of chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 for fiscal year 2002, not less than $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Russian Democracy Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of more than 65,000 nongovernmental organizations, thousands of independent local media outlets, despite governmental opposition, and numerous political parties.

(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999.

(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.

(5)(A) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.

(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—

(i) establish a commercial legal infrastructure;

(ii) develop an independent judiciary;

(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

(iv) develop a legal and regulatory framework for the Russian Federation's equivalent of the United States Securities and Exchange Commission;

(v) support Russian law schools;

(vi) create legal aid clinics; and

(vii) bolster law-related activities of nongovernmental organizations.

(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations would enhance Russian cooperation with the United States on a wide range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society's support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia's independent media.

(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the rest of the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

(8) United States-Russia relations have improved, leading to a successful summit between President Bush and President Putin in May 2002, resulting in a ''Foundation for Cooperation''.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen and advance institutions of democratic government and of free and independent media, and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

(2) to focus United States foreign assistance programs on using local expertise and to give local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

SEC. 3. UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia's membership in the appropriate international institutions;

(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;

(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation regarding Russia's integration into the Western community of nations;

(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, church officials, and reform-minded politicians from Moscow and all other regions of the Russian Federation;

(5) to incorporate democratic reforms, the promotion of independent media, and economic reforms in a broader United States dialogue with the Government of the Russian Federation;

(6) to encourage the Government of the Russian Federation to address, in a cooperative and transparent manner consistent with internationally recognized and accepted principles, cross-border issues, including the nonproliferation of weapons of mass destruction, environmental degradation, crime, trafficking, and corruption;

(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia's transition to a fully functioning market economy and membership in the World Trade Organization;

(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

(9) to encourage the G–8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) IN GENERAL.—

(1) DEMOCRACY AND RULE OF LAW.—Section 498(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295(2)) is amended—

(A) in the paragraph heading, by striking ''DEMOCRACY'' and inserting ''DEMOCRACY AND RULE OF LAW'';

(B) by striking subparagraphs (E) and (G);

(C) by redesignating subparagraph (F) as subparagraph (I);

(D) by inserting after subparagraph (D) the following:

''(E) development and support of grass-roots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

''(F) international exchanges and other forms of public diplomacy to promote greater understanding on how democracy, the public policy process, market institutions, and an independent judiciary function in Western societies;

''(G) political parties and coalitions committed to promoting democracy, human rights, and economic reforms;

''(H) support for civic organizations committed to promoting human rights;''; and

(E) by adding at the end the following:

''(J) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e), including—

''(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary;

''(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

''(iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.''.

(2) INDEPENDENT MEDIA.—Section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—

(A) by redesignating paragraphs (3) through (13) as paragraphs (4) through (14), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) INDEPENDENT MEDIA.—Developing free and independent media, including—

''(A) supporting all forms of independent media reporting, including print, radio, and television;

''(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and

''(C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.''.

(b) CONFORMING AMENDMENT.—Section 498B(e) of such Act is amended by striking ''paragraph (2)(G)'' and inserting ''paragraph (2)(J)''.

SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.

(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of ''American Centers'' and public policy schools at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities; and

(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation information relating to democracy, free-market economics, the rule of law, and human rights.

SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.

Of the amounts made available to carry out the provision of chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and the FREEDOM Support Act for fiscal year 2003, $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.

Amend the title so as to read: ''An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.''.

AMENDMENT NO. 4697

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. BIDEN and Mr. HELMS, proposes an amendment numbered 2121.

At the appropriate place in the bill insert the following:

SEC. . PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than $1,500,000.

SEC. . EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of P.L. 106–113, shall apply to U.S. contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

Mr. BYRD. Mr. President, I ask unanimous consent that the Biden-Helms amendment at the desk be agreed to, the committee amendment be agreed to, the bill, as amended, be read the third time and passed, and the amendment to the title be agreed to; that the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements relating thereto be printed in the RECORD at the appropriate place as if read.

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

The amendment (No. 4697) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The title amendment was agreed to.

The bill (H.R. 2121), as amended, was read the third time and passed, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Russian Democracy Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of more than 65,000 nongovernmental organizations, thousands of independent local media outlets, despite governmental opposition, and numerous political parties.

(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999.

(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.

(5)(A) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.

(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—

(i) establish a commercial legal infrastructure;

(ii) develop an independent judiciary;

(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

(iv) develop a legal and regulatory framework for the Russian Federation's equivalent of the United States Securities and Exchange Commission;

(v) support Russian law schools;

(vi) create legal aid clinics; and

(vii) bolster law-related activities of nongovernmental organizations.

(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations would enhance Russian cooperation with the United States on a wide range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society's support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia's independent media.

(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the rest of the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

(8) United States-Russia relations have improved, leading to a successful summit between President Bush and President Putin in May 2002, resulting in a ''Foundation for Cooperation''.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen and advance institutions of democratic government and of free and independent media, and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

(2) to focus United States foreign assistance programs on using local expertise and to give local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

SEC. 3. UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia's membership in the appropriate international institutions;

(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;

(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation regarding Russia's integration into the Western community of nations;

(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, church officials, and reform-minded politicians from Moscow and all other regions of the Russian Federation;

(5) to incorporate democratic reforms, the promotion of independent media, and economic reforms in a broader United States dialogue with the Government of the Russian Federation;

(6) to encourage the Government of the Russian Federation to address, in a cooperative and transparent manner consistent with internationally recognized and accepted principles, cross-border issues, including the nonproliferation of weapons of mass destruction, environmental degradation, crime, trafficking, and corruption;

(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia's transition to a fully functioning market economy and membership in the World Trade Organization;

(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

(9) to encourage the G–8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) IN GENERAL.—

(1) DEMOCRACY AND RULE OF LAW.—Section 498(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295(2)) is amended—

(A) in the paragraph heading, by striking ''DEMOCRACY'' and inserting ''DEMOCRACY AND RULE OF LAW'';

(B) by striking subparagraphs (E) and (G);

(C) by redesignating subparagraph (F) as subparagraph (I);

(D) by inserting after subparagraph (D) the following:

''(E) development and support of grass-roots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

''(F) international exchanges and other forms of public diplomacy to promote greater understanding on how democracy, the public policy process, market institutions, and an independent judiciary function in Western societies;

''(G) political parties and coalitions committed to promoting democracy, human rights, and economic reforms;

''(H) support for civic organizations committed to promoting human rights;''; and

(E) by adding at the end the following:

''(J) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e), including—

''(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary;

''(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

''(iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.''.

(2) INDEPENDENT MEDIA.—Section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—

(A) by redesignating paragraphs (3) through (13) as paragraphs (4) through (14), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) INDEPENDENT MEDIA.—Developing free and independent media, including—

''(A) supporting all forms of independent media reporting, including print, radio, and television;

''(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and

''(C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.''.

(b) CONFORMING AMENDMENT.—Section 498B(e) of such Act is amended by striking ''paragraph (2)(G)'' and inserting ''paragraph (2)(J)''.

SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.

(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of ''American Centers'' and public policy schools at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities; and

(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation information relating to democracy, free-market economics, the rule of law, and human rights.

SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.

Of the amounts made available to carry out the provision of chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and the FREEDOM Support Act for fiscal year 2003, $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.

SEC. 7. PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than $1,500,000.

SEC. 8. EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113, shall apply to United States contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

Amend the title so as to read: ''An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.''.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 23, 2002, AT 2.30 P.M.

Mr. BYRD. Mr. President, that concludes the business of the Senate for today.

Thereupon, the Senate, at 3:38 p.m., adjourned until Monday, September 23, 2002, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 2002:

DEPARTMENT OF JUSTICE

KEVIN J. O' CONNOR, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE STEPHEN C. ROBINSON, RESIGNED.

JOHN FRANCIS CLARK, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN WILLIAM MARSHALL, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 2002:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JODY A. BRECKENRIDGE
CAPT. JOHN E. CROWLEY
CAPT. LARRY L. HERETH
CAPT. RICHARD R. HOUCK
CAPT. CLIFFORD I. PEARSON
CAPT. JAMES C. VAN SICE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S. CODE, SECTION 211:

To be rear admiral (lower half)

STEPHEN W. ROCHON

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

REENA RAGGI, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

DEPARTMENT OF JUSTICE

ANTONIO CANDIA AMADOR, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING CHRISTINE D. BALBONI AND ENDING STEVEN E. VANDERPLAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

COAST GUARD NOMINATION OF DAVID C. CLIPPINGER.