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# House of Representatives

The House was not in session today. Its next meeting will be held on Friday, February 7, 2003, at 10:00 a.m.

# Senate

THURSDAY, FEBRUARY 6, 2003

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Almighty God, who never sends tragedies or trouble but is with us in the midst of nerve-stretching times to give us courage, we fall on the knees of our hearts seeking the peace and hope only You can provide. When there is nowhere else to turn it's time to return to You. With the untimely death of the heroic astronauts, we are reminded of the shortness of our lives and the length of eternity.

Yesterday we listened to Secretary of State Colin Powell and realized again that we face a treacherous enemy with formidable, destructive power. For the sake of the safety of humankind and the world, grant the President, his advisors, and this Senate Your strategy and strength for the crucial decisions confronting them.

And now for the work of this day, keep the Senators and all of us who work with and for them mindful that You are Sovereign of this land, and that we are accountable to You for all that is said and done. May the bond of patriotism that binds us together always be stronger than any issue that threatens to divide us. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS 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.

## RESERVATION OF LEADERSHIP TIME

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

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

## SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the majority leader, I have some information for Senators. The Senate will resume debate on the nomination of Miguel Estrada this morning. We had a productive debate on the Estrada nomination on yesterday afternoon, and it is the majority leader's objective to arrive at an agreement with the other side of the aisle regarding the consideration and vote on the nomination in the near future.

As previously announced, there will be no rollcall votes today. It is anticipated that the Senate will adjourn around noon. Therefore, Senators who wish to speak on the Estrada nomination are encouraged to make arrangements to do so earlier in the day.

## EXECUTIVE SESSION

### NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the Senate will return to executive session to resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, it is ironic that one of the arguments against Miguel Estrada, the President's nominee for the D.C. Circuit Court, center around prior judicial experience. This argument is nothing but hollow political rhetoric aimed at obstructing the Senate's constitutional duty to confirm judges. It is also a double standard of the highest order. To illustrate this point, I bring a Colorado legend to the attention of my colleagues. Byron ''Whizzer'' White may have passed away almost a year ago, but the Centennial State will forever feel his commanding presence. Mr. White was born in Fort Collins, CO, not far from where I live and where my family lives, and was raised in nearby Wellington. He went on to become his high school's valedictorian, All-American football star, college valedictorian, Rhodes

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



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scholar, professional football player, and a decorated World War II soldier. Noting his many significant achievements, President John F.Kennedy nominated him to the Supreme Court in 1962, saying, Byron White ''excelled at everything he has ever attempted.'' White, at only 44 years of age, ascended to the bench of our Nation's highest court and went on to serve for three decades.

Why is this significant? It is significant because had President Kennedy adhered to such a rigid litmus test, Byron White would never have been seated on the bench of the United States Supreme Court. Adherence to the experience litmus test would mean that five of the eight judges currently serving on the D.C. Circuit would not have been confirmed because they had no previous judicial experience—including two of President Clinton's nominees, Merrick Garland and David Tatel, and one appointed by President Carter, Judge Harry Edwards, who was younger than Mr. Estrada currently is.

It is obvious that the opposition to Miguel Estrada is not concerned with merit or intellect. They are more concerned with partisan politics. Their work is concentrated on holding our Nation hostage to their rigid ideology, unprecedented in the consideration of judges. While caseloads in the Federal courts continue to increase dramatically and filings reach all-time highs, the opposition pursues an agenda of obstruction, aimed at disrupting the justice that is guaranteed by our Constitution, and creating a vacancy crisis in the Federal courts. Chief Justice William Rehnquist recently warned that the current number of vacancies, combined with the rising caseloads, threatens the proper functioning of the Federal courts.

This is a time in our Nation's history when our courts ought to be fully up and functioning. It is a time when there are lots of national security concerns centered around terrorist threats. These extraordinary delays must end. Miguel Estrada is a highly qualified and respected individual who deserves the Senate's consideration.

Mr. Estrada is a man of legal experience, a man of keen intellect and strong character. He has argued 15 cases before the Supreme Court and has served both as a Federal prosecutor and Assistant United States Solicitor General. If confirmed, he will be the first Hispanic to serve on the DC Circuit. I think that is significant. And he will be a principal asset to our system of justice.

Miguel Estrada has received the highest rating from the American Bar Association. He has received strong support from those who know him the best—the Hispanic legal community, including the Hispanic National Bar Association. I believe he has earned a vote in the Senate. He has earned my respect and my support, and I plan to vote for Miguel Estrada.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, I ask unanimous consent that I be able to proceed for 20 minutes as in morning business.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I am happy to be able to take the floor this morning to argue in favor of Miguel Estrada. Miguel is one of the finest lawyers in the country. He has arrived at this position and status, where he is approved by the American Bar Association as ''unanimously well qualified,'' the highest rating that the American Bar Association can give. He has had his critics, but only in generalized terms. He has had his critics who I don't think have a leg to stand on in the criticism they are raising.

One of the more ridiculous assertions that I have heard about Miguel is that he was not especially or sufficiently responsive at his hearing and therefore we need to have a second hearing to evaluate him. Keep in mind, the Democrats were in control of the Judiciary Committee. They called the hearing, they controlled the hearing, they controlled the timing of the hearing, they controlled the time for questions by Senators. And at least one Democrat said the hearing was conducted in a fair and responsible manner, and I personally agree with that. Senator SCHUMER was the person who chaired that particular hearing. I give him a lot of credit because it was a fair hearing and they asked every question they wanted to ask.

Secondly, after the hearing, on the Judiciary Committee we have a right to ask questions in writing. Only two Democrats asked questions in writing. Miguel Estrada had waited 631 days before he was given the privilege of having a hearing. Then the hearing was held.

Now we are hearing the same old wornout complaints that he wasn't sufficiently responsive and that, therefore, we need a second hearing to evaluate him.

Since Mr. Estrada didn't say anything at the hearing that could be used to besmirch him—that is the real problem; they could not find anything wrong with him; there is not one thing that anybody has said, other than generalizations, that has any merit at all—since they could not find anything at his hearing that could be used to criticize him, his opponents resorted to the tactic of alleging that he did not say enough. That is ridiculous. They controlled everything. They could have asked him anything, and I think they did. Now, he didn't say enough.

The fact is that Mr. Estrada correctly refused to answer questions that called upon him to prejudge issues that may very well come before him as a judge. That is what every nominee with any brains has done from time immemorial. No nominee wants to have to recuse himself in a serious case later because of something he said before the Senate Judiciary Committee. Well, let me repeat that. The fact is that Mr. Estrada correctly refused to answer questions that called upon him to prejudge issues that may very well come before him as a judge. This includes his opinion on whether established precedent was correctly decided and how he would decide these cases if he were working from a clean slate.

Lloyd Cutler, who was the White House chief counsel in both the Carter and Clinton administrations, and one of the premier lawyers in the country—certainly in this town—and one of the great public servants of all time, in my opinion, put it best when he said:

> [I]t would be a tragic development if ideology became an increasingly important consideration in the future. To make ideology an issue in the confirmation process is to suggest that the legal process is and should be a political one. This is not only wrong as a matter of political science; it also serves to weaken public confidence in the courts. Just as candidates should put aside their partisan political views when appointed to the bench, so too should they put aside ideology.

This is Lloyd Cutler, who was chief White House counsel for Presidents Carter and Clinton. He goes on to say:

> To retain either is to betray dedication to the process of impartial judging. Men and women qualified by training to be judges generally do not wish to and do not indulge in partisan or ideological approaches to their work.

Mr. Cutler concluded:

> Candidates should decline to reply when efforts are made to find out how they would decide a particular case.

I agree with him, and so did all the Democrats on the committee when President Clinton's nominees came before the committee. Now all of a sudden, they are applying a double standard or a different standard to Miguel Estrada and, I might add, other Republican nominees who are coming before the committee.

We should be commending Mr. Estrada for refusing to take the bait and answer these questions. Instead he is being criticized for it and, I think, in the view of any impartial observer, is being criticized unfairly for one reason: They just do not want a Republican conservative Hispanic to sit on the Circuit Court of Appeals in this country. That is wrong. We all know it is wrong, and yet that is what is behind much of the antagonism toward Mr. Estrada.

As a fundamental matter, I am perplexed by the charges that Mr. Estrada's record is blank. That is what

we call bullcorn out in Utah. The truth is, Mr. Estrada's record is replete with material we used to evaluate his qualifications for the bench and how he would go about deciding cases. He has written numerous complex and thorough briefs for the courts, and he has argued on a wide range of subjects.

His briefs, all of which are publicly available—and I know the Democrat staffers have pored over every one of them—provide tremendous insight into his legal reasoning and thinking on constitutional and statutory interpretation. His achievement of having argued 15 cases before the U.S. Supreme Court provides a record of how he has responded to focused interrogation on the most important matters to America's highest court. The transcripts from these oral arguments are also publicly available. Where is the legitimate complaint by the other side about this blank-slate business?

Still further, Mr. Estrada not only said at his hearing he would support established law, but he proved this when he wrote an amicus brief at the Solicitor General's office in support of the National Organization for Women. I do not hear any compliments from the other side on his work there. His support of a law that backed a reproductive choice side in that case indicates there is no reason to expect he would not follow Roe and Casey as a DC Circuit Court judge, and yet that has underlined many of the complaints by my friends on the other side. They are so afraid that somebody on these Circuit Courts of Appeals might possibly do something to overrule Roe v. Wade or Planned Parenthood v. Casey, two very important abortion cases.

I have not heard one President Bush nominee say he or she will not uphold the laws of this land, including Roe v. Wade and Planned Parenthood v. Casey. The truth is, many on the other side have not even liked Planned Parenthood v. Casey because it does take a more moderate position with regard to abortion. Now it is the law of the land and, of course, it is one of the cases they certainly do not want to have overruled.

Mr. Estrada's opponents are so eager to distort his record that they do not mention this case or any one of many other cases which reveal his legal reasoning and willingness to follow the law.

It needs to be explained to everybody that not only do they have access to all these briefs he has written, both in the Supreme Court and other courts of the land, but they could have asked any question they wanted of Mr. Estrada. Any member of the committee can do that. Some may be ill-advised and not very fair, but we allow them to ask any questions they want. Then they can ask any questions in writing. In almost every case, Mr. Estrada asked to meet with individual Senators beforehand so they could meet privately and ask any questions they had.

Mr. Estrada today is known all over the country by those who really understand important lawyers and understand the success of lawyers—working with one of the most important law firms in the country as a full partner, and he has both Democrat and Republican partners. I might add, some of the leading people in support of Mr. Estrada today are Democratic attorneys—not just attorneys, but top attorneys—and we have mentioned them, from Ron Klain to Seth Waxman, Klain having been Vice President Gore's chief counsel, both as Vice President and in his campaigns. Ron Klain used to work on the Judiciary Committee as one of the top judiciary staff people. He is an excellent lawyer and a wonderful person. We all care for him. I personally care for him, and one reason I do is because he is honest, not just honest enough to say how good Miguel Estrada is and to back him, but honest in his dealings in legal matters as well. I have a lot of respect for him. Seth Waxman is one of the premier lawyers in the country, no question about it. He knows I have a lot of respect for him, and it is not just because of work on the Judiciary Committee. He is a fine lawyer, one of the best and former Solicitors General of the United States in the Clinton administration.

Some have advanced the preposterous argument that Miguel Estrada is not qualified to serve on the DC Circuit because he has no prior judicial experience. That is one of the most ridiculous arguments of all. Of all the ridiculous arguments his opponents have drummed up, to me this is the most ludicrous. There are literally hundreds of examples of judicial nominees who have gone on to serve as great Federal judges at both the Court of Appeals and Supreme Court levels despite having no prior judicial experience.

Chief Justice Rehnquist in his 2001 yearend report on the Federal judiciary noted:

> The Federal judiciary has traditionally drawn from a wide diversity of professional backgrounds with many of our well-respected judges coming from private practice.

Such Justices included Louis Brandeis, who spent his whole career in private practice before he was named to the U.S. Supreme Court in 1916 and came to be known as ''the people's attorney'' for his pro bono work.

Supreme Court Justice Byron White—I knew Byron White very well. He was very friendly to me throughout my career. He spent 14 years in private practice and 2 years at the Justice Department before his appointment to the Court by President Kennedy in 1962. He is a wonderful man. Byron White served this country well and his memory will always be a good memory. Byron White moved from the left to the center to even a little bit to the right on the Court, and that did not please a lot of our friends on the other side.

Supreme Court Justice Thurgood Marshall had no judicial experience when President Kennedy recess-appointed him to his first judgeship in the Second Circuit Court of Appeals in 1961. Justice Marshall had served in private practice and as special counsel and director of the NAACP prior to his appointment. I do not think anybody would doubt he made a very important contribution to the jurisprudence of this country.

Several well-respected members of the DC Circuit, including two of President Clinton's three appointments to that court, arrived with no prior judicial experience.

Merrick Garland: I have a lot of regard for Merrick Garland. I helped to see him get through when there was some opposition to him. He was a Clinton appointee. He served at the Department of Justice and was in private practice. He was never on the bench prior to his appointment.

David Tatel, also a Clinton appointee, had served in private practice for 15 years prior to his appointment. In fact, only three of 18 judges confirmed to the DC Circuit before President Carter's term began in 1977 previously served as judges.

For example, Abner Mikva, appointed by President Carter, was in private practice for 16 years in Chicago, served in the Illinois Legislature and in the U.S. Congress and had no judicial experience prior to his appointment in 1979 to the Circuit Court of Appeals for the District of Columbia.

Other Democrat-appointed DC Circuit judges with no prior judicial experience include Harry Edwards, Patricia Wald, and notably Ruth Bader Ginsburg, now sitting on the Supreme Court.

Several other Clinton appointees to the Courts of Appeals received their appointments despite having no prior judicial experience: Ninth Circuit appointees Richard Tallman, Marsha Berzon, Ronald Gould, Raymond Fisher, William Fletcher—who was a law professor at Boalt Hall at Berkeley—Margaret McKeown, Sidney Thomas, and Michael Hawkins all had no judicial experience prior to taking the bench.

Seven of these eight, all but Fletcher, were in private practice when they were nominated by President Clinton.

Second Circuit appointees Robert Katzmann, Robert David Sack, and Chester Straub had no judicial experience prior to their appointments. Third circuit nominee Thomas Ambro, Fourth Circuit nominees Robert King and Blane Michael, and Sixth Circuit nominee Eric Clay and Karen Moore also had no prior judicial experience.

What is the point? Is it that it is all right for Democrat Presidents to appoint people without prior judicial experience, who become very good judges on the bench, but it is not all right for Republican Presidents to do so? Is it all right to have more moderate-to-liberal appointees who have never had any judicial experience, but it is not all right to have moderate-to-conservative appointees appointed by a Republican President? It is all right to have liberal

Hispanics appointed to the courts—I agree with that—but it is not all right to have a Republican Hispanic who, perish the thought, Democrats think may be conservative?

Given this illustrious group of former practitioners like Mr. Estrada, who were not Federal judges, I find it hard to swallow that Mr. Estrada's lack of prior judicial service should somehow be counted as a strike against him.

I noticed this morning in the New York Times—now, I read the New York Times regularly. It is a very important paper in this country, and I have a great deal of respect for most of the people who work at the New York Times, but their editorial department has been almost amazingly inaccurate—not almost amazingly, it has been amazingly inaccurate.

Today, they have an editorial dated February 6, 2003, entitled ''Steamrolling Judicial Nominees.'' They say:

The new Senate Republican majority is ushering in an era of conveyer-belt confirmations of Bush administration judicial nominations. No matter which party holds the gavel, the Federal courts are too important for the Senate to give short shrift to its constitutional role of advice and consent.

I agree with that. I do not think we should give short shrift to any degree. These are important positions. They are lifetime appointments. We ought to do a thorough examination of them.

So everybody understands, and I want the New York Times editorial board to understand, before a person even comes up to the Senate, that person has been evaluated by the White House, by the White House Counsel's Office, by the Justice Department. There has been a complete FBI review of that person's life. The FBI interviews just about everybody who wants to be interviewed and some who do not want to be interviewed. The interviews range from people who love the candidate or the nominee to people who hate his or her guts.

There are people who make scurrilous comments, all kinds of anonymous things. These are raw reports that come into the FBI file. They report it all. Then it comes to the Judiciary Committee, and the chairman and ranking member and our staffs go through those FBI reports with a fine-tooth comb.

To the credit of both the Republicans and Democrats—or Democrats and Republicans, I should say—both sides have worked very well to get rid of the chaff and to do what is in the best interest of this country and to be fair to these nominees. That is a very arduous process. The minute they decide to pick one of these people, or even maybe before sometimes, they then tell the American Bar Association—not because they have a formal role in the process but because we want to have the leading bar association in the country involved. At least the Democrats have always wanted to have them involved. I have to admit I did not want to have them involved when they were not being very fair, when there was bias and bigotry, but there is none of that now. I think they are doing a terrific job now, and as long as they do it fairly and down the middle, without bias and without being political, they are going to have my support, and I support them right now. But we then have the American Bar Association look into these people and they go right into the person's hometown. They talk to the attorneys who know him. They talk to their top attorneys whom they know are people of integrity and ability and leaders in the bar in their community. They talk to just about everybody who has any interest in the nominee, and this has all been done for Mr. Estrada. Then they sit down and they have their standing committee make an evaluation of these nominees.

These evaluations are tough evaluations, especially on those who do not come out of them very well. In this case, Mr. Estrada has a ''unanimously well-qualified'' rating from the Standing Committee of the American Bar Association—I should say from the American Bar Association because they represent the whole bar. That is something that does not always happen. In fact, it does not happen very often, to have ''unanimously well-qualified.''

All of that is unbelievably difficult for the nominee. The nominee has to sign a disclosure form that just about lays bare everything in that nominee's life. One can see why some people do not even want to become judges anymore. Some of the greatest lawyers in the country, who would serve on the bench, do not want to go through this process. The investigation of the nominee includes Finances and everything, it is all laid out; cases are laid out. They are asked questions that are very intrusive into their lives. I think the questionnaire is too strong, but it has been very difficult to change over the years. That is what they go through. Then they are nominated. The Judiciary Committee then starts its work, and we go through every one of these documents.

We go through that FBI report with a fine-tooth comb. If there is anything left undone, we then ask the FBI to follow up. We do not leave anything undone to the extent that we can. If there are some particular problems, we bring both sides of the Judiciary Committee together and tell them these are problems. We disclose it to the members of the Judiciary Committee. The ranking member will disclose it to his side. The Chairman discloses it to his or her side.

Once that is done, then we set it for a hearing. The hearings usually do not last days at a time for circuit court nominees or district court nominees. They are generally a 1-day affair, as they should be, because we have all this information. Anybody can cull through all that information, and their staffs really do. Sometimes they are looking for dirt, looking for things they can raise that might make the process better in some cases or that might scuttle a President's nominee in other cases. There is a lot of partisanship sometimes. That is not all bad because we want the best people we can get to serve on the Federal bench in this country.

This editorial indicates this is just a steamrolling of nominees. Now, that is crazy. In the case of Estrada, his nomination has been pending for 631 days, having had every aspect of his life combed over and because they cannot find anything to smear him with or find fault with—it depends on who the person is—or to criticize, all of a sudden he is being steamrolled.

Well, 631 days is almost 2 years. It is way too long. I have to admit, there were some mistakes when I was chairman during the Clinton years, but nobody should doubt for a minute that President Clinton was treated fairly. President Reagan was the all-time confirmation champion with 382 judges confirmed in his 8 years, and he had a Republican Senate to help him do it. President Clinton had virtually the same number, 377, as the all-time champion, and he had 6 years of an opposition party to help him do it. I know. I was the chairman during that time, and I did everything I could personally to help the President because he was our President. There was only one person voted down in that whole time, and I have to admit I do not feel good about that. And there were less people left holding at the end than there were when Democrats had control of the committee.

Going back to this editorial, because I want to help my friends at the New York Times to be a little more accurate—frankly, I think they can use some help because their editorials, especially in this area, have been awful. And this is a perfect illustration.

Going to the second paragraph:

Republicans on the Judiciary Committee held a single hearing last week for three controversial appeals court nominees.

Just for information, that was Jeffrey Sutton. That was John Roberts, and a wonderful woman named Cook—Sutton and Cook and Bill Roberts from DC Court of Appeals.

By the way, all three are well known. Sutton is one of the top appellate lawyers in the country; Roberts, who was considered if not the top, one of the two top appellate lawyers before the Supreme Court of the United States; and Cook is a Supreme Court justice in Ohio.

Republicans on the Judiciary Committee held a single hearing last week for three controversial appeals court nominees. There was no way, given the format, for Senators to consider each nominee with care.

We held one of the longest hearings ever on record, from 9:30 in the morning until 9:30 that night. I was willing to stay longer. I told the Committee we would finish that hearing that day and I would stay as long as it took.

There was no way, given the format, for senators to consider each nominee with care.

A fourth nominee had a hearing yesterday, and a fifth is likely to have one next week.

What is wrong with that? They have been sitting there for months and months and they are high-quality people. They have gone through this horrendous process to get to where they have a hearing.

During the Clinton years, the committee took six months or more to consider the number of appeals court nominees this committee is hearing from in two weeks.

I would add that many nominees have been waiting longer, not 6 months or more, 2 years, in the ones we have called up.

By the way, Mr. ROBERTS had been sitting there since 1990 or 1991 or 1992. I know he has been sitting there for at least 11 years. He has been nominated three times. This is too much of a rush? Give me a break. They took a lot longer than 6 months to consider the Bush nominees.

The nominees being whisked through all have records that cry out for greater scrutiny.

I have covered how scrutinizing we are in the committee. We do not miss anything. My friends on the other side do not miss anything. We don't either.

One, Jeffrey Sutton, is a leading states' rights advocate who in 2001 persuaded the Supreme Court to rule against a nurse with breast cancer on the ground that the Americans With Disabilities Act does not apply to state employers.

I was one of the authors of the Americans with Disabilities Act. I was not enthused about that case. But the fact is, it was a legitimate legal matter and he had every right to represent the States in that matter. The attitude around here is, if he represented the States, it must have been wrong. Or, if he represents big corporations, he must be wrong.

Sometimes the States are right. Sometimes the corporations are right.

Mr. SESSIONS. Will the Senator yield?

There is some statement in there that sounds odd to me. They criticize Mr. Sutton for persuading the Supreme Court, like it is something bad. And I make a note that the Supreme Court ruled with him and agreed with his position.

I know the Senator is so knowledgeable about these issues. I just ask, Is there something wrong, is it disqualifying for an attorney to prevail on the Supreme Court?

Mr. HATCH. Apparently to the New York Times. The fact is, that case was written by the Supreme Court. He advocated, as any advocate, and he was representing, as I recall, one of the States.

Another, Deborah Cook, regularly sides, as a state judge, with corporations.

Oh, my goodness. You mean we have somebody who will be on the Federal bench who occasionally finds corporations might be right? What a terrible thing that must be, that corporations are right? Let's be honest about it. A lot of employment cases, almost every one that is good, is settled before it gets to court. It is only the hard cases that basically have to be tried. And in many instances, those cases are not good cases. Some on the other side seem to think, well, she sides with corporations. My gosh, she sides with who is right. And that is what we should do.

Admittedly, sometimes it was a dissent, and she was known for the dissent. That is not bad. Dissenting judges play a noble role. You can disagree with cases but you cannot disagree with her integrity. No one would attack her integrity.

In one case she maintained that a worker whose employer lied to him about his exposure to dangerous chemicals should not be able to sue for his injuries.

That is the most oversimplification I have ever seen. It is wrong.

Jay Bybee, who was heard from yesterday, has argued that United States senators should be elected by state legislators, not the voters.

That is purely wrong; it is bunk. The fact is, this system we have is a good system. But we know one time Senators were elected by State legislatures. He has expounded on that.

Questions have also been raised about whether, as a White House aide, Mr. Bybee attempted to suppress a criminal investigation of financing of Iraqi weapons purchases.

Come on. That is totally bunk. They have not talked to Mr. Bybee and given him any consideration. That, first, should never have been disclosed. But it was. And not one person asked a question about it. I am sure they will say they were watching Colin Powell's speech. I was not. I was sitting there in committee, making sure they had a chance to ask any questions they wanted. We delayed the committee until after Colin Powell finished to enable any Democrat to come, and at least two said they would come, to come back and question. They did not come back.

The committee's new leadership showed similar recklessness when it waved Miguel Estrada through on a straight party-line vote.

What are we suppose to do if the other side plays politics with the judges? They did not have one good argument through the whole process, and we have had a horrendous process to begin with that took 631 days before he came to the committee. The only reason he came then was because the Republicans took control of the Senate. Thank goodness for that or he would never have come up. He would never have had a chance. We all know it around here.

''Mr. Estrada, a conservative lawyer''—who knows if he is. I don't know his ideology. I know he is a great lawyer. And I presume, as I am sure the President does, that he is probably moderate to conservative.

''Mr. Estrada, a conservative lawyer with almost no paper trail,''—I just made the case there is a paper trail on him—''refused to answer senators' questions on crucial issues like abortion.'' Give me a break. He did answer. He said that he would apply the law regardless of his personal viewpoints.

This is a man who argued the case for NOW. Who knows where he stands—I don't know. All I can say is that is a ridiculous statement. I guess editorials can be ridiculous, but this one is particularly.

Meanwhile, the White House refused to hand over memos Mr. Estrada wrote as a government lawyer that could have shed light on his beliefs.

They wanted memos on that side because they could not find anything else to give him a rough time about. They wanted memos on that side from the Solicitor General's office and seven former Solicitors General, four of whom are Democrats, came in and said that would be a very inadvisable thing to do because it would chill the work of the Solicitor General's office. People would not give their honest opinions if they knew that later they would be piloried with those in the Senate of the United States.

Meanwhile, the White House refused to hand over memos Mr. Estrada wrote as a government lawyer that could shed light on his beliefs.

Mr. Estrada said it would have been all right with him. He is proud of his work.

I have to say that the greater approach would be to recognize that there are some things that have to be privileged. As I say, all seven living former Solicitors General have said that.

''The Bush administration is naturally going to nominate candidates for the bench who are more conservative than some Democrats would like,''—that is fair—''and the Republican majority in the Senate is going to approve them.'' That is fair. ''That does not mean, however, that the administration should be allowed to act without scrutiny,''—that is not fair, because it is tremendously scrutinized—''and pack the courts with new judges who hold views that are out of whack with those of the vast majority of Americans.''

Now, come on.

We fear that that is what the hasty hearing process is trying to—

Come on. Hasty—631 days before he even gets a hearing with all of that scrutinization that has gone on? It is not fair. This editorial is not fair.

I call on my friends at the New York Times: be fair about the judges. I know the paper is more liberal than I, and I expect you to be more liberal. But I expect you to be fair. This business about three judges being called at one time—they have been sitting there for 631 days or more; actually more. They have been sitting there since May 9, 2001. They have been scrutinized to death. We gave every opportunity to question and every opportunity to file additional questions.

By the way, I remember during the Carter years, when Senator KENNEDY was chairman of the committee, if I recall correctly we had seven circuit

nominees on one hearing. Is it wrong for Republicans to try to move these judges after all of these delays when they have the opportunity to do so, but not wrong for the Democrats to move the judges they want moved when they have control of the White House and the Judiciary Committee? I don't think there should be a double standard. I wanted to move as many of those May 9 judges as we could. If you will take note, the next week we had only one and that was Jay Bybee. That was this week. And next week we will probably only have one more.

We are doing the best we can to try help solve judicial problems in this country. Just for the information of the New York Times, there are around 25 judicial emergencies in this country—emergencies. The Circuit Court of Appeals for the District of Columbia is one. The Sixth Circuit Court of Appeals in Ohio is another. We need to do something about that if we want justice in this country, if we want to have cases heard and tried and resolved—and that is what we want. That is what good lawyers want, fair judges who will fairly listen to their case and give them a fair trial. And these judges will. That is why they are so highly rated by the American Bar Association and that is why Miguel Estrada has the highest rating possible.

I think it is time for the New York Times to be more fair in its reporting on these judges. I noticed the day before they were reporting as though Paul Bender's opinion really amounted to something. It may in some areas, but certainly I think the opinions he gave at the Solicitor's office are more important than politically motivated opinions that he gives later as a liberal Democrat—and, I might add, a very liberal Democrat.

I have taken enough time. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business for 25 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, reserving the right to object, I assume the Senator will be speaking on a subject other than the Estrada nomination?

Mrs. MURRAY. That is correct.

Mr. SESSIONS. I will say, I was down here to speak on the Estrada nomination. I think the individuals who oppose him say they want to talk about it. I would like to hear what they have to say. This morning there is nobody down from the other side, the opposition, to speak against him. I don't know what they could say if they came. So it is frustrating to me.

I know the Senator has some issues she cares about deeply and wants to talk. I suppose that is appropriate at this time, although in reality I think we ought to be engaged in a debate about this nomination and why it should be held up, why he does not qualify for the bench, and why there is something wrong with an individual who was given the highest possible rating, unanimously, by the American Bar Association.

Having said that, I withdraw my objection to the unanimous consent request.

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

(The remarks of Mrs. MURRAY are printed in today's RECORD under ''Morning Business.'')

Mrs. MURRAY. I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I assume we are on the business of the Estrada nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, that is the pending business before the Senate today. It is a matter of importance. The Court of Appeals of the United States are important judicial offices. We need good people for those offices.

There is no doubt in my mind that Miguel Estrada is one of the finest nominees we have seen in years. He has an impeccable record, with extreme capability, and wonderful integrity. He had a great demeanor in the committee when he testified. So I am very impressed with him.

It is very disturbing to me that we would have a blockage, an obstruction being carried on here by the members of the Democratic Party. They stalled him in committee. They failed to give him and several other superb President Bush nominees to the court of appeals a hearing at all—over 600 days. It would have been 2 years in May since they were nominated, and there was not a hearing even held.

So when the majority switched, Senator HATCH had hearings on Mr. Estrada. I thought he testified just superbly, with such a winning manner. He is a low-key person, but he has a brilliant mind. He analyzed the questions carefully, and gave responsible answers time and again in a way that few could disagree with, in my view.

If we are going to slow down the work of the Senate, if we are going to stop what we are doing to talk about a nominee for the court of appeals, I would like to hear people step up to the plate and talk about that nominee. Let's see what the problems are. I haven't seen them. We have had two speakers today from the other side who talked about asbestos and hydrogen automobiles, not the subject at hand. We have agreed to that. I don't know how long we ought to agree to that. Maybe we should just say, if you want to slow down the Senate, then so be it. We will just talk about that day after day. I am concerned about that.

I did misspeak in saying that Estrada didn't have a nomination hearing under the Democratic majority. He did get a hearing late in the process. Three of the nominees we had last week who were nominated with him in May 2 years ago got their first hearing just last week. He was not part of that group.

Mr. Estrada came to this country at 17. He went to Columbia College where he graduated with honors magna cum laude. Then he went on to Harvard Law School. He grew up in Honduras. His mother came here. She could not speak English. He has done exceedingly well. He is a tremendous American success story. He is a great American, the kind of person we all respect because of his merit, his humility, his strength of character, his hard work, and his intellect.

After going to the Harvard Law School, which many consider the most prestigious law school in the world, he not only finished at the top of his class, he was chosen to be editor of the Harvard Law Review. The editor of the Harvard Law Review or any law review at a good law school is considered to be one of the most outstanding honors a graduate can have. It is probably more significant in the minds of many people than who had the highest grade point average, who finished No. 1 in the class. Being editor of the law review is something you are chosen for by your classmates and the faculty. It is a great honor. It requires exceptional academic excellence. He finished magna cum laude at Harvard. It also requires leadership skills and analysis, the kind of skills that most people think make a good lawyer. He was successful in that.

After doing that, he was an assistant U.S. attorney in the Southern District of New York. I was an assistant U.S. attorney in my prior life, and a U.S. attorney. But those in the Southern District of New York, rightly or wrongly, considers themselves to be the premier U.S. attorney's office in the country. They hire only the highest achieving assistant U.S. attorneys. They are very proud of that. Just being chosen at that office is a great honor. I would suspect there are more than 100 applicants for every vacancy they have. It is an office that handles complex matters. Some of the biggest financial and international matters often get handled in the Southern District of New York.

While he was there, he became active in and chairman of the appellate litigation section. That means he wrote briefs that would be presented to the Second Circuit Court of Appeals in New York. The Second Circuit is considered one of the great circuits in America. So he was chosen to represent the United States in the attorney's office, to write their appellate briefs before one of the great circuit courts.

One reason he was chosen for that is that Miguel Estrada, after graduating from Harvard, clerked for a U.S. Court of Appeals judge for the Second Circuit there in New York and had a good record. After having clerked for the Second Circuit, he was chosen to be a

clerk for the U.S. Supreme Court, Justice Anthony Kennedy.

For lawyers graduating from Harvard, or from any law school in America, being chosen to be a law clerk for a Justice on the Supreme Court is an exceedingly great honor. It is sought by thousands and thousands, and very few are selected. He was selected because of his excellent record, his background, and expertise. It is a great compliment to him that he was chosen to clerk for Justice Anthony Kennedy, who is considered to be a swing Justice on the Court.

After that, he went to the U.S. attorney's office, where they prosecute criminal cases and work on the appeals that arise from those kind of cases and other matters relating to U.S. litigation in court. That is what they do there. He did a good job there.

Then he was chosen to come to the Solicitor General's Office of the U.S. Department of Justice. Inside the Department of Justice, one of the oldest Cabinet positions in our Government, one of the founding Cabinet positions, there is the Litigation Division. Inside the appellate litigation section is the Solicitor General's Office. The Solicitor General has often been referred to as the Government's lawyer. The position of Solicitor General has been called one of the finest lawyer jobs in the world, because the Solicitor General and his team get to appear before the Supreme Court and represent the United States.

I used to be thrilled when I could stand in a courtroom in the Southern District of Alabama and say: I represent the United States of America. The United States is ready, Your Honor.

That was a great honor for me. To be able to do that in the highest court in the land and represent the United States before the Supreme Court is a premier honor for any lawyer.

Miguel Estrada was chosen for that. He served over 5 years in that capacity. During that time, overwhelmingly, he served in the Clinton Department of Justice. During that time, every single year while he served in the Department of Justice, he got the highest possible evaluation that the Department of Justice evaluators give—year after year. They said he was cooperative, a leader; he inspired other lawyers to do their best. They said he followed the policies of the Department of Justice, not someone running off doing independent things and nutty things.

He was a solid, committed attorney to the Solicitor General's Office, to the ideals of the Solicitor General's Office. He was commended in his evaluations for following the policies of that office.

That is quite an achievement. He left there and joined the prestigious law firm of Gibson, Dunn & Crutcher, one of the great law firms in the world, no doubt. He has been highly successful there, and the President has now nominated him for the court of appeals.

He has, in the course of his career, argued 15 cases before the U.S. Supreme Court. You could count on both hands probably the number of practicing lawyers today who have ever argued 15 cases before the Supreme Court.

That is a reflection of the confidence that clients and his law firm had in him. This isn't politics. When you have a big case before the Supreme Court of the United States and you have to have somebody there arguing that case, you don't want second rate, you want the best person you can get. The Supreme Court hears less than 100 cases per year. They select only a very few. Whenever your case is chosen for the Supreme Court, there is no doubt about it, the clients start looking around for superior appellate lawyers to represent their interests in a case that may set national policy for generations to come. We still cite many of those Supreme Court cases time and again to indicate the importance of them and how much they impact our daily lives. So he was chosen 15 times to appear before the Supreme Court. I think that is a tremendous testament to his merit, his capability.

I will tell you something else. You don't hotdog before the Supreme Court of the United States. You have to know what you are talking about. You have to be disciplined and you must understand the rulings of the Supreme Court, how they impact the case at hand, and you have to argue to the Justices within the realm of their existing philosophy and the existing status of the case law as to why you think your client should prevail or why the opponent should not prevail. That is a great compliment to him.

Now, for some time, our Democratic colleagues have complained we did not give enough prominence to the opinions of the American Bar Association. They evaluate judges. They are not any official body. The American Bar Association is just an institution out there that does legal matters and represents lawyers as a group. They evaluate these judges. So they want to do it and they do it. They have every right to do it. I, frankly, value their opinions. I have always thought they were good. Some have felt they were biased a bit to the left. The positions the ABA takes at conferences consistently are liberal positions, which irritates a lot of lawyers and conservatives in the country. They have felt the ABA could not be trusted to evaluate judges objectively. In fact, I have noted some tendency to be less favorable to conservative judges than to liberal judges, but I feel their contributions are valuable—I always have—and I continue to believe they are valuable. So that was a complaint from our friends on the other side of the aisle, that we ought to listen to them more.

The ABA has reviewed Miguel Estrada's nomination. They have conducted a thorough review of it. They give several different kinds of ratings. They give ratings of nonqualified, unqualified, qualified, and a well-qualified rating. Very few people get the well-qualified rating. This is what it requires to get it, according to the ABA manual:

> To merit a rating of well qualified, the nominee must be at the top of the legal profession in his or her legal community . . .

The ''top'' of the profession . . .

> . . . have outstanding legal ability, breadth of experience, the highest reputation for integrity, and either have demonstrated or exhibited the capacity for judicial temperament.

That is what is required for a person to get the well-qualified rating. They have 15 of so lawyers study and talk to judges and to the lawyers in the firm with the person, and they talk to lawyers on the other side of cases from the nominee; they make the nominee list the top 10 or so cases they have handled, and they talk to the lawyers and judges to see how well they performed in handling those cases, and so forth. When all of that was done, Miguel Estrada was unanimously voted well qualified, which is the highest possible rating for the court of appeals. In fact, he is one of the finest young lawyers in America today, a man of extraordinary capabilities, and I think a man who would be perfect for the court of appeals. He will be handling cases in a number of different aspects. These will be the kinds of matters he has spent his life handling, because the kinds of cases they have here in DC are cases he has worked with both as an Assistant U.S. Attorney when he represented the United States of America, and at the Solicitor General's office, and also the kind of appellate cases he has had in private practice before the Supreme Court. I am proud of him. I have observed no complaint that in any way damages his qualities and capabilities.

Miguel Estrada has support across the aisle from Democrats and Republicans. He is the kind of person who ought to move forward. I remain utterly baffled about why such a fine nominee would be given the kind of grief he has gotten so far, and to be held up the way he has been held up, and how people say they are going to fight it for weeks, perhaps. I hope that is not so. I hope we don't have a filibuster. At the time the Republicans had the majority in the Senate, and when President Clinton was nominating judges, we never had a filibuster. During that time, we confirmed 377 of President Clinton's nominees and voted only one down. Not one nominee was ever blocked in committee, and in less than 2 years we have had two nominees blocked in the committee already, when the Democrats had the majority.

Regardless of that, this nominee ought to move forward. He is the kind of person we need on the bench. We should celebrate the fact that an individual of his quality, with his potential to create high income in one of the finest law firms in the country, right here in one of the most prestigious practices in the country, is willing to give that

up for public service because he loves his country and the principles of our country.

I think he is the kind of person we need on the bench, and I think it is time for us to give him a vote. I am sure we will and, when we do, I believe he will be confirmed.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have been an observer of all of these debates about judges because I am not a lawyer and I don't sit on the Judiciary Committee, but I have been interested to note that when President Bush became the President, he announced he would not allow the American Bar Association to, in effect, veto Presidential nominees. He said the Constitution doesn't give the American Bar Association any right to determine who should be on the Federal bench and who should not, and that he would not bow to the American Bar Association for their recommendations.

Our friends on the Democratic side of the aisle, in the popular phrase of the teenagers, went ballistic. They said the American Bar Association was the gold standard by which everybody should be judged. And Senator LEAHY, when he was chairman of the Judiciary Committee, made it very clear that even though a recommendation from the American Bar Association is extraconstitutional, he would apply that extraconstitutional test to everyone who came up; and if they did not pass that test—extraconstitutional though it is—they could not be confirmed. He made that very clear. I am grateful to him for his candor. I appreciate the fact he was open with this body and the American public that that particular test was being added to the constitutional test that a nominee should pass.

Now we have someone before us who passes not only the constitutional test but the extraconstitutional test laid down by the Democrats. He is not only qualified—according to the American Bar Association, ''well qualified''—he was found unanimously well qualified by the American Bar Association. Yet Senator LEAHY is leading a form of filibuster against this nominee that gives rise to this question, which I have asked on the floor before and, undoubtedly, in this extended debate I will ask again. I would ask Senator LEAHY, Senator KENNEDY, and the others: What additional, extraconstitutional test have you devised that you are applying to nominees for the judiciary? You have told us the first one. You have been very up front about it and tell us what additional, extraconstitutional test you have determined must be passed by a nominee because there is no obvious reason this nominee should be objected to; there is no obvious reason every single Democrat on the Judiciary Committee should have voted against him and we should see the coming of a filibuster against his nomination.

The Senators are exercising their rights. I do not object to them exercising their rights, but I do ask them very respectfully to tell us the nature of the test they are applying to these nominees so that we can know in advance in future circumstances which nominees will not pass their test, which nominees will fail that test. In order to do that, we need to know what that test is.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I ask unanimous consent that further materials be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BUNNING. I thank the Chair.

Mr. President, today I rise in support of the nomination of Miguel Estrada to sit on the DC Circuit Court of Appeals. As has been said many times in this Chamber, Mr. Estrada is highly qualified to sit on this court and deserves a fair hearing and a vote in the Senate.

There are four vacancies on the DC Circuit's 12 seats. Most lawyers consider the DC Circuit to be the second most important court in the United States. That means the court is missing one-third of its judges.

That is alarming. The seat for which Mr. Estrada has been nominated has been designated as a judicial emergency by the Judicial Conference of the United States. To leave the seat empty for any longer is unacceptable and dangerous.

In Kentucky, we know a little bit about vacancies. We are part of the Sixth Circuit Court of Appeals, and that panel has 6 vacancies right now out of 16 total seats. That is a little better from not too long ago when we had 8 openings, but it is not much better. In all, the U.S. Courts of Appeals have 25 vacancies, totaling 15 percent of the entire system.

The situation is so bad the American Bar Association has described it as an emergency. Fortunately, the Judiciary Committee held hearings on four appellate court nominees recently, and one of those nominees is now before the Senate. At least we are starting to see some progress.

Recently, Chief Justice Rehnquist delivered his annual report on the state of the Federal judiciary. One of the key points he emphasized was promptly filling vacancies. With this nomination, we have the opportunity to begin filling empty seats on the bench.

Case filings in the Federal court system hit a new record high last year, and I believe that trend will continue this year also. The record number of cases in the court system, combined with judicial vacancies, led the Chief Justice to warn Congress that proper functioning of the court system is in jeopardy. The Senate cannot and must not allow that to happen.

In concluding his remarks on judicial vacancies, the Chief Justice said:

> We simply ask that the President nominate qualified candidates with reasonable promptness and that the Senate act within a reasonable time to confirm or reject them.

I cannot imagine a clearer signal to the Senate to fulfill its responsibility to confirm judges.

President Bush has done his part in nominating candidates of the highest moral integrity and legal expertise. Each of his nominees has been carefully selected, and each deserves a hearing and a vote, which leads us to the nomination before us today.

Mr. Estrada was nominated by President Bush in early 2001. Although he did get a hearing in the Judiciary Committee after well over a year, he was not granted a vote. It took almost 2 years for him just to get his day in court. In fact, when the 107th Congress ended last year, 31 nominees were still waiting in committee for a vote. We had not even had hearings in the Judiciary Committee.

Twelve of the 14 pending nominees for the court of appeals were nominated in 2001, and six of them, including Miguel Estrada, were among the first group of nominees submitted to the Senate nearly 2 years ago.

The judicial nomination situation in the Senate is totally unacceptable. Fifteen of President Bush's appellate nominees have had to wait more than a year for a hearing—not even a vote, just a hearing. According to the Justice Department, 15 of President Bush's appellate court nominees have had to wait over a year for a hearing. This is a higher total than the combined total that had to wait over a year for the past 50 years.

Almost 90 percent of the appellate court nominees made in the first 2 years of the Reagan, George H. W. Bush, and Clinton administrations were confirmed by the Senate. But in the first 2 years of this administration, only 54 percent were confirmed.

Chief Justice Rehnquist is not exaggerating when he says the status of judicial nominations threatens the very function of our court system and justice itself.

As for Mr. Estrada, he is a fitting nominee to break this logjam. Mr. Estrada is an inspiration. He has lived the American dream. He will become the first Hispanic to serve on that prestigious court. He is a fine example of the quality nominees President Bush has sent to the Senate.

Mr. Estrada came to the United States when he was 17 years old, growing up in Honduras. He spoke little English when he arrived in America, but that did not keep him from graduating magna cum laude from Columbia College and Harvard Law School. He is no stranger to the appellate court system.

After law school, he clerked for a judge at the Second Circuit Court of Appeals. After that, he was a clerk for Justice Kennedy at the Supreme Court. Mr. Estrada then served as an assistant U.S. attorney in New York and a deputy chief of the appellate section of the

U.S. Attorney's Office. Those jobs required him to try cases in the district courts and argue before the Second Circuit Court of Appeals.

Next, he served in the Office of the Solicitor General during William Jefferson Clinton's administration. Now he is a partner in the Washington, DC, law firm of Gibson, Dunn, & Crutcher.

It has been said many times, but I think it is worth repeating, Mr. Estrada earned the American Bar Association's highest rating for a nominee, a ''unanimously well-qualified'' rating.

He has been endorsed by a long list of political, business, and civil rights organizations. I have yet to hear any detractors make credible arguments that he is not qualified. I can see no obstacle to his being confirmed. He is supported by Seth Waxman, a Solicitor General under former President Clinton, as well as the former chief legal counsel to Vice President Gore. There is no question in my mind that Mr. Estrada will make a fine judge once confirmed. His life story is an inspiration for minorities, and all of us, throughout America. His hard work and dedication is obvious. His academic and legal achievements cannot be denied.

I urge the Senate to quickly hold a vote on this nomination, and I urge my colleagues to support Miguel Estrada.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, February 4, 2003.*

DEAR COLLEAGUE: I write to urge you to support the confirmation of Miguel A. Estrada, who has been nominated for a seat on the United States Court of Appeals for the District of Columbia Circuit. If he is confirmed, he will be the first Hispanic to sit on this court, which is widely considered to be the second most important court in the country.

Mr. Estrada represents an immigrant success story. Born in Tegucigalpa, Honduras, his parents divorced when he was only four years old. Mr. Estrada remained in Honduras with his father while his sister immigrated to the United States with his mother. Years later, as a teenager, Mr. Estrada joined his mother in the United States. Although he had taken English classes during school in Honduras, he actually spoke very little English when he immigrated. He nevertheless taught himself the language well enough to earn a B− in his first college English course. In a matter of years, he not only perfected his English skills, but he exceeded the achievements of many persons for whom English is their native tongue. He graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, then received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review.

Mr. Estrada's professional career has been marked by one success after another. He clerked for Second Circuit Judge Amalya Kearse—a Carter appointee—then Supreme Court Justice Anthony Kennedy. He worked as an associate at Wachtell Lipton in New York—as high powered a law firm as they come. He then worked as a federal prosecutor in Manhattan, rising to become deputy chief of the appellate division. In recognition of his appellate skills, he was hired by the Department of Justice Solicitor General's Office in 1992. He stayed with that office for most of the Clinton Administration. When he left that office in 1997, he joined the Washington, D.C., office of Gibson, Dunn & Crutcher, where he has continued to excel as a partner. He has argued an impressive 15 cases before the United States Supreme Court, and the non-partisan American Bar Association has bestowed upon him its highest rating of Unanimously Well Qualified.

I take the time to offer up this brief recitation of Mr. Estrada's personal and professional history because I think it illustrates that he is, in fact, far from the right-wing ideologue that some have portrayed him to be. He clerked for Judge Kearse, a Carter appointee, then Justice Kennedy, a moderate by any standard. He joined the Solicitor General's Office during the first Bush Administration, but stayed on through much of the Clinton Administration. His supporters include a host of well-respected Clinton Administration lawyers, including Ron Klain, former Vice President Gore's Chief of Staff; Robert Litt, head of the Criminal Division in the Reno Justice Department; Randolph Moss, former Assistant Attorney General; and Seth Waxman, former Solicitor General for President Clinton. He has defended pro bono convicted criminals, including a death row inmate whom he represented before the Supreme Court in an effort to overturn his death sentence. He has broad support from the Hispanic community, including the endorsement of the League of United Latin American Citizens (which is the country's oldest Hispanic civil rights organization), the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, the Hispanic Business Roundtable, the Latino Coalition, and many others.

Mr. Estrada has been unfairly criticized by some for declining to answer questions at his hearing about whether particular Supreme Court cases were correctly decided. Lloyd Cutler, who was White House counsel to both President Carter and President Clinton, put it best when he testified before a Judiciary Committee subcommittee in 2001. He said, ''Candidates should decline to reply when efforts are made to find out how they would decide a particular case.'' He further explained, ''What is most important is the appointment of judges who are learned in the law, who are conscientious in their work ethic, and who possess what lawyers describe as 'judicial temperament.''' Mr. Estrada's academic achievement, his professional accomplishments, and the letters of bipartisan support we have received from his colleagues all indicate that Mr. Estrada fits this description.

Several opponents of Mr. Estrada have attempted to block his confirmation by boldly demanding that the Department of Justice release internal memoranda he authored while he was an Assistant to the Solicitor General. All seven living former Solicitors General—four Democrats and three Republicans—oppose this request. Their letter to the Committee explains that the open exchange of ideas upon which they relied as Solicitors General ''simply cannot take place if attorneys have reasons to fear that their private recommendations are not private at all, but vulnerable to public disclosure.'' They concluded that ''any attempt to intrude into the Office's highly privileged deliberations would come at a cost of the Solicitor General's ability to defend vigorously the United states' litigation interests cost that also would be borne by Congress itself.'' The Wall Street Journal and the Washington Post have also criticized the attempts to obtain these memoranda.

These misguided efforts should not prevent our confirmation of a well-qualified nominee who has pledged to be fair and impartial, and to uphold the law regardless of his personal convictions. I have no doubt that Mr. Estrada will be one of the most brilliant federal appellate judges of our time, and I urge you to join me in voting to confirm him.

Sincerely,

ORRIN G. HATCH,
*Chairman.*

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LATINO COALITION
FOR MIGUEL ESTRADA,
*Washington, DC, February 5, 2003.*

Hon. JIM BUNNING,
*Member, U.S. Senate,*
*Washington, DC.*

DEAR SENATOR BUNNING: At a time of a serious judicial vacancy crisis in our country, it is simply disingenuous that the Senate Democratic leadership is threatening to filibuster a nominee to the U.S. Court of Appeals, with impeccable credentials and a unanimous ''well qualified'' rating from the American Bar Association.

On May 9, 2001, President Bush nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals for the District of Columbia Circuit. Mr. Estrada would be the first Hispanic in history to sit on that court, which is widely viewed as the most important and prestigious Court of Appeals in the nation. No wonder George Herrera, President and Chief Executive Officer of the United States Hispanic Chamber of Commerce, concludes that ''Estrada's nomination can be a historic event for the Hispanic community. Latinos in this country have worked hard to break the barriers and obstacles that have stood in our way for too long and we now have the opportunity to do so. Estrada's appointment will also be a role model for Latino youth by demonstrating that a Latino can be appointed to one of the highest courts in the nation.'' He is just one of the overwhelming majority of national Hispanic grassroots organizations that are enthusiastically supporting his nomination, not just because he is Hispanic, but because he is superbly qualified.

Mr. Estrada is unique in another respect, too. As his colleagues can attest, both conservatives and liberals alike, Mr. Estrada is one of the most brilliant and effective appellate lawyers in the country. Having worked at the Justice Department under Republican and Democratic Administrations, he has demonstrated a commitment to upholding the integrity of the law and a dedication to public service. During his career, he has argued fifteen cases before the Supreme Court—all before reaching the age of 40. He richly deserves the unanimous ''well qualified'' rating the American Bar Association bestowed on him—the organization's highest possible evaluation.

Miguel Estrada is more than just a talented lawyer. He represents the potential of a growing population and what is possible in the United States. A native of Honduras, Mr. Estrada arrived in the United States at age 17, unable to speak much English. Yet he graduated magna cum laude from Columbia University and magna cum laude from Harvard Law School, where he was an editor of the Harvard Law Review. He clerked for Supreme Court Justice Anthony Kennedy—one of the more moderate Republican appointees who continues to be Estrada's mentor. Mr. Estrada's own journey from immigrant to successful attorney has inspired him to devote much of his career to serving his fellow Americans. Both in government service and in private practice, he has sought to ensure that all citizens receive the law's fullest protections and benefits, whether they are death-row inmates or abortion clinics targeted by violent protestors.

Never has a judicial nominee that has been voted out of the Judiciary Committee been

successfully filibustered in the Senate. Estrada's opponents argue that he is a Hispanic in name only and is an ideologue. This is absolute non-sense.

Miguel Estrada is considered by all who have worked with him to be a brilliant attorney who has demonstrated the ability to set aside any personal beliefs he may have and effectively argue cases based on the US constitution and the law. Perhaps the most compelling praise in support of Mr. Estrada's nomination has come from Democratic political appointees who worked with him in the Clinton Administration.

Prominent Democrats including Ron Klain, the former Chief of Staff of Vice President Gore; Seth Waxman, Clinton's Solicitor General; Robert Litt, Associate Deputy Attorney General in the Criminal Division; Drew Days III, Solicitor General; and Randolph Moss, Assistant Attorney General in the Office of Legal Counsel have all praised Miguel Estrada for his brilliance, compassion, fairness and respect for precedent (quotes attached).

It would be an ironic travesty of justice for any member of the US Senate—a body without a single Hispanic member—to vote against Mr. Estrada with the excuse that he is a Hispanic in name only or that he does not understand or represent the values of our community? Under normal circumstances, this argument would be so absurd that we would have ignored it. But under the current partisan environment, we cannot stand by and allow Mr. Estrada's ethnic background to be used against him.

Miguel Estrada was nominated on May 9, 2001. He did not receive his first hearing until September 26, 2002, 16 months after his nomination. Now his opponents complain that they have not enough time to evaluate his record and that his nomination should not be rushed to a vote. We believe that a nominee should not have to wait for 21 months for a vote and that the Senate has had plenty of opportunity to consider Miguel Estrada's qualifications. This same tactic was used to delay Richard Paez's nomination for more than 4 years. It was unfair then and it is unfair now.

Any attorney who has argued 15 cases before the US Supreme Court has an extensive legal track record that can be analyzed for accuracy, quality, effectiveness and bias. Yet, incredibly, Mr. Estrada's detractors claim that his legal record is too skimpy for them to make an informed decision on his nomination. This ridiculous claim underscores the opposition's real problem . . . that there is nothing in Miguel Estrada's record that would lead a reasonable person to conclude anything other than this nominee is an exceptionally well qualified, highly principled attorney, who will make a fine judge on the DC Circuit.

The Hispanic National Bar Association, the League of United Latin American Citizens (LULAC), The Latino Coalition, the United States Hispanic Chamber of Commerce, the American Association for the Advancement of Mexican Americans, MANA—a national Latina organization, and the Mexican American Grocers Association are among the many Hispanic organizations supporting the nomination of Miguel Estrada.

Miguel Estrada is a perfect example of an American success story, who deserves an up or down vote on the Senate floor. He brings to the court a distinguished and extensive legal record based on his many years of work in the public and private sector. Mr. Estrada also brings unique perspective and human experience understood only by those who have migrated to a foreign land.

It is for this cultural depth and his unique legal qualifications that on behalf of an overwhelming majority of Hispanics in this country, we urge the leadership of both parties in the U.S. Senate to put partisan politics aside so that Hispanics are no longer denied representation in one of the most prestigious courts in the land.

Sincerely,

League of United Latin Americans Citizens, the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, the Association for the Advancement of Mexican Americans, The Latino Coalition, Mexican American Grocers Association, the Hispanic Contractors Association, the Interamerican College of Physicians & Surgeons, the American G.I. Forum, the Federation of Mayors of Puerto Rico, the Casa De Sinaloense, the Cuban American National Foundation, the Hispanic Business Roundtable, the Cuban Liberty Council, the Congregacion Cristiana y Misionera ''Fe y Alabanza'', the MANA, a National Latina Organization, theNueva Esperanza Inc. Cuban American Voters National Community, the Puerto Rican American Foundations

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I compliment the Senator from Kentucky for his excellent remarks. He said much of what I wanted to say, outlining the extraordinary qualifications of Miguel Estrada. He very clearly laid out the case that there is no legitimate reason to filibuster his nomination, but that appears to be the tactic that is being contemplated and maybe even being engaged in by many on the other side of the aisle, certainly not all on the other side of the aisle. We are certainly grateful for Members who are discerning enough to understand, as has been quoted many times—the Washington Post has suggested that filibustering this nomination would be unjustifiable, I think is their term, and certainly beneath the standards in the Senate. The standard is that we do not filibuster judges for the circuit courts, that it would be an unprecedented move to filibuster a judge.

In the 220-odd-year history of the Senate, what makes this judge so unique? And that is what it would be, it would be unique because it is the first time in the history of this country a filibuster would be conducted on a circuit court nominee.

What makes this nominee so unique to warrant—and I am not using this term in a pejorative sense but in a factual context—an extreme reaction, extreme by the definition that it is the first time in almost 230 years of American history that this would occur, that this would be an extreme reaction because it has never been done before.

What has this nominee done, or what about this nominee causes such an overreaction, or extreme reaction, that raises the bar to this high level?

Let's look at this nominee. The Senator from Kentucky noted he is intellectually clearly qualified. He got into colleges I was not able to get into, I can say that. As the Senator from Kentucky said, he is a man who was raised in Honduras. English was not his first language. He was able to perform at the highest levels at some of the most rigorous universities in the country, Columbia and then Harvard Law School. He was on Law Review, it is my understanding, at Harvard Law School. These are truly lofty attainments and a demonstration of not only a powerful intellect but a rigorous attitude toward his studies and a commitment to excellence.

He clerked for the appellate court, which is a high honor very rarely bestowed upon graduates of law school, and even a more rare honor is to clerk for a Supreme Court Justice. He obviously has the intellectual capability, even at a young age; that was established. He has gone on with a distinguished career in law, public service, and in the private sector. He has argued numerous cases before the Supreme Court, which, frankly, standing up before a panel of Supreme Court Justices is hard enough but, in all candor, standing up when you have a speech impediment has to be a thoroughly paralyzing experience. To have the courage to persuasively make arguments, nonetheless, and deal with the bench under this context is a testament not only to his intellectual capability and to the hard work he puts into his job but to the personal courage and determination this man has.

So we have in this nominee someone who has overcome adversity in language, adversity in disability, and performed at the highest levels of the legal profession in this country.

As the Senator from Kentucky mentioned, he has a unanimous well-qualified rating. I am sure this has been repeated many times, but the other side has said this is the gold standard, this is the stamp of approval, getting a qualified rating from the American Bar Association.

This was not a qualified rating. This was not a well-qualified rating. This was a unanimously well-qualified rating.

So what is it? What could it possibly be that this nominee has done in his life to potentially warrant the first ever filibuster of a circuit court judge in the history of the Senate? What has he done? What are the arguments on the other side?

One of the arguments on the other side is he does not have sufficient experience. Well, I am a lawyer, and I can say I do not have near the experience Miguel Estrada has. I have not performed nearly in the arena of the law he has. His experience is abundant.

He has never been a judge. He is being nominated for a position on a court where there are eight judges right now. Five of the eight confirmed by this Senate had no prior judicial experience. So if judicial experience was so important for this court, then why do over half the members on this court have no prior judicial experience? One could make that argument, but the cup the water is being held in is as empty as the top. It flows straight through. It does not hold any water.

He has refused to disclose his judicial philosophy. Since when do we expect

people who are applying for judicial nominations to tell us how they would rule on future cases? That would truly be an extreme view, an unprecedented view, for the consideration of judges in the Senate. We do not require people to prejudge cases. In fact, part of the canons is one does not prejudge cases. So to ask a judge-nominee how he would rule or what his feeling is on these matters is inappropriate and that is why most judges, if not—well, maybe some give opinions, but most nominees who come before the Senate for confirmation do not answer that question. They can talk general judicial philosophy, but to go through and talk about how they would rule on certain cases is something that is an inappropriate question, in my mind, and should not be answered.

The other side is saying he did not turn over his work papers. Now, I did practice a little bit of law, and there is a privileged work product of lawyers that is not available to the other side in a case. Generally speaking, it is not available for discovery. Why? Because when you are working on a case—having worked in my capacity for a senior partner in most cases, as is the case here, because Miguel Estrada was an Assistant Solicitor; he was not the Solicitor General; he was working for someone in the capacity of the Solicitor's office—you are preparing the case and trying to share his opinions, his candid opinions about what his boss should do.

His boss may make a different decision, but his boss needs, as my senior partner needed, my candid opinion about what I thought of the merits of our argument or the facts in the case or whatever the case may be. He needed my candid assessment. Why? Because I understood the issue better than he or she did. That work product was essential for coming to the decisionmaking with all the best information that decisionmaker needed to make the property assessment of the case and to move forward.

Mr. BENNETT. Will the Senator yield?

Mr. SANTORUM. I am happy to yield.

Mr. BENNETT. It is my understanding that Mr. Estrada was employed during the Reno Justice Department; is that the Senator's understanding?

Mr. SANTORUM. That is correct.

Mr. BENNETT. Is it not then the case that some of these papers the committee is demanding are papers that were submitted to a Clinton Presidential appointee who acted as Solicitor General; is that not the case?

Mr. SANTORUM. That is correct.

Mr. BENNETT. So is it not true that it is a Clinton appointee, former Solicitor General, who is now saying it would be inappropriate for Mr. Estrada's material to be made public?

Mr. SANTORUM. That is correct, including, I believe, six other Solicitor Generals who have said it would threaten the viability of the Solicitor General's office if this information were discoverable through this nomination process.

Mr. BENNETT. If I could comment on the question, I find it interesting for those who supported Janet Reno for Attorney General and supported President Clinton's Presidential nominees in that office, which nominees, after confirmed, are saying Estrada's notes should not be made public, are saying those nominees are wrong.

Mr. SANTORUM. I find that incongruous. I find, frankly, all of the arguments to be specious, at best.

What is confounding is that such an extreme measure appears to be in the offing, which is a filibuster, on such a pathetically weak case against this nominee.

So one has to step back and ask, Why? What is going on here? Why is this nominee being singled out? What is it about this nominee that is unusual, that has raised the fear or the ire of so many in this Chamber?

Mr. BENNETT. Will the Senator yield?

Mr. SANTORUM. I am happy to yield.

Mr. BENNETT. I recall in the last Congress where the Democratic members of the Judiciary Committee, and particularly the Democratic leader, then majority leader, along with the then-chairman of that committee, Senator LEAHY, attacked Republicans for being insufficiently supportive of nominees who were women or members of minorities. We were given quotas, if you will, at least the language of quotas, that we should have so many women and so many minorities, and we were attacked in the strongest possible language. Indeed, it came close to violating Senate rules, of implying that everyone on this side of the aisle was either sexist or racist because we did not support a sufficient number of minority nominees or female nominees.

Mr. SANTORUM. I suggest it went further. We were accused, if we voted against any minority—they would single out any negative vote against any minority member—it was the equivalent of having some sort of antiracial agenda; that somehow we harbored ill feelings toward whatever particular race or gender happened to be the subject of that nominee.

Mr. BENNETT. The Senator's memory is correct. We were told if we voted against any nominee who happens to be either a woman or a minority, we were, indeed, guilty.

Now we have one who happens to be a minority. I do not believe nominations should be made on the basis of gender or minority status. But when we have a nominee based on quality, who happens to be in a minority status, I find it disingenuous of those who made the point of the minority status. We didn't; they did. Those who made the point of the minority status now are insisting that the minority status should not be considered. I wish they would be consistent. Either minority status does not matter or it does, and if it does, as they insist, it should be a reason for them to vote for this nominee.

Mr. SANTORUM. I stand here, as the Senator from Kentucky and the Senator from Utah, and ask the question, Why this nominee? The Senator may have—I hope he has not—may have uncovered what may be the underlying cause of this obstruction. We have passed and considered judges who, through their nominating process, have disclosed their conservative ideology equal to Miguel Estrada. It is accepted that Miguel Estrada is conservative in answering his questions and how he interprets the law. It seems to be consistent with, frankly, most if not all of President Bush's nominees. President Bush believes in commonsense judges who take the Constitution for what it says and who follow the law.

As Miguel Estrada has said in his testimony, he would follow the law. The Supreme Court says this is the law; he will follow the law. That is all this President wants. That is all most Members, certainly on our side, would like to see—which is, judges who are not Supreme Court Judges now, because they are making more law than following law—judges on the district court and appellate courts and their responsibility to follow the higher court. Miguel Estrada said, without question, he will do so.

It is not that he will not follow precedent. The objection must be philosophy. If it is philosophy, look at all the nominees of this President. They are overwhelmingly almost universally more conservative than they are liberal. I don't know how you measure conservatism, but certainly they are almost all generally right around where Miguel Estrada is as far as his philosophy is concerned of government and of jurisprudence. Yet none of them have been filibustered on the floor of the Senate.

So, again, you come back: What is different about Miguel Estrada than all the other conservative district court judges, appellate court judges, who have been confirmed by the Senate? They have been given a vote. I won't even go to confirmed. They have just been given the opportunity for a vote.

I can speak from personal experience, one I know very well. We had probably the most contentious nominee to hit the floor the last session of Congress, a judge from Pennsylvania, Judge Brooks Smith. He was from the western district of Pennsylvania. Judge Brooks Smith is a conservative judge, very much in the mainstream of ideology on the court and America. But he tracks more conservatively in his opinions than those more activist in nature, or more liberal.

Did they oppose him on that? No, they found a few issues having to do with him being involved with a club, years ago, that excluded women. So they began to make this case that he

was antiwoman. So that was the reason for this whole thing, even though we had the local chapter of NOW in his own county come out and suggest this is a good guy. It didn't matter. They had a hook. So they stuck the hook in. But they gave him a vote. They reported him out of committee and we gave him a vote on the Senate floor and he passed with 60-plus votes here on the floor of the Senate.

I know Judge Smith well and have tremendous respect for him. But I suggest Judge Smith and Miguel Estrada, when it comes to judicial philosophy, are pretty much two peas in a pod. It's pretty hard to tell the difference between how they would approach the issues. Judge Smith got a vote, even though, arguably—even though I think it was a red herring—he had some other issue out there that could have been used to discolor or discredit him.

What issue does Miguel Estrada have that could potentially disqualify him? What has he done in his legal career that could be used against him? I have not heard anything that, through his experience or education or actions, has disqualified him from this position. I haven't heard of any clubs he belonged to. He is a minority, so it's hard to belong to a club that excluded minorities, if he was one, so we can't run into that problem.

Maybe that is the problem. Maybe that is the problem, that we have someone who is a conservative and a minority. Is that the combination that is lethal?

Mr. BENNETT. Will the Senator yield?

Mr. SANTORUM. I am happy to yield.

Mr. BENNETT. As the Senator from Pennsylvania seeks to find a reason for opposing Mr. Miguel Estrada, I suggest to him one that comes out of yesterday's editorial in the Washington Post, as the Washington Post points out that Mr. Estrada did not cooperate with the Democrats in producing a case against him. Then it says,

> Because it stems from his own and the administration's discourteous refusal to arm Democrats with examples of the extremism that would justify their opposition, they are opposed to him.

The editorial concludes:

> Such circular logic should not stall Mr. Estrada's confirmation any longer.

I agree with the Washington Post in this circumstance. It may be they were hoping he would be cooperative enough to give them something to use against him and when he refused to do that, and indeed his background says there is nothing in there he could have given them, in anger they decided to turn against him.

As the Senator looks for some reason why they are opposed to him, maybe they are just disappointed over the fact he passed?

Mr. SANTORUM. I know when you try to bully someone into doing something and they don't do it, it can be pretty frustrating. But that is no reason to go to such an extreme unprecedented measure of filibustering an obviously competent, well-qualified—unanimously supported by the American Bar Association—nominee for the circuit court.

I would just say this in closing. It is my intention as a Senator to see this nominee through to a vote. I think this nominee deserves a vote. There has been no reason, no legitimate judicial reason why this nominee should not be given an opportunity to be voted on. So I will make this statement. It is this Senator's intention to do everything I can do to keep the Senate on this issue for as long as it takes for a vote to occur.

When I say ''as long as it takes,'' let me underscore what I mean: As long as it takes.

If the other side likes to stand up and criticize Miguel Estrada and wants to filibuster his nomination, let me assure you, we will provide you plenty of opportunity and time to do that if that is what you want to do. If you want to make the next days, weeks, months, years an opportunity to talk about Judge Estrada's qualifications for this job, it is this Senator's intention to give you the opportunity to do that. He deserves, through his outstanding record of accomplishment, overcoming language, disability, and prejudice heretofore and potentially now, to get this vote.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Nevada.

Mr. REID. Mr. President, because of the statements made by my friends on the other side of the aisle relative to Mr. Estrada, I would like to take a few minutes and rebut some of what they have stated during today's session of the Senate.

It is true there is a conflict in our country as to whether or not he should be approved by the Senate. We have newspapers saying yes, newspapers saying no. My friend from Pennsylvania, the junior Senator from Pennsylvania, who stated he could not understand why there was a filibuster, first has to understand there has never been a statement on the floor to the effect there is a filibuster. A decision has not been made by the leadership on this side as to whether or not there will be a filibuster. But let me just say I think something as controversial as this nomination should have some consideration.

We just started this process at 2:45 p.m. yesterday. There was good debate on Wednesday. We had a memorial service for the *Columbia* this week in Houston. We had another one this morning. Many Senators attended the two services. There is no session this afternoon or Friday because of the majority being engaged in a retreat. There is nothing wrong with having a retreat. We are going to have one in May. We will have to take some time off.

But we should not rush to judgment. There will be a decision made as to whether or not there will be a filibuster, but that decision has not been made, to my knowledge.

Let me say there are people who care a great deal about our country who oppose this nomination. There are people who care a great deal about our country who favor this nomination. That is the reason our Founding Fathers established the Senate of the United States.

We do not live in a dictatorship. President Bush is President Bush, not King George. He knows that, I hope, and I am confident he does.

Take, for example, the New York Times which said, among other things:

> The Senate Judiciary Committee is scheduled to vote tomorrow on Miguel Estrada, a nominee to the D.C. Circuit Court of Appeals. Mr. Estrada comes with a scant paper trail but a reputation for taking extreme positions on important legal questions. He stonewalled when he was asked at his confirmation hearings last fall to address concerns about his views. Given these concerns, and given the thinness of the record he and his sponsors in the administration have chosen to make available, the Senate should vote to reject his nomination.

Mr. President, this is the New York Times. It is a newspaper that has circulation not in the tens of thousands or hundreds of thousands but in the millions.

Among other things, this editorial states:

> Mr. Estrada has put few of his views in the public record. One way to begin to fill this gap, and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general's office, as other nominees have done. But the White House has refused senators' reasonable requests to review these documents.
>
> Mr. Estrada, now a lawyer in Washington, also had an opportunity to elaborate on his views, and assuage senators' concerns, at his confirmation hearing, but he failed to do so. When asked his opinion about important legal questions, he dodged. Asked his views of Roe v. Wade, the landmark abortion case, Mr. Estrada responded implausibly that he had not given enough thought to the question. Mr. Estrada's case is particularly troubling because the administration has more information about his views, in the form of his solicitor general memos, but is refusing to share it with the Senate.

Finally, the article says:

> The very absence of a paper trail on matters like abortion and civil liberties may be one reason the administration chose him. It is also a compelling—indeed necessary—reason to reject him.

It is not as if the objection to this man is out of nowhere. We have editorials and newspapers that are transmitted to millions of people every day that take the position this man shouldn't be confirmed as a circuit court judge. We can't discount those opinions, or think there are some left-wing kooks who have decided for reasons which are not substantive not to go with this man.

I would also say that there have been a number of Senators talking about how unusual it is—how unusual it is—that we are talking about a judge's qualifications. I think if there is anything in the extreme, all we need to do

is look at the newspaper of today—the Roll Call: ''GOP Calls on K Street to Boost Estrada.''

What this is all about is getting the lobbyists involved—to put pressure on Senators to move forward on this nomination and approve him. This Roll Call story documents special interests being told by members of the Republican leadership that they have a stake in this nomination process.

I think if there is anything untoward, it is the pressure being put on these people.

I also note that one of the Senators in the majority complained today about vacancies in the Federal court system. We are talking about the D.C. Court of Appeals. We Democrats tried to fill those. We were not allowed to do so. Why? Among other reasons, we were told by the majority that the D.C. Court of Appeals was too big and the people we wanted to put on would be just unnecessary baggage; that it wasn't necessary to fill those vacancies.

What our friend on the other side of the aisle complained about was OK, but he failed to explain that the vacancies on the two courts he mentioned—the D.C. Court of Appeals and the Sixth Circuit—were caused by the Republicans' failure to act, or their success in blocking nominees to the DC court.

Allen Snyder, who was a nominee voted qualified by the ABA, was never given a hearing, and never had a committee vote for a seat on the District of Columbia Circuit.

Elena Kagan, a well-respected law professor, was never given a hearing and was never given a committee vote for her nomination to the District of Columbia Circuit Court.

On the Sixth Circuit, Kathleen McCree Lewis—I am only giving you examples—waited for more than a year, was never given a hearing, and was never given a committee vote on the Sixth Circuit.

Kent Markus—no hearing and no vote; Helene White waited 4 years—no hearing and no vote.

We have said here—Senator DASCHLE when he was majority leader and I have said—that this isn't get even time for when we were in the majority. We tried to treat the minority then as we wanted to be treated when we were in the minority. We expect to be treated as we treated the minority when we were in the majority for approximately 18 months. That is what we are asking.

Mr. President, the majority leader is on the floor. I would be happy to yield to the majority leader and then would retain the floor when the majority leader completes his statement.

The PRESIDING OFFICER. Without objection, the majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday there be an additional 6 hours for debate on the Estrada nomination; provided further that the time be equally divided between the chairman and ranking member or their designees, and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Given the objection, Mr. President, I ask my colleagues on the other side of the aisle if they need additional time, which I assume they do? And if so, would they be willing for me to modify the request to 8 hours or 10 hours or 12 hours?

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would be happy to respond to the distinguished Republican leader, the majority leader. As he knows, we began this debate yesterday afternoon. We had a good debate yesterday, I think, for 3 or 4 hours. I thought it was a constructive debate.

There are strong feelings on both sides of the aisle with regard to this nomination. I think our colleagues, of course, would have been prepared to continue the debate this week, and, for good reason, we are unable to do that because of the Republican conference. Our conference is later on this spring. Theirs is now. That precludes our opportunity to continue the debate. But clearly, very few Senators have had a chance to be heard. Few Senators have had the occasion to look more carefully at these facts.

We cannot prescribe a particular time, at least at this point. We will continue to discuss this matter with our colleagues, and I will be in touch with the distinguished Republican leader at a later date. But clearly this nomination deserves careful consideration, with ample time for debate.

I would hope colleagues on both sides of the aisle could be afforded their chance to speak to this nomination. It is a controversial nomination and, therefore, requires perhaps more time than others. So for that reason, I object.

I, of course, would not be able to say how much additional time we would require, but certainly some time next week will be required.

Mr. REID. Will the majority leader yield so I can ask a question of the Democratic leader?

Mr. FRIST. I am happy to yield, Mr. President.

Mr. REID. I say to the distinguished Senator from South Dakota, there has been talk here by the majority that there is a filibuster taking place. I said, just a few minutes ago, unless I missed something you said, there has been no decision made from you as to whether or not there is going to be a filibuster. Is that a fair statement?

Mr. DASCHLE. I say to the Senator from Nevada, that is correct. As I said, I think I recall there were only three or four Senators who were able to speak yesterday. There are many others who wish to have the opportunity to speak. And certainly to cut off debate prior to the time they have had that occasion, especially with a nomination of this import, would be unwise. But there is no filibuster as we speak.

Mr. FRIST. Mr. President, I very much appreciate the comments made by the assistant Democratic leader and the Democratic leader on the importance of this nomination and the importance of having adequate time for debate and discussion, in part because this is the first judge to come through in this Congress, and it is important that it be handled well and it be handled fairly and it be handled in a cooperative spirit, which has been demonstrated over the last 2 days.

The reason for extending the unanimous consent request for Monday, which was objected to—I do want to state very clearly we need to have people on the floor talking and debating and discussing as much as possible for the times that are made available. I will shortly announce we will come back Monday. I would hope we could go through Monday and Monday evening, if necessary, and use that time effectively so we do have adequate discussion and debate.

This is an important nomination. There has been good debate to date. I encourage all of our colleagues to take advantage of the opportunity we are making available. We will extend the hours, starting earlier and going later, in order to make sure people do have that ample opportunity.

In terms of the allegations of a filibuster—and certainly even the use of the term yet—individual Senators can express themselves, but I think it does show the desire to have good debate, useful debate, to have the points made on both sides of the aisle, and then to allow an up-or-down vote on this nominee. I think we are on course for that. I would appreciate, in the early part of next week—after checking with your side of the aisle; and I will do likewise—for us to try to get some sort of time certain so we can further plan the business of the Senate.

Mr. REID. Mr. President, can I ask the distinguished majority leader a couple questions?

Mr. FRIST. Yes.

Mr. REID. First question. I believe you will announce it later. Do you expect any votes on Monday?

Mr. FRIST. Yes. We will have votes on Monday.

Mr. REID. Second question: Let's say there is something worked out and we have a vote on this on Tuesday. What are we going to take up after that?

Mr. FRIST. We will have other judges we will go to, and there are a number of bills that are being considered. There is a children's bill that is related to pornography we will be taking up at some point. There are other bills that have come through. There is an antitheft bill that is being considered right now we might be able to take up on Monday.

Mr. REID. Those bills have been reported out of committee?

Mr. FRIST. The military tax bill has been reported out. We have the Moscow treaty, which is very important, that we passed through the Foreign Relations Committee. We would like to address that as soon as possible. There are other pieces of legislation that are being looked at now. So we do have a number of items we can go to.

Mr. REID. One final question, Mr. President: What time do you expect the vote to be on Monday? We have people on our side, and I am sure on your side, who are interested in that.

Mr. FRIST. Approximately 5 o'clock.

Mr. REID. I would just say, if we could make that 5:15, it helps one of our Senators.

Mr. DASCHLE. Mr. President, I thank the distinguished assistant Democratic leader. I know that our Republican colleagues are hoping to adjourn shortly so they can accommodate their schedule. I want to respect that, but I know Senator BIDEN also wanted to come to the floor for some brief remarks with regard to North Korea, which is why I originally came to the floor.

I wish to comment for a moment and thank the distinguished Senator from Nevada for his comments on the Estrada nomination. I think it may arguably be the most serious of all nominations which has been presented to the Senate by this administration—the seriousness of knowing so little with so little information having been provided, and with so significant a level of intransigency with regard to a willingness to provide the information we seek. We have a constitutional obligation to advise and consent.

For the life of me, I don't understand how anybody could be called upon to vote on the qualifications of this or any other individual with so little information provided, and with the arrogance demonstrated by this nominee and in this case by the administration with regard to our right to that information.

I am very troubled. I know when you look at the array of Hispanic organizations that have now publicly declared their opposition to a Hispanic nominee, you get some appreciation of the depth of feeling about this issue, about this candidate, about his qualifications, and about the stakes as we consider filling a position in the second highest court in the land.

I will have a lot more to say about this next week.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session and proceed to a period for morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I know Senator BIDEN had hoped to be heard.

Mr. FRIST. Mr. President, if the Democratic leader will hold it for just one second, we will allow plenty of opportunity. Be thinking of the time that you need.

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

## THE ONGOING CRISIS IN NORTH KOREA

Mr. DASCHLE. Mr. President, I commend the Secretary of State for the strong presentation to the United Nations Security Council that he made yesterday. He confirmed what many of us already knew—that Saddam Hussein is a threat who has, once again, failed to live up to his commitments to the international community.

And he did it at a place many of us had been pressing him and the administration to do it—at the United Nations.

I hope that President Bush will use Secretary Powell's presentation to build a broad international coalition to confront Iraq. Our national security is better served if he does.

But, as the world's attention was focused on Secretary Powell and his presentation, an even more ominous development regarding weapons of mass destruction was taking place in North Korea.

Yesterday, North Korea announced that it had flipped the switch and restarted a power plant that can be used to produce plutonium for nuclear weapons.

This is but the latest in a series of aggressive steps North Korea has taken to kick into gear its programs to develop weapons of mass destruction and the means to deliver them—steps that our intelligence community believes indicate that Iraq is months, if not years, away from being able to take.

At the U.N., Colin Powell talked about the potential that Iraq may build a missile that could travel 1,200 kilometers. In 1998, North Korea fired a multi-stage rocket over Japan, proving they are capable of hitting one of America's closest allies—and soon, America itself.

In November 2001, intelligence analysts presented a report to senior administration officials that concluded North Korea had begun construction of a plant to enrich uranium for use in nuclear weapons.

In October 2002, North Korea informed visiting U.S. officials that it had a covert nuclear weapons program.

In December 2002, North Korea turned off cameras that were being used to ensure that 8,000 spent nuclear fuel rods were not being converted into weapons-grade material.

Days later, North Korea kicked out an international team of weapons inspectors.

And, within the past week, the administration confirmed that North Korea has begun moving these fuel rods to an undisclosed location.

On Tuesday, former Assistant Secretary of Defense and Korea expert Ashton Carter called these events ''a huge foreign policy defeat for the United States and a setback for decades of U.S. non-proliferation policy.''

He is right. But it is potentially even worse. North Korea could have six to eight additional nuclear weapons before autumn.

And we know, when it comes to nuclear weapons—it only takes one. Remember, everything North Korea makes, North Korea sells.

Those scuds we intercepted on a ship to Yemen—and then inexplicably returned—weren't a gift. They were an example of business as usual from what even this administration has acknowledged is the world's worst proliferator.

As alarming as this information is, the administration's reaction is even more troubling. The President said in the State of the Union:

> the gravest danger in the war on terror . . . is outlaw regimes that seek and possess nuclear, chemical, and biological weapons.

As the chronology of events I detailed above indicates, the administration knew about North Korea's plans on enriching uranium as early as November 2001, and yet it has said little, and done less, to stop these plans.

We have heard the administration—through leaks in the press from unnamed sources—suggest that we cannot focus on North Korea because it will distract attention from Iraq.

And we have even heard—and this is on the record—that some in the administration believe that North Korea's expansion of its nuclear arsenal is not even necessarily a problem.

Proliferators with nuclear weapons are a problem—a serious one. And our attention should be focused on all the threats we face. It is well past time that the administration develop a clear policy on North Korea.

Earlier this week, an administration official testified before the Senate that we will have to talk directly to the North Koreans. But he went on to say that the administration had not reached out to the North Koreans to schedule talks and did not know when that might happen.

In the State of the Union, the President stated that the United States is ''working with the countries of the region . . . to find a peaceful solution.'' All indications, however, suggest that the countries in the region appear to be taking a course directly at odds with the administration's latest pronouncements.

North Korea is a grave threat that seems to grow with each day that passes without high-level U.S. engagement. It is one the President must redouble his efforts to confront.

The President should stop downplaying this threat, start paying more attention to it, and immediately engage the North Koreans in direct talks.

Secretary Powell was very effective in outlining the threats Iraq poses. But

we need a comprehensive strategy to effectively deal with ''all'' the threats we face.

Given the stakes of this situation and the ongoing confusion about the President's and the administration's policy, we should expect no less.

## ENERGY POLICY

Mr. DORGAN. Mr. President, midday today President Bush is going to give a speech here in Washington, DC, on the subject of the development of fuel cell vehicles and moving to a hydrogen economy.

I was glad to hear the President express support for the concept of hydrogen and fuel cells in his State of the Union Address. After his speech, I gave him credit for discussing that with the American people.

Since last year, I have made a number of presentations on the Senate floor about fuel cells. Today, I would like to share with my colleagues my thoughts about the development of a hydrogen economy and the use of fuel cells in our future.

I have told all my colleagues previously that my first vehicle when I was a kid was an antique car I purchased for $25. It was a 1924 Model T Ford. I am sure people are tired of hearing me talk about it. I was 16 years old, and I was the owner of an antique 1924 Model T Ford. I restored it. It took me a year and a half to 2 years to do that. I lovingly restored this old Model T. Then I sold it. I discovered, later in high school, that I wanted to date, and a Model T was not exactly a modern way to date.

The point of the story is, when I was a kid I put gasoline in a Model T Ford—a 1924 Model T Ford—the same way you put gasoline in a 2003 Ford. Nothing has changed in three-quarters of a century. You pull up to a pump. You pull the hose and put the nozzle in the tank and pump gas. The core technology has not changed.

Over the years, however, our dependence on a foreign source of that petroleum has worsened, and become very dangerous for our economy.

Yesterday, the Secretary of State made a presentation at the United Nations about the country of Iraq. Frankly, Iraq produces a lot of oil. So do other countries in that region.

It is a very troubled region. Yet our economy is dependent on foreign sources of energy, much of it from that region. Is that something that makes sense for us, for the American economy, for the American people? The answer is no.

By talking about a technological change to a hydrogen economy and to the use of fuel cells, I am not suggesting we should not and will not mine for coal, drill for oil and natural gas. I believe we will continue to use fossil fuel in our economy for a long while. And I believe we need to do that.

But we also need to understand that it is time to change. After a century of running gasoline through the carburetors of our vehicles, it is time for our country to think in different ways, about how can technology change our energy future. I would like to talk a bit about that.

Again, let me say that I credit the President for talking about it in his State of the Union Address. I think this is a step forward on the part of the administration—a baby step to be sure—but an important step.

Mr. President, $1.2 billion is what the President announced last week and is talking about today. That is not all new money. In fact, the majority of it is not new money. So it is a timid, small step forward, but, nonetheless, a step in the right direction, for which I give this President credit.

Let me talk a bit about why we need to take strong action. I have in the Chamber a chart that shows oil consumption—in millions of barrels per day. This shows total demand, and you see the line going up, up, up, and up. It also shows transportation demand, and that growth in transportation demand is the bulk of the growth in energy needs and energy usage in our country.

As you can see from the chart, shown here is domestic production. Domestic production does not come close to meeting the demand that exists in our country. So what do we do to meet the difference? What we do is we import oil from other parts of the world.

The issue of energy security is a significant issue for all of us. The White House issued a press release on that subject in connection with its hydrogen proposal, noting the gap between our projected demand for oil and our domestic supply. And that gap is going to increase, not decrease—even if we would drill in ANWR, which I do not think this Congress will decide to do.

This is what the White House had to say in proposing development of fuel cells:

> America's energy security is threatened by our dependence on foreign oil.

Absolutely. There is no question about that.

> America imports 55 percent of the oil it consumes; that is expected to grow to 68 percent by the year 2025. Nearly all of our cars and trucks run on gasoline. They are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil Americans use each day is used for transportation.

The President went on to say:

> Fuel cell vehicles offer the best hope of dramatically reducing our dependence on foreign oil.

If tonight, God forbid, a network of terrorists interrupted the supply of imported oil to this country, tomorrow morning this economy would be in desperate, desperate trouble. That is the jeopardy we have in this country with our dependence—overdependence—on foreign sources of energy.

Let me describe where this dependence resides. And one can make one's own judgment about the stability of it all.

Our top supplier of oil is Saudi Arabia. That is not exactly describing a region of stability. Saudi Arabia is our top supplier. And then you have Mexico, Canada, Venezuela, Nigeria, Iraq, Angola, Norway, Colombia. Mr. President, 3.4 million barrels are imported into this country from these countries. And you understand—everyone understands—that Venezuela is in trouble. There is enormous turmoil in the country of Venezuela. Saudi Arabia, Iraq—these are areas of the world where there is not great stability.

It makes no sense to continue along, merrily whistling our way into the future, believing that our country will be just fine even as our economy is so dependent on sources of oil from outside our borders.

One-third of our oil comes from the Middle East. Iraq is the sixth largest supplier of oil; Venezuela is the fourth; Angola and Colombia, the seventh and ninth—both countries are also plagued with difficulties.

Hydrogen fuels offer a way out. The supply of hydrogen is inexhaustible. It is everywhere. It is in water. The issue of hydrogen fuels is an interesting one. The notion of using hydrogen and the development of fuel cells is not new. In fact, a man named William Robert Grove was one of those larger-than-life characters who in the 19th century could do almost anything. He studied law at Oxford, became a barrister and a judge. In his spare time, he was also a professor of physics. He ran into a patch of ill health and had his legal career interrupted, so he turned to science to occupy his time, and he developed what he called a gas voltaic battery, the forerunner of modern fuel cells.

He based his experiment on the notion that sending an electric current through water splits water into oxygen and hydrogen. He figured if you could reverse the reaction, combining hydrogen and oxygen, you can produce electricity and water. In effect, he burned the hydrogen to produce electricity.

Hydrogen can be derived from all sorts of energy sources. You take the hydrogen from water and use it to move through a fuel cell and use it to power an automobile and out the back tailpipe, you get water vapor. What a wonderful thing.

This is a picture of a Daimler-Chrysler fuel cell vehicle that in June of last year went from San Francisco to Washington, DC. This technology exists. It is being perfected.

The next chart shows a Ford fuel cell vehicle ready for production, a prototype, in autumn 2002. This is not a futuristic technology; there are fuel cell cars on the road today. I have driven a fuel cell car out in front of the Capitol Building, a car that is run by batteries powered by a fuel cell, that is using hydrogen as a fuel source.

The challenge is to make this technology cost effective. I have been meeting with the CEOs and representatives of companies, Shell Hydrogen,

Methenex, UTC Fuel Cells, Union of Concerned Scientists, Siemens Westinghouse, just to name a few, to get their ideas. A broad coalition of interests is coming together because they recognize the promise of a hydrogen technology, going to a hydrogen economy using fuel cells in our future.

I mentioned a Ford Focus fuel cell car. Here is a picture of Ford Focus fuel cell car that is being filled at a hydrogen fuel station. If we were to convert the automobile fleet to fuel cells, what would we have to do? We would have to build vehicles with fuel cells. We would have to find a reliable supply of hydrogen, determine how we will get the hydrogen, and then we have to have the infrastructure, fueling infrastructure and stations and technology to make this a commercial reality. That is one of the issues we have to deal with.

Fuel cell cars don't have to be limited in size to a Ford Focus. For example, Nissan has another fuel cell prototype car—we are seeing more and more companies involved in this—the Nissan Xterra, fueled by compressed hydrogen, tested on California roads in the year 2000.

General Motors now has an innovative prototype called the Hy-wire. This particular car has a detachable exterior so you can buy multiple exteriors with one chassis so you can switch between an SUV or sedan. It has no steering wheel or pedal. It is operated with a joystick. This is a fuel-cell-powered vehicle.

To make this vision a reality, the private sector is going to need public investment. You might ask, why is that the case? Virtually all of the new technologies, the pole vaulting to new technologies, requires Federal involvement, requires governmental involvement. People these days forget, when they go on their computers and on to the Internet, they don't remember that the Internet exists because the Government developed a project to create the Internet. Otherwise, the Internet would not exist. That was a government creation that then became privatized, democratized, and is now a ubiquitous presence all around the world.

If we are going to change the basic construct of our vehicle fleet—and yes, stationary engines and other approaches to the use of power as well—but especially with respect to vehicles, because of what I described with the increased use of oil in our transportation fleet, the only way that will happen is if we do what we have done in other major technological challenges: We need to think big. We need to be bold.

When we decided we were going to explore space, President John F. Kennedy said, we will put a man on the Moon, and he set a time deadline. America is going to put a man on the Moon.

We need an Apollo-type project with respect to the development of a hydrogen-based economy and the use of fuel cells, especially in our transportation fleet.

We need an Apollo-type project—not timid, not baby steps, bold, big steps—that says: Here is our goal. Here is what our country intends to do, and here is how.

The President has proposed $1.2 billion over 5 years for this fuel cell initiative. About $700 million at most is new spending. And his proposal has substantial redirection of funds from a range of other technologies we also need to be developing: solar energy, wind energy, biomass, and the other renewable and limitless sources of energy that exist. We need to continue to fund the research that is so important on those limitless sources.

This initiative—one the President supports, one I credit him for supporting—in my judgment deserves a strong financial commitment and aggressive and strong goals to be set. It should not come at the expense of research into other renewable sources of energy.

The Europeans are investing big in hydrogen. As discussed in a New York Times article in October, the European Commission has committed $2 billion over 5 years. They want to have a hydrogen economy. The Japanese are betting big on hydrogen, as discussed in a Business Week article. The Business Week article says that:

> Tokyo's fuel cell initiative has all the hallmarks of a farsighted strategy and calls to mind Tokyo's blossoming success in hybrids. Americans are snapping up these fuel-efficient, environmentally friendly cars. Fuel cells could turn out to be a bigger, more important chapter in the same book.

I propose legislation that is bold. It is an Apollo-type project that says: Let's set bold goals, $6.5 billion in a 10-year program for hydrogen fuel cell research, development, and infrastructure. I have been working with a number of industry leaders in natural gas, oil, energy, methanol renewables, and fuel cell industries. Interestingly enough, the very companies that are now involved in the development of oil and natural gas and electricity are the companies that are going to be involved in this technology. They are the ones on the leading edge, involved in cutting-edge technology with respect to a hydrogen economy.

This initiative will not displace current energy firms. They will be very actively involved in the creation and development of this new future.

What I propose is a substantial boost over what the President is proposing to date, saying it is the right direction, but it is many steps short. Let's do this and do it boldly. We need to fund infrastructure, fund research, and set goals. R&D funding, pilot projects, yes, tax incentives for consumers who buy fuel cell vehicles, all of that is necessary. But it needs to be broad, bold, new money, not reprogrammed money, something that catches the imagination of the American people that we can make a change and decide our country will not be held hostage by oil coming from unstable regions of the world.

Is $6.5 billion a significant investment? Absolutely. But over 10 years, my plan would cost an amount equal to less than 1 percent of the President's proposed $675 billion tax cut.

Now, in our debate over energy, there will be discussion about where we should drill for oil. As I said before, my State produces oil, coal, and natural gas. I believe we are going to continue to do that, and we should. But if our strategy in energy is only to dig and drill, then our strategy should be called ''yesterday forever.'' And that is not going to solve the problem of dependence on foreign oil.

In 2000, the president of Shell Oil attended the World Petroleum Congress, and this is what he said:

> If the world thinks that carbon dioxide emissions should be reduced, I see this as an opportunity. The stone age didn't end because they ran out of stones, but as a result of competition from the bronze tools which better meet people's needs. I feel there is something in the air. People are ready to say this is something we should do.

You know, that is what our charge is at this point—to think ahead. We should not develop a policy and debate a policy that is simply ''yesterday forever,'' and not to ignore the needs of those that produce coal, natural gas, and oil. We need to work with industry leaders to make them part of the solution, part of the answer, part of the cutting-edge change that will lead us to a hydrogen-based economy, with fuel cells powering not only stationary engines, but especially that part of our energy usage that is growing so rapidly, transportation.

I started by talking about my old Model T that I bought as a young boy. I am hoping that in years to come, someone walking into a showroom to buy a new car will be able to buy a really ''new'' vehicle, powered by fuel cells, a vehicle that is part of a new hydrogen-based economy, one that can move this country into the future, strengthen its economy, and rescue us from dependence on a supply of oil from such enormously troubled parts of our world.

Will Rogers used to say:

> When there is no place left to spit, you either have to swallow your tobacco juice or change with the times.

On energy, there is ''no place left to spit,'' in the vernacular. We have to change. We need to move beyond the same tired debate of where are we going to dig and drill. Let's work with those that produce fossil fuels and say you are valuable to this country and to our economy and will always be. Let's work with them to say you will also be the pioneers in the development of a hydrogen economy, developing fuel cells for our future. We can do that. This President says, let's move in that direction. I say, absolutely, good for you. But I say let's do more than just move. Let's be bold, establish a national goal, and make this happen.

ASBESTOS IN ATTIC INSULATION

Mrs. MURRAY. Mr. President, I rise today to share a story with my colleagues. It's a true story about a family who happened to live in a neighborhood in Spokane, WA. They could have easily been in Memphis or Minneapolis or Midland as well. But they lived in my State, in Spokane, a typical American city in Eastern Washington.

Mr. President, as part of realizing their American dream, Ralph Busch and his wife Donna bought a house. They were newlyweds, and this was the home they bought after getting married. They soon discovered that it needed roof repairs, and so Ralph spent quite a bit of time in the attic, working on his roof.

The following year they found they had to renovate an addition that was put on the house in the 1950s.

They both had full-time jobs, so they spent many nights and weekends working on their home. They knocked down walls and tore through the old insulation, drywall and wood. They sanded and hammered and spent two entire years fixing up the place.

One morning, Ralph was reading the newspaper. Just by chance, he came across a story about a company that manufactured a household insulation called Zonolite. This insulation, he read, was tainted with deadly asbestos.

Ralph suddenly realized that Zonolite was in his home.

Ralph Busch was stunned as it dawned on him. He had just spent two years in his own home handling Zonolite insulation and he and his wife may have unknowingly been exposed to deadly asbestos.

What would happen from his and his wife's exposure?

How come no one had told him he had asbestos in his attic?

The Zonolite insulation was a product from the little town of Libby, MT. It was produced by the W.R. Grace Company.

W.R. Grace mined vermiculite from the hillside near Libby. The company turned the ore into insulation known as Zonolite by heating vermiculite to expand it into light granules.

The process was similar to popping popcorn. After sorting the popped vermiculite, W.R. Grace poured it into bags and sold it to use as insulation.

The company marketed Zonolite as ''perfectly safe''. . .

But laced throughout the vermiculite in the ground near Libby, another mineral was present: asbestos. W.R. Grace's process to make Zonolite and other products could not, and did not, remove all the asbestos from the end product. Zonolite insulation contains between .5 percent and 8 percent asbestos.

The community of Libby has suffered immensely from decades of mining the deadly vermiculite ore used to make Zonolite insulation and other consumer products.

At least 200 men and women from Libby have died from diseases caused by exposure to asbestos-tainted vermiculite, and hundreds more people from the town are sick.

When inhaled, asbestos can cause deadly diseases, from asbestosis to mesothelioma, a deadly cancer of the lining of the lung that is almost always fatal. In fact, mesothelioma kills at least 2,000 people each year and is caused only by asbestos.

The diseases induced by exposure to asbestos result in horrible deaths and they are nearly always fatal. Treatment is harsh and debilitating.

These diseases can take years to strike. The late Congressman Bruce Vento and the father of the modern Navy, Admiral Elmo Zumwalt both died from asbestos they had been exposed to years earlier.

The asbestos-tainted insulation manufactured by the W.R. Grace Company was used in homes throughout the country for decades.

Vermiculite from Libby first started being sold commercially in 1921, and W.R. Grace bought the mine in 1963. Reviews of invoices indicate that more than 6 million tons of Libby ore was shipped to hundreds of sites nationwide for processing over the decades.

This chart behind me shows more than 300 sites across the Nation, where ore was processed, in many cases to make Zonolite insulation.

In internal memos and e-mails, the Environmental Protection Agency has estimated that as many as 35 million homes, schools and businesses may still contain this insulation. Moreover, W.R. Grace knew the Libby mine contained asbestos when the company purchased it in 1963. But Grace made millions of tons of Zonolite anyway and unabashedly marketed it as ''safe.''

If the manufacturer of this insulation knew it was contaminated with asbestos, why didn't it or the Federal Government make sure that Ralph Busch and millions of others across the country knew to leave it alone?

The answer to the first question is that W.R. Grace still claims its product isn't harmful. The answer to the second question is more complicated.

According to published reports and internal EPA documents, the EPA was preparing to tell the American people about the dangers of Zonolite insulation. But it didn't happen.

An investigation by Pulitzer Prize-winning reporter Andrew Schneider found that last spring while it was addressing the public health crisis in Libby, MT, the EPA was preparing to tell the American people about the dangers of Zonolite insulation in millions of homes across this country. But first, EPA had to deal with Libby. EPA decided it needed to minimize the exposure of Libby residents to asbestos-contaminated vermiculite, and the agency drafted a press release announcing its decision.

This document said that EPA:

. . . will spend $34 million to remove dangerous asbestos-contaminated vermiculite insulation from 70 percent of residential and commercial buildings in Libby.

I am glad that EPA has taken aggressive steps to protect people in that small Montana town.

Senator BAUCUS deserves tremendous credit for the work he has done to bring Federal resources to Montana to help people in Libby.

And EPA deserves credit for doing the right thing, and going in to remove the insulation from Libby.

But what about the rest of the country? What about the millions of other homes with Zonolite insulation?

Since EPA decided to help Libby, the agency anticipated the logical follow-up question of what about the millions of homes nationwide that contain the same Zonolite insulation as homes in Libby.

According to the St. Louis Post-Dispatch, the EPA had drafted news releases, and drawn up lists of public officials to notify. The agency was preparing to embark on an outreach and education campaign to let people know about this hazard in their homes.

But what stopped EPA from following through with its warning?

It may have been the same person or people who blocked another government health agency from warning workers about asbestos exposure.

Last April, the National Institute for Occupational Safety and Health—NIOSH—was preparing to release new guidance for workers who come into contact with insulation in the course of their daily work.

NIOSH was preparing to alert workers, such as electricians, plumbers and maintenance workers, about how they can better protect themselves from exposure to asbestos in Zonolite insulation.

These materials were prepared last April, but they still have not been released.

Let me read from a ''Pre-Decisional Draft'' of a NIOSH Fact Sheet dated April 11, 2002.

I ask unanimous consent that it be printed in the RECORD in its entirety.

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

NIOSH RECOMMENDATIONS FOR REDUCING RISK OF WORKER EXPOSURES TO VERMICULITE THAT MAY BE CONTAMINATED WITH ASBESTOS

A vermiculite deposit formerly mined in Libby, Montana was contaminated with asbestos, raising concerns about occupational and public health risks to former miners, residents of Libby, and to workers and consumers who come in contact with vermiculite end-products, such as insulation and potting soil. This fact sheet summarizes existing recommendations by the U.S. Centers for Disease Control's (CDC) National Institute for Occupational Safety and Health (NIOSH) for reducing risk of worker exposures to asbestos or to materials that may be contaminated with asbestos. These recommendations serve as interim guidance from NIOSH for employers and workers involved at sites where vermiculite used as attic insulation or for other purposes may be contaminated with asbestos. NIOSH is conducting further research on vermiculite to provide more information on exposures that may pose the highest risks to workers.

How can a worker or an employer know if vermiculite they have is contaminated with asbestos?

The only way to determine conclusively whether vermiculite is contaminated is to have it analyzed by a trained microscopist. (Any suggestions by NIOSH beyond OSHA 1910 regarding methods for bulk analysis would be extremely helpful and reduce much of the confusion we are seeing as polarized light microscopy (PLM) has not been useful in evaluating and predicting airborne levels generated from VAI).

As a rule, we believe that any vermiculite that originated in Libby, Montana, before 1990 should be regarded as potentially contaminated. It is known that vermiculite from Libby was sold as attic insulation under the product name Zonolite Attic Insulation, and that this product is still in homes throughout the United States.

(Comment: WR Grace estimates several million homes contain VAI, which is most likely very conservative. If we don't wish to provide any indication of the magnitude of the potential VAI exposure in number of homes, we should be clear about the potential situation to provide a more accurate picture and warning. Also, it is uncertain whether other vermiculite products not originating in Libby contain potentially hazardous concentrations of asbestos, until we have definitive information to the contrary these materials should also be treated with caution)

How can workers be protected from asbestos-contaminated vermiculite?

They should isolate the work area from other areas in order to avoid spreading fibers, use local exhaust ventilation to reduce dust exposures, and use appropriate respiratory protection. If the employer or worker is concerned about potential exposure, and if at all possible, the vermiculite should not be disturbed.

Which respirators are appropriate to protect workers from asbestos exposure?

If asbestos cannot be contained to below 0.1 fibers per cubic centimeter of air (fiber/$cm^3$) by engineering controls and good work practices, or when engineering controls are being installed or maintained, appropriate respirators should be provided to workers. When respirators are worn, it is advisable to wear a fit-tested, tight fitting half-mask air-purifying particulate respirator (not a disposable dust mask) equipped with an N–100 filter or better, because of the potential for episodic exposure to 1 fiber/$cm^3$. A tight-fitting powered air-purifying respirator should be provided instead of a negative-pressure respirator whenever an employee chooses to use this type of respirator. Tight fitting respirators should be used in conjunction with a comprehensive respiratory protection program under the direction of a health and safety professional. Further information concerning respirator selection can be found on the NIOSH web site at: http://www.cdc.gov/niosh; or the OSHA web site at: http://www.osha.gov.

What can workers do to protect themselves from exposure to asbestos-contaminated vermiculite?

If at all possible, avoid handling or disturbing loose vermiculite that is not contained in a manner that will prevent the release of airborne dust.

Workers should guard against bringing dust home to the family on clothes by using disposable protective clothing or clothing that is left in the workplace. Do not launder work clothing with family clothing.

Some measures can be used to avoid spreading potentially contaminated dusts:

Use vacuum cleaners equipped with High-Efficiency Particulate Air (HEPA) filters to collect asbestos-containing debris and dust;

Employ wet methods or wetting agents, unless wetting is not feasible or creates a greater hazard (wetting absorbent vermiculite materials in an attic may not be feasible or advisable);

Use negative pressure air units, which are large mobile units that combine a fan and a HEPA filter critical for preventing other exposures to non-workers, to keep airborne asbestos levels to a minimum. Combined with temporary barriers or enclosures, they can be set up to make sure fibers do not contaminate other areas.

Dispose of wastes and debris contaminated with asbestos in leak-tight containers;

Never use compressed air to remove asbestos-containing materials;

Avoid dry sweeping, shoveling, or other dry clean-up methods for dust and debris containing vermiculite that is potentially contaminated with asbestos without environmental controls to avoid spreading contamination;

Use proper respiratory protection.

Are there regulations that pertain to asbestos-contaminated vermiculite?

Yes, the Occupational Safety and Health Administration (OSHA) asbestos regulations (29 CFR 1910.1001 and 1926.1101) for general industry and construction should be consulted to determine if there are specific requirements that need to be followed when handling asbestos-contaminated materials or potential asbestos-containing materials. Relevant information is posted on the OSHA Internet page at: *http://www.osha.gov/SLTC/asbestos/index.html*.

What should you do if you believe you have been exposed to asbestos-containing vermiculite?

Workers who believe they have had significant past exposure to asbestos-containing vermiculite, should consider getting an appropriate medical check up. The appendices to the OSHA asbestos standard describe the types of tests a physician will need to provide.

What did NIOSH find from past studies at Libby, Montana?

NIOSH has responded to past and current concerns about worker health by conducting needed research and disseminating its findings. In the 1980s, NIOSH conducted research and communicated findings about job-related exposures and health effects among workers employed in mining and milling vermiculite in Libby, Montana.

Our past studies identified asbestos contamination in the vermiculite mined and milled in Libby.

We determined, from examination of x-rays of Libby miners, that the miners showed evidence of adverse health effects associated with asbestos exposure.

In a review of death certificates of former Libby vermiculite miners, we identified an excess of deaths from lung cancer, and other lung diseases that are known to be related to asbestos exposure.

We made our findings available in 1985 through meetings in Libby with workers and their representatives, employer representatives, and members of the community. We also published the results in peer-reviewed scientific journals.

Is NIOSH planning further occupational health research on vermiculite?

NIOSH is currently conducting research to help determine whether the processing of vermiculite produced by mines other than the Libby mine results in workplace exposure to asbestos. Vermiculite is used in a variety of occupational settings including construction, agriculture, horticulture, and for miscellaneous industrial applications. Through carefully designed sampling, NIOSH will be better able to define the extent to which workers may be occupationally exposed to vermiculite that may be contaminated with asbestos. Current plans are to: (1) conclude field exposure sampling, (2) send company-specific reports to each of the surveyed sites, and (3) prepare a summary of the overall result of exposure assessments.

(Question will NIOSH be performing any field investigations to evaluate the occupational exposures to airborne asbestos associated with Vermiculite Attic Insulation among commonly exposed workers (i.e. home reconstruction workers, electricians, cable TV workers) ?)

Has NIOSH been involved in the public health response for Libby community?

NIOSH has been providing technical assistance to the U.S. Environmental Protection Agency (EPA) and the Agency for Toxic Substances and Disease Registry (ATSDR) which are the lead agencies for the Federal government in assessing current concerns about potential community health risks from asbestos exposures in Libby.

Mrs. MURRAY. Mr. President, NIOSH recommended that workers:

. . . should isolate the work area from other areas in order to avoid spreading fibers, use local exhaust ventilation to reduce dust exposures, and use appropriate respiratory protection.

If the employer or worker is concerned about potential exposure, and if at all possible, the vermiculite should not be disturbed.

But, astonishingly, this guidance was never released. How many of the construction workers, maintenance people, electricians, plumbers and homeowners across the country know they should ''avoid spreading fibers, use local exhaust ventilation or appropriate respiratory protection?''

I suspect that like Mr. Ralph Busch, thousands of people across the U.S. are not taking these important precautions because they are simply unaware of the danger.

I would like to read to my colleagues another section from the never-released NIOSH Fact Sheet. This was in response to the question about how workers can know if the vermiculite they have is contaminated with asbestos. It says:

As a rule, we believe that any vermiculite that originated in Libby, Montana, before 1990 should be regarded as potentially contaminated . . .

It is known that vermiculite from Libby was sold as attic insulation under the product name Zonolite Attic Insulation and that this product is still in homes throughout the United States.

But especially interesting is the next section, which is in parentheses as a comment by the author:

W.R. Grace estimates several million homes contain ''vermiculite attic insulation,'' which is most likely very conservative.

If we don't wish to provide any indication of the magnitude of the potential VAI (or vermiculite attic insulation) exposure in number of homes, we should be clear about the potential situation to provide a more accurate picture and warning.

I must ask my colleagues, why wouldn't NIOSH or others in the Administration—when they are taking great pains to do the job right in Libby—want to share with workers and the public an indication of the magnitude of the number of homes with asbestos-tainted vermiculite?

Isn't it our government's job to protect people from risks associated with hazardous substances such as asbestos?

Don't we need to know the scope of the problem in order to help gauge the extent of the potential risks?

Why aren't we warning workers and giving them the new guidance that has already been drafted by NIOSH?

Interestingly enough, on April 10, 2002, the day before the date on this NIOSH Fact Sheet, EPA received a letter from W.R. Grace defending their harmful product.

The letter read:

Zonolite Attic Insulation (ZAI) has been insulating homes for over 60 years and there is no credible reason to believe that ZAI has ever caused an asbestos-related disease in anyone who has used it in his/her home.

How then does Grace explain the fact that the company has settled at least 25 bodily injury claims caused by exposure to Zonolite?

Make no mistake. W.R. Grace is a company with one of the worst public health and environmental records in America. I draw my colleague's attention to a 1998 article by Dr. David Egilman, Wes Wallace and Candace Hom published in the journal Accountability in Research entitled ''Corporate Corruption of Medical Literature: Asbestos Studies Concealed by W.R. Grace & Co.''

I will read briefly from the abstract of this article:

In 1963, W.R. Grace acquired the mine (in Libby) and employee health problems at the mine became known to W.R. Grace executives and to Grace's insurance company, Maryland Casualty.

In 1976, in response to tighter federal regulation of asbestos and asbestos-containing products, W.R. Grace funded an animal study of tremolite toxicity.

They hoped to prove that tremolite did not cause mesothelioma, the cancer uniquely associated with asbestos exposure. However, the study showed that tremolite did cause mesothelioma.

W.R. Grace never disclosed the results of this animal study, nor did they disclose their knowledge of lung disease in the Libby workers, either to the workers themselves or to regulatory agencies.

These actions were intentional, and were motivated by Grace's conscious decision to prioritize corporate profit over human health.

Given the facts that W.R. Grace has knowingly manufactured and sold an asbestos-tainted product, has suppressed research findings showing that tremolite asbestos causes cancer, and has denied that their product is potentially dangerous, the company is woefully lacking for credibility.

Which brings us to our question: If EPA was planning to warn the American public about the dangers of Zonolite insulation, what stopped EPA from following through with its plan?

Why aren't we warning homeowners nationwide about Zonolite insulation?

Why aren't we warning workers and giving them new safety guidelines?

The answers might lie, not with the EPA, but with the White House Office of Management and Budget, OMB.

An internal e-mail from John F. Wood, the Deputy General Counsel at OMB, to staff at EPA contained details about finalizing the Action Memo for Libby.

Also copied on the e-mail were OMB Deputy Director Nancy Dorn and Associate Director of Natural Resources Programs Marcus Peacock.

Here's what OMB's lawyer wrote to EPA. I ask unanimous consent that this e-mail be printed in the RECORD.

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

John—thank you for your efforts to alleviate my concerns. Here are just a few edits, which are necessary to avoid the problems we discussed earlier. Please be sure to observe the deletion of the citation of Sect. 104(a)(4).

Mrs. MURRAY. Mr. President, it says:

Thank you for your efforts to alleviate my concerns. Here are just a few edits, which are necessary to avoid the problems we discussed earlier. Please be sure to observe the deletion of the citation of Sect. 104 (a) (4).

What is Section 104 (a) (4)?

It is a clause in the Superfund law, which enables the EPA to declare a public health emergency.

And why did OMB tell the EPA to ''delete the citation'' to Section 104 (a) (4)?

We don't know for sure, but if EPA had issued the public health emergency for Libby under Superfund, then the agency would have had to answer questions about asbestos-tainted insulation from every other homeowner in the country.

Here is what the St. Louis Post-Dispatch investigation concluded:

The Environmental Protection Agency was on the verge of warning millions of Americans that their attics and walls might contain asbestos-contaminated insulation. But, at the last minute, the White House intervened, and the warning has never been issued.

The Post-Dispatch got reaction from an EPA staffer about OMB's intervention:

It was like a gut shot,'' said one of those senior staffers involved in the decision. ''It wasn't like they ordered us not to make the declaration, they just really, really strongly suggested against it. Really strongly. There was no choice left.

Mr. President, I ask unanimous consent that the St. Louis Post-Dispatch article be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Dec. 29, 2002]

WHITE HOUSE OFFICE BLOCKED EPA'S ASBESTOS CLEANUP PLAN

(By Andrew Schneider)

WASHINGTON.—The Environmental Protection Agency was on the verge of warning millions of Americans that their attics and walls might contain asbestos-contaminated insulation. But, at the last minute, the White House intervened, and the warning has never been issued.

The agency's refusal to share its knowledge of what is believed to be a widespread health risk has been criticized by a former EPA administrator under two Republican presidents, a Democratic U.S. senator and physicians and scientists who have treated victims of the contamination.

The announcement to warn the public was expected in April. It was to accompany a declaration by the EPA of a public health emergency in Libby, Mont. In that town near the Canadian border, ore from a vermiculite mine was contaminated with an extremely lethal asbestos fiber called tremolite that has killed or sickened thousands of miners and their families.

Ore from the Libby mine was shipped across the nation and around the world, ending up in insulation called Zonolite that was used in millions of homes, businesses and schools across America.

A public health emergency declaration had never been issued by any agency. It would have authorized the removal of the disease-causing insulation from homes in Libby and also provided long-term medical care for those made sick. Additionally, it would have triggered notification of property owners elsewhere who might be exposed to the contaminated insulation.

Zonolite insulation was sold throughout North America from the 1940s through the 1990s. Almost all of the vermiculite used in the insulation came from the Libby mine, last owned by W.R. Grace & Co.

In a meeting in mid-March, EPA Administrator Christie Todd Whitman and Marianne Horinko, head of the Superfund program, met with Paul Peronard, the EPA coordinator of the Libby cleanup and his team of health specialists. Whitman and Horinko asked tough questions, and apparently got the answers they needed. They agreed they had to move ahead on a declaration, said a participant in the meeting.

By early April, the declaration was ready to go. News releases had been written and rewritten. Lists of governors to call and politicians to notify had been compiled. Internal e-mail shows that discussions had even been held on whether Whitman would go to Libby for the announcement.

But the declaration was never made.

DERAILED BY WHITE HOUSE

Interviews and documents show that just days before the EPA was set to make the declaration, the plan was thwarted by the White House Office of Management and Budget, which had been told of the proposal months earlier.

Both the budget office and the EPA acknowledge that the White House agency was actively involved, but neither agency would discuss how or why.

The EPA's chief spokesman Joe Martyak said, ''Contact OMB for the details.''

Budget office spokesperson Amy Call said, ''Those questions will have to be addressed to the EPA.''

Call said the budget office provided wording for the EPA to use, but she declined to say why the White House opposed the declaration and the public notification.

''These are part of our internal discussions with EPA, and we don't discuss predecisional deliberations,'' Call said.

Both agencies refused Freedom of Information Act requests for documents to and from the White House Office of Management and Budget.

The budget office was created in 1970 to evaluate all budget, policy, legislative, regulatory, procurement and management issues on behalf of the president.

OFFICE INTERFERED BEFORE

Former EPA administrator William Ruckelshaus, who worked for Presidents Richard Nixon and Ronald Reagan, called the decision not to notify homeowners of the

dangers posed by Zonolite insulation ''the wrong thing to do.''

''When the government comes across this kind of information and doesn't tell people about it, I just think it's wrong, unconscionable, not to do that,'' he said. ''Your first obligation is to tell the people living in these homes of the possible danger. They need the information so they can decide what actions are best for their family. What right does the government have to conceal these dangers? It just doesn't make sense.''

But, he added, pressure on the EPA from the budget office or the White House is not unprecedented.

Ruckelshaus, who became the EPA's first administrator when the agency was created by Nixon in 1970, said he never was called by the president directly to discuss agency decisions. He said the same held true when he was called back to lead the EPA by Reagan after Anne Gorsuch Burford's scandal-plagued tenure.

Calls from a White House staff member or the Office of Management and Budget were another matter.

''The pressure could come from industry pressuring OMB or if someone could find a friendly ear in the White House to get them to intervene,'' Ruckelshaus said. ''These issues like asbestos are so technical, often so convoluted, that industry's best chance to stop us or modify what we wanted to do would come from OMB.''

The question about what to do about Zonolite insulation was not the only asbestos-related issue in which the White House intervened.

In January, in an internal EPA report on problems with the agency's much-criticized response to the terrorist attacks in New York City, a section on ''lessons learned'' said there was a need to release public health and emergency information without having it reviewed and delayed by the White House.

''We cannot delay releasing important public health information,'' said the report. ''The political consequences of delaying information are greater than the benefit of centralized information management.''

It was the White House budget office's Office of Information and Regulatory Affairs that derailed the Libby declaration. The regulatory affairs office is headed by John Graham, who formerly ran the Harvard Center for Risk Analysis.

His appointment last year was denounced by environmental, health and public advocacy groups, who claimed his ties to industry were too strong. Graham passes judgment over all major national health, safety and environmental standards.

Sen. Dick Durbin, D–Ill., urged colleagues to vote against Graham's appointment, saying Graham would have to recuse himself from reviewing many rules because affected industries donated to the Harvard University Center.

Thirty physicians, 10 of them from Harvard, according to The Washington Post, wrote the committee asking that Graham not be confirmed because of ''a persistent pattern of conflict of interest, of obscuring and minimizing dangers to human health with questionable cost-benefit analyses, and of hostility to governmental regulation in general.''

Repeated requests for interviews with Graham or anyone else involved in the White House budget office decision were denied.

''IT WAS LIKE A GUT SHOT''

Whitman, Horinko and some members of their top staff were said to have been outraged at the White House intervention.

''It was like a gut shot.'' said one of those senior staffers involved in the decision. ''It wasn't that they ordered us not to make the declaration, they just really, really strongly suggested against it. Really strongly. There was no choice left.''

She and other staff members said Whitman was personally interested in Libby and the national problems spawned by its asbestos-tainted ore. The EPA's inspector general had reported that the agency hadn't taken action more than two decades earlier when it had proof that the people of Libby and those using asbestos-tainted Zonolite products were in danger.

Whitman went to Libby in early September 2001 and promised the people it would never happen again.

''We want everyone who comes in contact with vermiculite—from homeowners to handymen—to have the information to protect themselves and their families,'' Whitman promised.

SUITS, BANKRUPTCIES GROW

Political pragmatists in the agency knew the administration was angered that a flood of lawsuits had caused more than a dozen major corporations—including W.R. Grace—to file for bankruptcy protection. The suits sought billions of dollars on behalf of people injured or killed from exposure to asbestos in their products or workplaces.

Republicans on Capitol Hill crafted legislation—expected to be introduced next month—to stem the flow of these suits.

Nevertheless, Whitman told her people to move forward with the emergency declaration. Those in the EPA who respect their boss fear that Whitman may quit.

She has taken heat for other White House decisions such as a controversial decision on levels of arsenic in drinking water, easing regulations to allow 50-year-old power plants to operate without implementing modern pollution controls and a dozen other actions which environmentalists say favor industry over health.

Newspapers in her home state of New Jersey ran front page stories this month saying Whitman had told Bush she wanted to leave the agency.

Spokesman Martyak said his boss is staying on the job.

EPA WAS POISED TO ACT

In October, the EPA complied with a freedom of Information Act request and gave the Post-Dispatch access to thousands of documents—in nine large file boxes. There were hundreds of e-mails, scores of ''action memos'' describing the declaration and piles of ''communication strategies'' for how the announcement would be made.

The documents illustrated the internal and external battle over getting the declaration and announcement released.

One of the most contentious concerns was the anticipated national backlash from the Libby declaration. EPA officials knew that if the agency announced that the insulation in Montana was so dangerous that an emergency had to be declared, people elsewhere whose homes contained the same contaminated Zonolite would want answers or perhaps demand to have their homes cleaned.

The language of the declaration was molded to stress how unique Libby was and to play down the national problem.

But many in the agency's headquarters and regional offices didn't buy it.

In a Feb. 22 memo, the EPA's Office of Pollution Prevention and Toxics said ''the national ramifications are enormous'' and estimated that if only 1 million homes have Zonolite ''(are) we not put in a position to remove their (insulation) at a national cost of over $10 billion?''

The memo also questioned the agency's claim that the age of Libby's homes and severe winter conditions in Montana required a higher level of maintenance, which in turn meant increased disturbance of the insulation in the homes there.

It's ''a shallow argument,'' the memo said. ''There are older homes which exist in harsh or harsher conditions across the country. Residents in Maine and Michigan might find this argument flawed.''

No one knows precisely how many dwellings are insulated with Zonolite. Memos from the EPA and the Agency for Toxic Substances and Disease Registry repeatedly cite an estimate of between 15 million and 35 million homes.

A government analysis of shipping records from W.R. Grace show that at least 15.6 billion pounds of vermiculite ore was shipped from Libby to 750 plants and factories throughout North America.

Between a third and half of that ore was popped into insulation and usually sold in 3-foot-high kraft paper bags.

Government extrapolations and interviews with former W.R. Grace Zonolite salesmen indicate that Illinois may have as many as 800,000 homes with Zonolite, Michigan as many as 700,000. Missouri is likely to have Zonolite in 380,000 homes.

With four processing plants in St. Louis, it is estimated that more than 60,000 homes, offices and schools were insulated with Zonolite in the St. Louis area alone.

Eventually, the internal documents show, acceptance grew that the agency should declare a public health emergency.

In a confidential memo dated March 28, an EPA official said the declaration was tentatively set for April 5.

But the declaration never came. Instead, Superfund boss Horinko on May 9 quietly ordered that asbestos be removed from contaminated homes in Libby. There was no national warning of potential dangers from Zonolite. And there was no promise of long-term medical care for Libby's ill and dying. The presence of the White House budget office is noted throughout the documents. The press announcement of the watered-down decision was rewritten five times the day before it was released to accommodate budget office wording changes that played down the changes that played down the dangers.

DANGERS OF ZONOLITE

The asbestos in Zonolite, like all asbestos products, is believed to be either a minimal risk or no risk if it is not disturbed. The asbestos fibers must be airborne to be inhaled. The fibers then become trapped in the lungs, where they may cause asbestosis, lung cancer and mesothelioma, a fast-moving cancer of the lung's lining.

The EPA's files are filled with studies documenting the toxicity of tremolite, how even minor disruptions of the material by moving boxes, sweeping the floor or doing repairs in attics can generate asbestos fibers.

This also has been confirmed by simulations W.R. Grace ran in Weed-sport, N.Y. in July 1977; by 1997 studies by the Canadian Department of National Defense; and by the U.S. Public Health Service, which reported in 2000, that ''even minimal handling by workers or residents poses a substantial health risk.''

Last December, a study by Christopher Weis, the EPA's senior toxicologist supporting the Libby project, reported that ''the concentrations of asbestos fibers that occur in air following disturbance of (insulation) may reach levels of potential human health concerns.''

Most of those who have studied the needle-sharp tremolite fibers in the Libby ore consider them far more dangerous than other asbestos fibers.

In October, the EPA team leading the cleanup of lower Manhattan after the attacks of Sept. 11 went to Libby to meet with

Peronard and his crew. The EPA had reversed an early decision and announced that it would be cleaning asbestos from city apartments.

Libby has been a laboratory for doing just that.

Peronard told the visitors from New York just how dangerous tremolite is. He talked about the hands-on research in Libby of Dr. Alan Whitehouse, a pulmonologist who had worked for NASA and the Air Force on earlier projects before moving to Spokane, Wash.

''Whitehouse's research on the people here gave us our first solid lead of how bad this tremolite is,'' Peronard said.

Whitehouse has not only treated 500 people from Libby who are sick and dying from exposure to tremolite. The chest specialist also has almost 300 patients from Washington shipyards and the Hanford, Wash., nuclear facility who are suffering health effects from exposure to the more prevalent chrysotile asbestos.

Comparing the two groups, Whitehouse has demonstrated that the tremolite from Libby is 10 times as carcinogenic as chrysotile and probably 100 times more likely to produce mesothelioma than chrysotile.

W.R. Grace has maintained that its insulation is safe. On April 3 of this year, the company wrote a letter to Whitman again insisting its product was safe and that no public health declaration or nationwide warning was warranted.

Dr. Brad Black, who runs the asbestos clinic in Libby and acts as health officer for Montana's Lincoln County, says ''people have a right to be warned of the potential danger they may face if they disturb that stuff.''

Marytak, chief EPA spokesman, argues that the agency has informed the public of the potential dangers. ''It's on our Web site,'' he said.

Sen. Patty Murray, D-Wash., is sponsoring legislation to ban asbestos in the United States. She said the Web site warning is a joke.

''EPA's answer that people have been warned because it's on their Web site is ridiculous,'' she said. ''If you have a computer, and you just happened to think about what's in your attic, and you happen to be on EPA's Web page, then you get to know. This is not the way the safety of the public is handled.

''We, the government, the EPA, the administration have a responsibility to at least let people know the information so they can protect themselves if they go into those attics,'' she said.

Mrs. MURRAY. Mr. President, because of OMB's involvement, EPA never conducted the planned outreach to warn people about Zonolite. NIOSH's guidance to workers about how to protect themselves was never finalized.

In response to these shocking reports, on January 3, 2003, I wrote to EPA Administrator Whitman and OMB Director Daniels to get some answers.

Mr. Daniels has not yet responded to the allegations that his office blocked the announcement.

Ms. Whitman wrote that she is responding on behalf of OMB. I can only ascribe this to OMB's desire to remain unaccountable and to hide the role it played in these decisions.

Ms. Whitman's response was woefully inadequate. She failed to explain the nature or the substance of OMB's involvement. She also wrote that it is not possible to know how many homes contain vermiculite insulation even though HER OWN AGENCY has estimated it may be between 15 and 35 million homes, schools, and businesses.

Mr. President, I ask unanimous consent that Administrator Whitman's letter be printed in the RECORD.

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

U.S. ENVIRONMENTAL PROTECTION AGENCY,
*Washington, DC, January 16, 2003.*

Hon. PATTY MURRAY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MURRAY: Thank, you for your letters dated January 3, 2003, to me and Mitch Daniels, Director of the Office of Management and Budget (OMB), regarding EPA's efforts to address asbestos contamination in the town of Libby, Montana. I am responding for both OMB and the Environmental Protection Agency (EPA).

I assure you that since my tenure at the Agency, every action regarding Libby, Montana has been taken with the goal of protecting the health of Libby residents from further harm. After visiting with the residents of Libby Montana in September 2001, I committed to have EPA do everything as quickly and comprehensively as possible to remove the multiple sources of asbestos exposure of Libby residents. The Action Memo signed on May 9, 2002, authorized significant additional measures in Libby, including the removal of attic insulation. Cleanup work has proceeded at an aggressive pace and substantial sources of exposure have already been removed.

While enclosed are EPA's Office of Solid Waste and Emergency Response detailed responses to your questions, I want to make it clear that neither OMB nor any other Federal agencies directed EPA to take a specific course of action regarding whether to employ the public health emergency provision of the Comprehensive Environmental Response and Liability Act (''CERCLA'', or the Superfund Law). The Agency made its decision regarding the removal of asbestos contaminated vermiculite attic insulation from Libby homes in order to reduce the cumulative exposure to residents as quickly as possible. EPA based this decision on many factors, including legal, scientific, and practical considerations. The Agency concluded that asbestos contaminated vermiculite insulation found in homes in Libby could be removed without a public health emergency. Ultimately, EPA chose not to rely upon CERCLA's health emergency provision, in part, to minimize the possibility of removal work being delayed by possible legal challenges to this untested approach, and instead relied upon more traditional removal authorities.

Additional, I want to clarify that the decision to proceed with the cleanup in Libby is unrelated to the larger issue of whether asbestos contaminated vermiculite insulation poses a risk outside of Libby, Montana. Several questions in your letter imply that invoking the public health provision in CERCLA for the situation in Libby would give the Agency additional authority or impose additional requirements to inform the public nationwide about the health risks associated with asbestos contaminated vermiculite attic insulation. This is not the case. While the experience and data collected in Libby are important to a larger national evaluation, the Libby cleanup and the Agency's national evaluation of the potential risks of asbestos contaminated attic insulation are on parallel but different tracks.

Again, thank you for your support of EPA's cleanup efforts in Libby, Montana and your commitment to making sure that people nationwide are not at risk from asbestos. The Agency looks forward to working with you and your staff to continue our mutual goal to protect the health and welfare of the residents of Libby, Montana, and of the United States. If you have further questions or concerns, please contact me, or your staff may contact Betsy Henry in the Office of Congressional and Intergovernmental Relations at (202) 564–7222.

Sincerely yours,

CHRISTINE TODD WHITMAN.

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ENCLOSURE: EPA OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE AND OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

DETAILED RESPONSES TO SENATOR PATTY MURRAY'S QUESTIONS ON VERMICULITE ATTIC INSULATION AND THE LIBBY, MONTANA CLEANUP

*What were EPA's recommendations on formation of a policy to inform consumers of potential dangers from exposure to Zonolite insulation?*

The Agency's activity in Libby reflects a unique situation where citizens have been exposed for many years to widespread, high levels of asbestos contamination, and suffer unprecedented rates of asbestos related illness. After extensive consideration of scientific and health-related information, the Agency concluded that residents in Libby were a sensitive population, and asbestos exposure which would otherwise present an acceptable risk to a healthy population may cause an increase in disease for a highly impacted community like Libby. EPA decided to remove all potential sources of exposure to asbestos in Libby, including asbestos contamination in yards, playgrounds, parks, industrial sites, the interiors of homes and businesses, and vermiculite attic insulation.

The Agency's guidance to consumers outside of Libby has consistently been to manage in place asbestos or asbestos containing products found in the home. Based on currently available information and studies the Agency continues to believe that, absent the unique conditions present at Libby, vermiculite insulation poses minimal risk if left undisturbed. If removal of the insulation is desired, the Agency recommends that this work be done professionally.

To better understand the potential risks of asbestos contaminated vermiculite attic insulation, EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) initiated the first phase of a limited study to evaluate the level of asbestos in vermiculite attic insulation in homes in the Spring of 2001. The study included six homes in Vermont and simulations in an enclosure. This preliminary study will be used to help the Agency design the next phase of a more comprehensive study and to help determine whether the Agency's guidance in place for many years—to manage asbestos contaminated material in place or hire professionals to conduct removals—is still appropriate or should be revised. Formal external peer review is finished for the first phase of the study. The Agency's Office of Research and Development (ORD), as well as others, are currently reviewing the preliminary study.

Based on the findings from this study, EPA will revise or supplement the existing guidance and outreach materials as necessary, and further inform the public about how best to manage vermiculite attic insulation.

*2. Top what extent were OMB and other federal agencies and departments involved in the decision whether to declare a public health emergency in Libby or to notify people nationwide of the dangers potentially posed by exposure to Zonolite?*

EPA consulted extensively with other federal and state partners in determining the best course of action to address all sources of asbestos contamination in Libby. This included the Office of Management and Budget (OMB), the Department of Health and Human Services, the Center for Disease Control, the Agency for Toxic Substances and Disease Registry, U.S. Geological Survey, Occupational Safety and Health Administration, the State of Montana, and many others. These consultations focused on scientific issues associated with asbestos contaminated vermiculite exposure, not to discuss public health emergency declarations. The Agency was also contacted by several members of Congress who wished to express the depth of their concern and share their views regarding this matter. In general, EPA tries to share information and discuss potential response decisions with interested parties, especially those with expertise in the area, so it can make the most informed decision.

After consulting broadly with experts in the field, the Agency determined a course of action regarding both the removal of asbestos contaminated vermiculite attic insulation and the public outreach to be conducted beyond Libby, Montana. These decisions were made by the Administrator, in close consultation with the Office of Solid Waste and Emergency Response, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, the Office of Prevention, Pesticides and Toxic Substances, and EPA Region 8.

*3. What process did the Administration use in making these decisions? Specifically what roles did individual agencies play and who in these agencies was involved in the process?*

EPA's primary focus was on protecting the residents of Libby by removing the multiple sources of asbestos exposure as quickly as possible. EPA considered many factors, including the National Oil and Hazardous Substances Pollution Contingency Plan. Ultimately, the Agency chose not to rely upon CERCLA's health emergency provision, in part, to minimize the possibility of removal work being delayed by possible legal challenges to this novel approach, and instead relied upon more traditional removal authorities. EPA concluded that homes in Libby contained vermiculite attic insulation that did not constitute a ''product.'' The Agency therefore could clean up the insulation without addressing the question of whether it constituted a public health emergency.

In making its response decisions in Libby, EPA engaged in a major effort to discuss and consider the issues associated with its approach to cleaning up asbestos contamination, both in Libby and at more than 20 contaminated sites out of the 241 domestic vermiculite processing facilities. Although 175 of these sites had processed Libby vermiculite, EPA's sampling confirmed that contamination only remained at 22 sites. To date, EPA or the responsible parties have cleaned up or have cleanup underway at 10 of these sites and the remaining 12 sites are either being addressed or are under further investigation and response planning. This effort has been one of the most significant actions ever taken under the Superfund program, and has involved the participation and collaboration of a great many people and organizations at the local, state and federal level.

*4. Which outside parties, such as corporations, non-governmental organizations or associations, did EPA consult with on these decisions?*

During the more than two years in which EPA has been working on Libby, Agency officials have met with the Libby community and its Technical Assistance Group, other agencies, businesses in Libby and international corporations, various associations, the State and subcommittees of both houses of the U.S. Congress. Community members, the Vermiculite Association, and W.R. Grace Corporation have all corresponded with the Agency to state their opinions or to ask for information about our work at the site.

*5. What was OMB's final recommendation to EPA? What recommendations, if any, did EPA receive from other federal agencies and departments?*

Neither OMB, nor any other federal agency directed EPA to use a specific course of action regarding whether to employ the health emergency provision of CERCLA. As stated previously, EPA consulted extensively with other federal partners, including OMB, in determining the best course of action to address all sources of asbestos contamination.

*6. Who ultimately directed EPA not to issue a public health emergency in Libby last spring nor to proactively notify the public in a proper manner?*

No one directed the Agency. The decision was made by EPA. After searching broadly for input from the many agencies within the Executive Branch with expertise to inform our thinking, the Agency decided to perform the cleanup under traditional Superfund program removal authorities. Furthermore, regarding outreach on the Libby decision, the Agency has conducted many public meetings concerning the Libby cleanup, and testified before Congress in July, 2001. Since the Agency's first removal actions, the On-Scene Coordinator in Libby has been in regular contact with the citizens of Libby discussing the progress of the cleanup and communicating about the issues of the vermiculite attic insulation. The Administrator also spoke extensively on issues concerning vermiculite contamination during her visit to Libby, Montana in September of 2001.

*7. What are EPA's most current estimates of how many homes, businesses and schools still contain Zonolite? How did EPA derive these numbers?*

Over the years several attempts have been made to estimate the number of homes that may contain vermiculite attic insulation. While numbers have been included in at least one study conducted for the Agency in 1985, the Agency does not believe that these estimates are reliable. EPA recently again tried to estimate the number of homes, businesses and schools that may still contain vermiculite attic insulation but again determined that this task was virtually impossible to complete because there is little information about how many homes contain vermiculite insulation (outside of Libby) as well as little data about what happens to homes after they are built. Any numbers derived from such an effort would be inaccurate and misleading.

In the Libby valley, the Agency is identifying which homes contain asbestos contaminated vermiculite insulation in the attic and wall space by visually inspecting homes. The good news is that EPA is finding vermiculite insulation in fewer homes than the Agency anticipated in this region.

Mrs. MURRAY. Mr. President, my colleagues may be curious about why I am so interested in EPA's decisions regarding vermiculite from Libby.

This issue is important to me because residents in my State are being exposed to asbestos from Zonolite.

And, Mr. President, constituents in your state and every other State in America may also have this insulation.

I am deeply concerned that most people with Zonolite in their homes are completely unaware of this problem. I am afraid most will not learn of it until they have already been exposed to dangerous levels of asbestos. And I am most concerned that this administration may be stifling EPA's efforts to warn homeowners, consumers, and workers because of pressure from W.R. Grace.

And I must remind my colleagues: there is no safe known level of exposure to asbestos. Deadly diseases such as asbestosis, lung cancer and mesothelioma can develop decades after just brief exposures to high concentrations of asbestos.

Ultimately, I believe Administrator Whitman wanted to do the right thing by warning homeowners nationwide to be careful if they have Zonolite in their homes when the agency began removing Zonolite from homes in Libby, MT. But she was stopped. The reasons may never be known—the excuse may be buried in ''executive privilege.''

So where do we go from here?

First, I hope my colleagues will support efforts to get to the bottom of what stopped the EPA from warning the public. We have to increase pressure on EPA, NIOSH, and other public health agencies to raise public awareness about Zonolite.

Second, I hope my colleagues will support legislation to ban asbestos in America and to warn people about the potential dangers posed by Zonolite insulation.

I appreciate the support for this legislation I have received from Senators BAUCUS, CANTWELL, DAYTON, and our late colleague, Senator Wellstone, who were original cosponsors.

I have been working to raise awareness about the current dangers of asbestos for over 2 years.

In July of 2001, I chaired a Senate Health, Education, Labor and Pensions Committee hearing on asbestos and workplace safety.

In June of 2002, 2 days after introducing the Ban Asbestos in America Act, I testified at a Senate Environment and Public Works Committee hearing on Libby held by Senator BAUCUS.

My colleagues may wonder whatever happened to Ralph Busch and his wife Donna.

After reading about Zonolite in the Seattle Post-Intelligencer, Mr. Busch went to get the asbestos removed from his home. He learned it would cost $32,000 to do so.

When he tried to secure compensation from his homeowners insurance to pay to clean up the contamination, his insurance company rejected the claim.

He got nowhere with the company that had inspected the home before he

purchased it. They hadn't known about Zonolite, either.

When he talked to his realtor about trying to sell his house, Mr. Busch's realtor emphasized that Mr. Busch and his wife would be responsible under the law for disclosing the presence of Zonolite to any potential buyer.

According to Mr. Busch, even his realtor—and I quote—''. . . expressed apprehension over entering the house saying he has young children and was fearful of asbestos exposure without a proper respirator . . . this about a house we were living in every day.''

In the end, having exhausted all of his options, Ralph Busch and his wife Donna sacrificed their home to foreclosure, having lost thousands of dollars and their good credit rating. They didn't feel that it was safe to live there anymore, or to bring other people into their home. Finally, they decided to move out of their ''dream house'' in Spokane. To this day, that home remains vacant.

Apart from the tremendous economic loss, Mr. Busch and his wife are concerned for their health. They are left wondering what long-term negative health effects they may suffer as a result of their exposure to asbestos fibers from the insulation.

Mr. Busch has told me, ''I feel like the poster-child for the unsuspecting homeowner who unknowingly set off a time bomb in the process of remodeling his home.''

To this day, Mr. Busch is haunted by words he read in the Spokesman-Review almost three years ago. The March 12, 2000, article, entitled, ''Zonolite's Effects Outlive Plant,'' said this about mesothelioma.

> [The disease] inflicts one of the most torturous deaths known to humankind. Some people require intravenous morphine to numb mesothelioma's pain. Some need part of their spinal cord severed. Some are driven to suicide.

If there is a role for Government in people's lives, then it should include protecting the public health. We have an opportunity to protect the public's health so that Ralph Busch and thousands—perhaps millions—of other Americans won't have to be needlessly exposed to the time bomb sitting in their homes, schools, and businesses.

And meanwhile, if you are planning to do work in your attic, look at your insulation carefully first to see if it is vermiculite. You can see pictures of what this insulation looks like by going to EPA's web site, which is www.epa.gov/asbestos/insulation.html.

If you think you have Zonolite, immediately contact EPA to get additional advice about how to handle it. According to EPA's web site, if you think you have Zonolite insulation, leave it alone and not disturb it. And then contact your Representative in Congress and ask him or her to pass legislation to ban asbestos, something we all should have done decades ago. We can make a difference, but we must act today.

Mr. BAUCUS. Mr. President, I would just like to follow up on the statements regarding asbestos-contaminated insulation made by my good friend from Washington, Senator MURRAY. The issues she raises are extremely important, and I applaud her for her determined efforts on behalf of her constituents, and her dedication to raising the profile of the continued hazards associated with asbestos.

I was very moved by Senator MURRAY's description of what happened to her constituent in Spokane, WA. I agree with her 100 percent that the Government should not be in the business of keeping important health-related information from the public, including information about the health risks posed by Zonolite insulation. Again, I commend the Senator from Washington for her leadership in championing this important public health and safety issue.

I just believe it is important for me to speak directly to the experience of my constituents in Libby, MT, to put some of this into perspective.

The experience of the residents of Libby is truly, tragically, unique. This little town in northwestern Montana, surrounded by millions of acres of Federal forest lands, has lost over 200 people to asbestos-related diseases and cancers. Hundreds more are sick, and thousands more may become sick. Libby doesn't have that many people. The magnitude of this tragedy is staggering.

The vermiculite mining and milling operations of W.R. Grace belched thousands and thousands of pounds of asbestos-contaminated dust into the air in and around Libby, coating the town and its inhabitants with the deadly substance. Folks used raw vermiculite ore or expanded vermiculite to fill their gardens, their driveways, the high school track, the little league field, in their homes and attics. W.R. Grace mineworkers brought the dust home with them on their clothing and contaminated their own families, without knowing the dust was poison. Asbestos was absolutely everywhere in Libby, for decades.

It is also becoming more and more clear that the fibers unique to Libby, including tremolite asbestos fibers, are particularly deadly—more so than other forms of asbestos, such as chrysotile asbestos. Senator MURRAY is absolutely right to be concerned about insulation manufactured from vermiculite ore mined and milled in Libby.

But let me also be clear, that the situation in Libby demanded a unique, determined, and coordinated response from the Environmental Protection Agency, other Federal agencies, the State, and the community itself just to address the enormous task of cleaning up the town because, as I just mentioned, the contaminated vermiculite was everywhere.

Because of the extraordinary levels of asbestos contamination in Libby, an important part of this clean-up effort included removing asbestos-contaminated materials from Libby homes. People in Libby used vermiculite insulation, raw vermiculite tailings, or other vermiculite material that they brought home from W.R. Grace to fill their walls and attics.

Last year, I personally urged the EPA to leave no stone unturned as it sought to determine how to best begin an expeditious removal of contaminated materials from homes in Libby, in an effort to continue to reduce the exposure of Libby residents to deadly tremolite asbestos. The EPA responded admirably to my requests, and as Senator MURRAY mentioned, the agency is currently removing asbestos-contaminated vermiculite material from homes in Libby.

I only highlight these issues because I believe the timing and scope of the EPA's decision to go into Libby homes and remove the vermiculite in their walls and ceilings was absolutely appropriate and necessary given the sheer volume of asbestos to which the people in Libby have been exposed.

Should the EPA have issued a public health emergency declaration in Libby prior to taking that action? I don't know. What I do know is that the decision was made and the correct on-the-ground result is happening in Libby. I have recently written to Administrator Whitman asking her to explain to me any health care benefits that may or may not be available to the people of Libby in the event that a public health emergency is declared in Libby. At this point, that is the most important issue to the people in Libby.

In fact, the Montana delegation, the State of Montana, the community of Libby, and many concerned private citizens have been working hard to bring new economic development and much-needed health care resources to Libby. It is amazing to see how everyone has come together to create something positive from a terrible situation.

The people in Libby are proud folks. They have had more than their share of hard knocks, and they just keep on going—getting up and trying. They are survivors, and I am privileged to know them so well. In January of 2000, I traveled to Libby to meet with 25 extremely ill people for the first time.

I had been briefed a number of times on what I might expect to hear that night. These kind men and women—some whom are no longer with us—gathered to share huckleberry pie and coffee in the home of Gayla Benefield. They opened their hearts and poured out unimaginable stories of suffering and tragedy on a scale I was absolutely stunned and unprepared to hear: entire families—fathers, mothers, uncles, aunts, sons, and daughters all dead and all bound by their exposure to tremolite asbestos, mined by W.R. Grace in this isolated, community of several thousand—located as far away from Washington, DC, as one can be, with a foot still in Montana.

I will never forget meeting another gentleman who has become my dear friend, Les Skramstad. Les watched me closely all evening. He was wary and approached me after his friends and neighbors had finished speaking. He said to me, Senator, a lot of people have come to Libby and told us they would help, then they leave and we never hear from them again.

''Max,'' he said, ''please, as a man like me—as someone's father too, as someone's husband, as someone's son, help me. Help us. Help us make this town safe for Libby's sons and daughters not even born yet. They should not suffer my fate too. I was a miner and breathed that dust in. And what happened to me and all the other men who mined wasn't right—but what has happened to the others is a sin.

''Every day, I carried that deadly dust home on my clothes. I took it into our house, and I contaminated my own wife and each of my babies with it, too. Just like me, they are sick, and we will each die the same way. I just don't know how to live with the pain of what I have done to them. If we can make something good come of this, maybe I'll stick around to see that, maybe that could make this worthwhile.

''Find someone to use me, to study me, to learn something about this dust that is still in my lungs right now.'' I told him I would do all that I could and that I wouldn't back down and that I wouldn't give up. Les accepted my offer and then pointed his finger and said to me, ''I'll be watching Senator.''

Les is my inspiration. He is the face of hundreds and thousands of sick and exposed folks in this tiny Montana community. When I get tired, I think of Les, and I can't shake what he asked me to do. In all of my years as an elected official, this issue of doing what is right for Libby is among the most personally compelling things I have ever been called on to do.

Doing what is right for the community and making something good come of it, is my mission in Libby, and I thank Les Skramstad every day for handing me out my marching orders. My staff and I have worked tirelessly in Libby—not for thanks or recognition but because the tragedy is just that gripping.

The ''something good,'' Les challenged me to deliver keeps our eye on the ball. I secured the first dollars from HHS 3 years ago to establish the Clinic for Asbestos Related to Disease, to allow the Agency for Toxic Substances and Disease Registry to begin the necessary screening of folks who had been exposed to Libby's asbestos. Federal dollars have flowed to Libby for cleanup, healthcare, and revitalizing the economy.

Last Congress, I was pleased to introduce the Libby Health Care Act, to secure longterm health funding for sick people in Libby, and I will introduce similar legislation this year. We seek ongoing funding for asbestos patient care and continue to closely monitor and support asbestos cleanup efforts by the Environmental Protection Agency.

At the first field hearing I held in Libby of the Committee for Environment and Public Works, Dr. Blad Black, now the director of the Libby Clinic for Asbestos Related Disease, called for developing a research facility so that Libby's tragedy could be used to protect the health of men, women, and children.

The wheels are on the cleanup and health screening, and the time for making Brad's vision a reality is here. Working together with Montana Congressional delegation and our State's Governor to develop a leading edge, world class research facility with the mission of one day developing cures for asbestos-related disease is exactly what Les called for that evening more than 3 years ago as well. He and the hundreds and thousands who suffer like Les and his family have my commitment.

## EXPLANATION OF ABSENCE

Mr. DASCHLE. Mr. President, on behalf of Senator GRAHAM, I ask unanimous consent that a letter from Senator GRAHAM to Senator FRIST and myself be printed in the RECORD.

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

U.S. SENATE,
*Washington, DC, January 31, 2003.*

Hon. BILL FRIST,
*U.S. Senate,*
*Washington, DC.*

Hon. TOM DASCHLE,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR FRIST AND SENATOR DASCHLE: The purpose of this letter is to share with you and my colleagues a development regarding my health.

This morning at the National Naval Medical Center in Bethesda, Maryland, I underwent successful surgery to replace the aortic valve in my heart. My doctors advised me to have this procedure now to correct a deteriorating condition that could have led to permanent damage of my heart muscle.

Accordingly, under Senate Rule VI(2), I will be necessarily absent from the floor and committee activities until my doctors clear me for a return to work. I ask that this letter be inserted in the Congressional Record of this date to explain my absence.

Given the overall excellent state of my health, the doctors tell me that I should have renewed vigor and energy following a short hospitalization and recovery period.

With the extremely competent medical care I am receiving, as well as the loving support of my wife Adele and our family, I am confident that my absence will be brief. I look forward to rejoining you in the very near future to resume work on the agenda that is so important to my state of Florida, our nation and the world.

Thank you for your good wishes, your understanding and your support.

With kind regards,
Sincerely,

BOB GRAHAM,
*U.S. Senator.*

## REMEMBERING ASTRONAUT WILLIAM McCOOL

Mr. ENSIGN. Mr. President, I rise today to extend my deepest condolences to the families of the seven astronauts whose lives were lost on February 1. To Nevadans Audrey and Barry McCool, whose son William piloted the final *Columbia* mission, I offer my sympathy and the sincere gratitude of an entire nation.

You raised an incredible human being. William McCool represented the best and the brightest of this country. Though his life was taken prematurely, his legacy will be felt indefinitely.

William was incredibly smart, a talented athlete, and a true patriot. The combination of these traits, along with devoted parents and religious conviction, produced an American hero. We mourn that hero today, as Audrey and Barry McCool mourn their son. And while we stand with them in grief, we should also express our admiration for the type of son they raised.

Many children dream of one day becoming an astronaut. A very elite few ever make that dream a reality. For William McCool, his dream was his destiny. As a child, he looked up to his Marine and Navy pilot father, built model airplanes, and became an Eagle Scout. As a young man, he excelled by graduating second in his class at the Naval Academy, maintaining a 4.0 grade point average, and earning advanced degrees in computer science and aeronautical engineering. Not applying to be an astronaut until his thirties, by the time of his last mission William had logged more than 2,800 hours of flight experience in 24 aircraft, including more than 400 landings on aircraft-carrier decks.

As a pilot, William McCool risked his life often for this country. On January 16, he left his wife, sons, parents, and siblings grounded on Earth while he soared toward his lifetime dream among the stars. William was kept from completing his journey home, but our gratitude for his service must not be short lived.

We must ensure that these 7 astronauts, and the 10 other NASA astronauts who died in pursuit of knowledge, did not do so in vain. We ow it to their children to continue the quest of space science, and we owe it to all our children to continue reaching for the stars.

## TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Mr. BAUCUS. Mr. President, I rise today to express my disappointment and dismay that the Secretary of Agriculture has failed to meet the deadline mandated by Congress to establish a program of Trade Adjustment Assistance for Farmers.

In the Trade Act of 2002, Congress directed the Secretary to get this program running by no later than this week, February 3, 2003.

It is running? No. Is it even close to running? No.

In fact, the Department of Agriculture tells me that their anticipated startup date is still another six months away. Meanwhile, the $90 million that Congress set aside for this program in fiscal year 2003 has no way of reaching its intended beneficiaries. This is simply unacceptable.

Senators GRASSLEY and CONRAD recently joined me in a letter making this very point to secretary Veneman. We told her then—and I repeat it now—that we hold her personally accountable for dropping the ball on TAA for Farmers. Frankly, I expected better.

The Trade Act of 2002 renewed the President's trade promotion authority after a lapse of 8 years. In exchange for Congress', and the Nation's, renewed commitment to trade liberalization, the President agreed to expand the trade adjustment assistance program to better meet the needs of those who might be negatively impacted by trade.

A critical part of the President's commitment was the creation of a trade adjustment assistance program for farmers, ranchers, and other agricultural producers.

We all know that opening foreign markets to American agricultural products can provide great advantages to U.S. farmers and ranchers. Already, nearly one-fifth of Montana's agricultural production is exported. For Montana wheat, a full two-thirds is exported. And opening foreign markets is the best way to create new opportunities for our farmers and ranchers.

This is one reason I have always been a strong supporter of trade liberalization and an equally strong advocate for a level playing field for our farmers in world markets.

But trade liberalization can have a downside as well. It can leave our farmers and ranchers more vulnerable to sudden import surges, devastating commodity price swings, and other countries' unfair trading practices. That is why they need this TAA program.

The Department of Labor's TAA program for workers has nominally covered family farmers, ranchers, and fishermen all along. But hardly any have participated. They usually can't qualify because they don't become unemployed in the traditional sense.

After decades of trying without success to squeeze farmers into eligibility rules designed for manufacturing workers, it was time to try something new, something that would help farmers adjust to import competition before they lost their farms.

What the Trade Act does is create a TAA program tailored to the needs of farmers, ranchers, and fishermen. Basically, the program creates a new trigger for eligibility. Instead of having to show a layoff, the farmer, rancher, or fisherman has to show commodity price declines related to imports.

The trigger is different, but the program serves the same purpose as all our trade adjustment programs. It assists the farmer, rancher, or fisherman to adjust to import competition, to retrain, to obtain technical assistance, and to have access to income support to tide them over during the process. And the income support is capped to make sure that the program is not being abused.

So last summer the President made a commitment—to the Congress and to the American agricultural community—to make this program a reality. I think it is fair to say that this was one of just a few key elements that got the President those critical few votes he needed to pass TPA in the House and the pass it with a strong bipartisan vote in the Senate.

And now I say to the President, and to Secretary Veneman: the farmers and ranchers of Montana—and indeed throughout America—continue to wait for your administration to fulfill this commitment.

I hope this will happen sooner, rather than later.

Indeed, there is absolutely no excuse for a 6-month delay in getting this program off the ground. There certainly wasn't a 6-month delay in launching negotiations for four new free-trade agreements under TPA. There shouldn't be a delay here either.

My staff and I stand ready to assist in any way we can to kick start this process. But Secretary Veneman needs to do the heavy lifting here. And that is my challenge to her today.

## BLACK HISTORY MONTH

Mr. SMITH. Mr. President, each year I come to the floor during the month of February to celebrate Black History Month and to discuss many of the contributions made by Black Americans to my home State of Oregon. Today, at the beginning of this year's celebration of Black History Month, I would like to begin another series of floor statements with a short discussion of a significant event in Oregon's history, the Vanport flood.

In 1929, Dr. DeNorval Unthank moved to Portland, OR from Pennsylvania, becoming one of the city's first black physicians. When he moved into a segregated, nearly all-White neighborhood, he and his family were greeted by rocks thrown through the windows of his home. When he replaced those windows, more rocks were thrown. Phone calls threatening his family were also common. Ultimately, Dr. Unthank was forced to move to another part of town.

The city of Portland was highly segregated in its early history, and, although experiences like Dr. Unthank's were not uncommon, there were very few Black Portlanders. World War II changed all that. Between 1941 and 1943, the African-American population in Portland increased tenfold, from roughly 2,000 to over 20,000. People came from all over the country to work in Portland's shipyards, and to accommodate this influx of labor, the city of Vanport—a combination of the names Vancouver and Portland—was built. At the time, it was the largest public housing project in the Nation, and it became home to thousands of Black Oregonians.

Due to the housing shortage in Portland after the war, the temporary housing at Vanport was allowed to linger on long past its original intended purpose. Restrictive policies of the local real estate industry, as well the hostility to be found in Portland's White neighborhoods, kept Black residents largely confined to Vanport. On Memorial Day 1948, the Columbia River overflowed its banks and washed away Vanport City, leaving behind a large lake and thousands of homeless people. White residents of Vanport could be fairly easily absorbed into the larger fabric of the White community with minimal disruption; however, the response to the plight of Vanport's Black residents presented a dramatic challenge to the previous patterns of racial thought and action in the city.

According to Dr. Darrell Millner, professor at Portland State University, Portland generally rose to meet the challenge of the flood in a display of admirable humanitarianism. While some distinctions related to color were made in the aftermath of the disaster, other new interracial dynamics emerged from the event that, in the long term, helped change the course of Portland race relations.

H.J. Belton Hamilton, a former chair of the Urban League of Portland's board, recalls, ''A lot of people got to know each other then.'' Many White families took displaced Vanport Blacks into their homes after the flood, and the old artificial boundaries of the African-American community were stretched to accommodate the relocation of residents. ''The Vanport flood had a major impact on Portland,'' said Bobbie Nunn, and early activist in the NAACP and Urban League. The city of Portland had to accommodate its Black citizens, and the movement for positive racial change was on the rise.

We can see the changes in Portland by looking back again on the life of Dr. Unthank. Not only did Dr. Unthank cofound the Urban League of Portland, but by 1958, the Oregon State Medical Society named him Doctor of the Year. Four years later, he was named Citizen of the Year by the Portland Chapter of the National Conference of Christians and Jews. In 1969, DeNorval Unthank Park was dedicated in Portland. Forty years before, rocks had been thrown through the windows of his Portland home.

Portland and the entire State of Oregon went through as many changes in the middle part of the 20th century as did most other parts of our country. In the case of Portland, it was a major catastrophe, the Vanport flood, that served as one of the major catalysts for positive change. During Black History Month, I think it is important that we remember the people and events, like

Dr. Unthank and the Vanport flood, that helped shape the history of Oregon. I will come back to the floor each week this month to talk more about why Black History Month is important to Oregonians.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 26, 2001, in Los Angeles, CA. A college student assaulted a police officer outside a fraternity. The student, Adam Guerrero, 23, threw objects and shouted racial slurs at a Black traffic officer who was standing outside the fraternity house. The student was charged with counts of committing a hate crime, battery on a peace officer, and assault on a peace officer.

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 is 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.

## RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY. Mr. President, in accordance with Rule XXVI.2. of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted by the committee on January 30, 2003.

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

### RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

[Adopted in executive session, January 30, 2003]

#### RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

#### RULE 2. COMMITTEE

[a] Investigations. No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings. No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses. Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions. No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments. It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

#### RULE 3. SUBCOMMITTEES

[a] Authorization for. A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations. No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings. No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses. Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings. If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting. No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his

or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4. WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements. Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses. Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5–minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE—RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

## HEALTH CARE IN THE 108TH CONGRESS

Mr. SMITH. Mr. President, this Congress will address a number of very serious issues this year, but there is perhaps no issue we will discuss with greater long-term implications than health care.

Last year, my colleagues and I came to the Senate floor to talk about and debate the pressing need for an affordable, universal, and voluntary prescription drug benefit for America's seniors. Unfortunately, our efforts were not successful, and our Nation's seniors continue to live in fear that the loss of their health could lead to the loss of their homes.

For the past several years, I have also tried to address the growing problem of the uninsured: Every day, 41 million Americans live, work, and go to school without health coverage. While the economic downturn this past year has caused many families to tighten their belts, it has had more serious results for almost 2 million men, women, and children who have lost their health insurance along with their jobs.

Last year, the Senate Budget Committee chairman's mark included a $500 billion health fund, to be used to modernize Medicare with the addition of a

prescription drug benefit, and to reduce the number of uninsured in this country. With annual prescription drug cost inflation, any legislation to address the long-neglected need of Medicare seniors for an affordable prescription drug benefit this year will consume at least as much. Additionally, growing State fiscal woes coupled with the increase in the number of uninsured Americans will require a substantial Federal response.

With the threat of war and ongoing economic downturn, it may be difficult to consider new initiatives this year. But we must. The current economic climate is all the more reason to focus attention and resources on covering the uninsured now, when the need is great. In addition, every year that passes without adding a prescription drug benefit to Medicare, seniors continue to suffer, and the cost of adding such a benefit increases substantially. We must make every effort to provide a very real benefit for our Nation's seniors and uninsured, and I urge my colleagues to support a sufficient sum to make these goals a reality this year.

## TAX CUTS AND JOBS

Mr. HATCH. Mr. President, I rise today to make a suggestion about how we can work more effectively to get the engine of our economy running on all of its cylinders again.

We have heard a great deal this week about the current state of our economy and whether the President's growth plan, which he released this past Monday, will be effective in putting Americans who have lost their jobs back to work. Many of my colleagues on the other side of the aisle are questioning whether there is a link between high taxes and jobs.

The current debate has featured quotations and commentary from some of the most prominent economists and tax experts in America. Both sides rely on knowledgeable and learned authorities to make their case that the Bush growth plan will or will not be effective in creating jobs. And, as the old saying goes, you can find an expert to prove any point you wish.

But too often, I think we tend to overlook the wisdom of people on the front lines of the U.S. economy. Sometimes these people can provide answers with clarity and common sense.

A few months ago, a small business owner in Moab, UT, Jeffrey Davis, sent me a very heartfelt letter, and his sentiment has stuck in my mind. I want to share it with my colleagues here today.

Moab is a relatively small town in southeastern Utah whose economy is greatly dependent on tourism. Within just a few miles of this town lies some of the most spectacular scenery on Earth. However, the people who make Moab their home face the same economic realities with which everyone else in America deals.

Mr. Davis owns and operates a restaurant in Moab, and over the years he has tried his hand at a few other retail businesses as well. From his letter, it is obvious he has faced both good times and bad times with his businesses. Unfortunately, the recent trends have not been positive. He currently employs between 13 and 20 people, depending upon the season, and he worries that these people, who depend on him, might find themselves out of a job if conditions do not soon improve. Mr. Davis understands all too well the pressures that face all small business owners.

In his letter to me, Mr. Davis makes a point that is extremely important to the current debate on taxes and jobs—that if high taxes force the small business person to go out of business, the U.S. Government will not get any tax money.

As simple and obvious as that concept sounds, I fear it might be one who is sometimes lost on those of us in Congress. Taxes and other government requirements have a real cost on small businesses in this country, many of which are right at the edge of viability. In the case of businesses in many towns in Utah and around the country, things have been really tough for the past couple of years. The one-two punch of a slowing economy and the greatly reduced travel resulting from the events of September 11 have moved many thousands of small businesses in Utah and around the Nation right to the edge of going out of business. This is especially true of businesses in towns that depend heavily on tourism, such as Moab.

Tax cuts, such as the President is proposing, can make the difference between a small business surviving and it closing its doors. We must keep in mind that a high percentage of small businesses pay taxes at the individual rates.

As we debate the best way to deal with our slow recovery over the next weeks, we will surely hear a great deal more from economists and experts on the macro effect of various plans and how gross domestic product will be affected by enacting one idea or another.

These opinions and analyses are a very much needed and welcome part of the political process. But I urge my colleagues to not forget to also consider the wisdom of those back home in their States, who, like Jeffrey Davis of Moab, UT, face the real world effects of our decisions.

## ADDITIONAL STATEMENTS

### 30th ANNIVERSARY OF THE TURTLE MOUNTAIN COMMUNITY COLLEGE

• Mr. CONRAD. Mr. President, I rise today to congratulate the Turtle Mountain Community College located on the Turtle Mountain Indian Reservation in my State of North Dakota on its 30th anniversary.

Turtle Mountain Community College was one of the six original tribal colleges formed to meet the higher education needs of American Indians. Without the college, the dream of a college education would have been out of reach for so many on the reservation.

It is quite exciting to see how this college has evolved over the past 30 years. The college started from very humble beginnings. On the third floor of an abandoned Catholic convent, with fewer than 60 students and only 3 full-time faculty members, the college offered its first course to those on the reservation. Today, the college has grown to serve over 650 students, with more than 150 courses and 65 full- and part-time faculty members. Additionally, the college serves more than 250 adults who are working to earn their general equivalency degree.

Turtle Mountain Community College was the first tribal college to be granted 10-year accreditation by the North Central Association of Colleges and Schools and was the one of the first to fully integrate traditional culture throughout the curriculum.

By far one of the largest accomplishments for the college was the opening of its new campus building in 1999. The college worked for years to raise the needed funds to construct this facility. Located on a 234-acre site, the 105,000-square-foot facility includes state-of-the art technology, general classroom space, science and engineering labs, a library, learning resource center, and a gymnasium.

Over 2,000 tribal members have graduated from the college since its creation, a truly commendable accomplishment. Nearly half of the graduates have gone on to other institutions to earn a 4-year degree. Last spring, the college graduated the first group of students to earn a bachelor of science degree in elementary education.

For the past 30 years, the college has also played a critical role in reservation life, supporting tribal business development, worker training to meet the needs of local industries, and year-round activities for elementary, middle, and high school students.

I congratulate the college, its faculty, and students on this momentous occasion and wish them much success in the next 30 years.•

### ARTHUR ASHE

• Mrs. CLINTON. Mr. President, Arthur Ashe said: ''True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost.'' This is more than an eloquent definition of heroism; it was how Arthur Ashe lived his life.

Ashe emerged from segregated Richmond, VA, to become one of the finest individuals to play the game of tennis. He shattered barrier after barrier and showed the world that anyone who worked hard enough and trained could rise to the top. Ashe's triumphs began in Maryland in 1957 when he was the

first African American to ever participate in the Maryland boy's tennis championships. After graduating first in his high school class, he attended UCLA. At UCLA, he helped his team win the NCAA Championship in 1965 by winning the individual championship. Ashe became the first African American ever to be appointed to the Davis Cup Team and played for the team from 1963 to 1970, and also in 1975, 1976, and 1978, and served as captain in 1980.

The world also admired Ashe for his great individual victories. He won the U.S. Open in 1968, the Australian Open in 1970, the French Open in 1971, and no one can forget his victory over Jimmy Connors in the Wimbledon Championship of 1975. Each victory, from the Maryland boy's championship to the triumph at Wimbledon, earned Arthur Ashe a spot in the International Tennis Hall of Fame in 1985.

But tennis is just one part of Ashe's legacy. He was in the military. He was an author, a husband, and a father. He understood that with great success came even greater responsibility. And in the early 1970s he denounced apartheid and worked tirelessly for South Africa's expulsion from the International Lawn Tennis Association. Ashe was the first African-American professional to play in South Africa's national tennis championships. He seized that moment in the spotlight to highlight the struggle of the South African people against the terrible oppression of apartheid. And when the South African Government refused reforms, Ashe refused to play and was even arrested in 1985 outside the South African Embassy while protesting apartheid.

Ashe never wavered in his commitment to use his position to help further important causes. Whether it was the plight of Haitian refugees or creating the USTA National Junior Tennis League to help young inner-city athletes, each effort was a measure of a man determined to make this world a better place.

Then the news came in 1992 that Ashe was HIV positive. As the news traveled to all who were inspired by Ashe, sadness spanned the globe. But once again, Ashe used his position in the world to further one last cause. He went before the General Assembly of the United Nations and called for an increase in AIDS funding and research, and he started the Arthur Ashe foundation to promote these and other causes. Arthur Ashe passed away on February 6, 1993, but his legacy continues thanks to his dedicated wife Jeanne who serves as the chairperson of the Arthur Ashe Endowment for the Defeat of AIDS, his daughter Camera, and all of those who admired this truly heroic individual.

A decade ago, the world lost one of its great heroes. And on this day, in recognition of all of his accomplishment for athletes, and the exemplary role he fulfilled as activist, author, husband, father, and individual, we salute Arthur Robert Ashe, Jr.●

## RETIREMENT OF MR. DAVID B. HARRITY

● Mr. SUNUNU. Mr. President, I rise today on behalf of myself and my good friend and colleague, the senior Senator from New Hampshire, JUDD GREGG, to extend our congratulations to Mr. David B. Harrity on the occasion of his retirement from the U.S. Department of Housing and Urban Development.

Dave has had an exemplary career in Federal service, devoting more than 34 years to our Nation. Because of his dedication to duty, Dave rose through the ranks at HUD and retires today as director of the New Hampshire field office. Dave's accomplishments are not limited to his decades of Federal service, but extend to the difference he has made in the lives of countless citizens. His years of leadership and generosity have helped make Manchester, NH, the strong and vibrant community it is today.

Dave began his service with HUD at its inception in 1965, starting in the Philadelphia field office where he provided assistance to the people of Pennsylvania and southern New Jersey. From there, Dave moved to HUD's Boston regional office where, in 1971, he became the first low-rent housing specialist in New England and worked in close concert with all of the local housing authorities in each of the six New England States.

When HUD created the Executive Identification and Development Program in 1974, Dave was one of only 21 individuals selected from a national competition of more than 700 to participate in the leadership training. After completing and receiving a certificate from the Urban Executive Program of the Sloan Management School at the Massachusetts Institute of Technology, Dave was appointed special assistant to the Regional Administrator in 1975.

In 1978, Dave was tapped to serve as the director of the Housing Development and Management Divisions of the Hartford, CT, HUD Field Office. Dave's team of staff professionals worked closely with HUD customers, providing mortgage insurance, housing subsidies, and management oversight of federally assisted housing. In 1988, Dave moved on to an opportunity with the State of Connecticut's Department of Housing. In this position, he administered HUD's Section 8 Existing Certificate and the Small Cities Community Development Block Grant Programs.

In October of 1992, Dave was appointed Manager of HUD's Manchester office by then-Secretary Jack Kemp. Dave's managerial style has been and continues to be, one of working with, and in support of, local officials to ensure that each city and town in New Hampshire receives the maximum benefit from HUD's programs. While protecting the Federal Government's interests, Dave has instilled in his staff a willingness to find ways to allow local officials to administer HUD's programs in a manner which best meets the specific needs of New Hampshire's residents. Because of Dave's leadership skills, a recent Quality Management Review of the Manchester office resulted in one of the highest overall ratings of any HUD office in the Nation.

Besides the help he provides the men and women of New Hampshire through his service at HUD, Dave's philosophy of giving is reflected in a number of other community activities. He is president of the board of directors of ''The CareGivers, Inc.'' a nonprofit organization serving the Manchester and Nashua areas of the Granite State and whose mission is ''helping the frail, elderly and disabled to maintain their independence and dignity.'' He is also the past president of the New Hampshire Federal Executive Association and is a leader within the Greater Manchester Chamber of Commerce. As another part of his community participation, Dave serves as a ''Granite State Ambassador,'' greeting visitors to New Hampshire at information kiosks in both the airport and downtown Manchester. He is also a member of the board of directors of the Manchester Rotary Club.

Dave's career has truly been an inspiration to those who look to form a better future through active participation in the community. While Senator GREGG and I trust Dave will enjoy his retirement with his wife Patricia, and being able to spend more time with his daughters Suzanne and Tracey and his grandsons Ryan and Thomas, we also know he will not cease giving of himself in service to his fellow man.

On behalf of the citizens of Manchester and of the Granite State, Senator GREGG and I congratulate David Harrity and thank him for all he has done for his community, the State of New Hampshire, and the Nation.●

## 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

### ENROLLED JOINT RESOLUTION SIGNED

At 11:15 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the

Speaker has signed the following enrolled joint resolution:

H.J. Res. 18. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–991. A communication from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule ''Endangered and Threatened wildlife and plants ; final designation or non designation of critical habitat for 95 plant species from the islands of Kauai and Niihau, Hawaii; final rule (RIN1018-AG71)'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–992. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–994. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Rivers and Streams in Ecoregion V'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–995. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Amboemt Water Quality Criteria Recommendation: Rivers and Streams in Ecoregion I'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–996. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Method for Evaluating Wetland Condition: #10 Using Vegetation to Assess Environment Conditions in Wetlands'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–997. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Method for Evaluating Wetlands Conditions: #1 Introduction to Wetland Biological Assessment'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–998. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Method for Evaluating Wetlands Condition: #4 Study Design for Monitoring Wetlands'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–999. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Method for Evaluating Wetlands Condition: #9 Developing an Invertebrate Index of Biological Integrity'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1000. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Condition: #12 Using Amphibians in Bioassessments of Wetlands'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1001. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Wetlands Condition: #16 Vegetation-Based Indicators of Wetland Nutrient Enrichment'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1002. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Wetlands Condition: #17 Land-Use Characterization for Nutrient and Sediment Risk Assessment'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1003. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Wetlands Condition: #11 Using Algae to Assess Environmental Conditions in Wetlands'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1004. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Wetlands Condition: #13 Biological Assessment for Birds'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1005. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Wetlands Condition: #6 Developing Metrics and Indexes of Biological Integrity'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1006. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating Wetlands Conditions: #8 Volunteers and Wetland Biomonitoring'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1007. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Methods for Evaluating wetlands Conditions: #7 Wetlands Classification'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1008. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion IV'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1009. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion V'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1010. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion XIV'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1011. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Rivers and Stream in Ecoregion VIII'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1012. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Rivers and Streams in Ecoregion X'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1013. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Ambient Water Quality Criteria Recommendations: Lakes and Reservoirs in Ecoregion III'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1014. A communication from the Assistant Secretary, Fish and Wildlife Service , Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants ; Designation of Critical Habitat for the Rio Grande Silvery Minnow (RIN1018-AH91)'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1015. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: New Hampshire; Plan for Controlling emmissions from Existing Commercial and Industrial Solid Waste Incinerators (FRL7447-6)'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1016. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emmission from New Marine Compression-Ignition Engines at or Above Liters per Cylinder (FRL7448-9)'' received on February 5, 2003; to the Committee on Environment and Public Works.

EC–1017. A communication from the Administrator, Environmental Protection Agency , transmitting, pursuant to law, the Fiscal Year 2002 Annual Report of the Environmental Protection Agency, received on February 1, 2003; to the Committee on Environment and Public Works.

EC–1018. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report on D .C. ACT 14-89 ''Independence of the Chief Financial Officer Establishment Act of

2001'' received on February 1, 2003; to the Committee on Governmental Affairs.

EC–1019. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense Fiscal Year (FY) 2002 Performance and Accountability Report, received on January 31, 2003; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, without amendment and with a preamble:

S. Res. 49. A resolution designating February 11, 2003, as ''National Inventors' Day.''

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio.

S. James Otero, of California, to be United States District Judge for the Central District of California.

Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. LEVIN (for himself, Ms. STABENOW, and Mr. SCHUMER):

S. 324. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System; to the Committee on Energy and Natural Resources.

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

S. 325. A bill to amend the Agricultural Marketing Act of 1946 to increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 326. A bill to amend the Uniform Code of Military Justice to apply to prosecutions of child abuse cases in courts-martial an extended statute of limitations applicable to prosecutions of child abuse cases in United States District Courts, and for other purposes; to the Committee on Armed Services.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 327. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

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

S. 328. A bill to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area,'' and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 329. A bill to assist the Neighborhood Watch program to empower communities and citizens to enhance awareness about threats from terrorism and weapons of mass destruction, and encourage local communities to better prepare to respond to terrorist attacks; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. MILLER, Mr. JOHNSON, Mr. INOUYE, Mr. CONRAD, Mr. BINGAMAN, Mr. LEAHY, Mr. BUNNING, Mr. DOMENICI, Ms. MURKOWSKI, and Mr. CRAIG):

S. 330. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BAUCUS, Mr. JOHNSON, Mr. DOMENICI, Mr. BINGAMAN, Mr. COCHRAN, and Ms. STABENOW):

S. 331. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, and Mr. CONRAD):

S. 332. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

## ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 113

At the request of Mr. KYL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 113, a bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

S. 150

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 196

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 205

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 205, a bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

S. 207

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind.

S. 245

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 250

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 250, a bill to address the international HIV/AIDS pandemic.

S. 287

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 300

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 303

At the request of Mr. HATCH, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 303, a bill to prohibit human cloning and protect stem cell research.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 48, A resolution designating April 2003 as ''Financial Literacy for Youth Month''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. SCHUMER):

S. 324. A bill acquisition from willing sellers for certain trails in the National Trails System; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Willing Seller bill be printed in the RECORD.

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

S. 324

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

**SECTION 1. NATIONAL TRAILS SYSTEM.**

(a) ACQUISITION OF LAND FROM WILLING SELLERS.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) in paragraph (8), by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail without the consent of the owner of the land or interest.'';

(2) in paragraph (10), by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail without the consent of the owner of the land or interest.''; and

(3) in the fourth sentence of paragraph (11)—

(A) by striking ''No lands or interests therein outside the exterior'' and inserting ''No land or interest in land outside the exterior''; and

(B) by inserting before the period at the end the following: ''without the consent of the owner of the land or interest''.

(b) CONFORMING AMENDMENT.—Section 10(c)(1) of the National Trails System Act (16 U.S.C. 1249(c)(1)) is amended by striking ''the North Country National Scenic Trail, The Ice Age National Scenic Trail,''.

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

S. 325. A bill to amend the Agricultural Marketing Act of 1946 to increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, during the last Congress Senator FEINGOLD and I sponsored the Transparency for Independent Livestock Producers Act, or what we have generally referred to as the ''Transparency Act''. Today we are once again working together in a bipartisan fashion to re-introduce this important legislation.

As everyone knows, I introduced the packer ban this Congress because I want more competition in the marketplace. While I don't think packers should be in the same business as independent livestock producers, it's not the fact that the packers own the livestock that bothers me as much as the fact that the packers' livestock competes for shackle space and adversely impacts the price independent producers receive.

My sponsorship of the packer ban is based on the belief that independent producers should have the opportunity to receive a fair price for their livestock. The last few years have led to widespread consolidation and concentration in the packing industry. Add on the trend toward vertical integration among packers and there is no question why independent producers are losing the opportunity to market their own livestock during profitable cycles in the live meat markets.

The past CEO of IBP in 1994 explained that the reason packers own livestock is that when the price is high the packers use their own livestock for the lines and when the price is low the packers buy livestock. This means that independent producers are most likely being limited from participating in the most profitable ranges of the live market. This is not good for the survival of the independent producer.

This bipartisan legislation would guarantee that independent producers have a share in the market place while assisting the Mandatory Price Reporting system. The proposal would require that 25 percent of a packer's daily kill comes from the spot market. By requiring a 25 percent spot market purchase daily, the mandatory price reporting system, which has been criticized due to reporting and accuracy problems, would have consistent, reliable numbers being purchased from the spot market, improving the accuracy and transparency of daily prices. In addition, independent livestock producers would be guaranteed a competitive position due to the packers need to fill the daily 25 percent spot/cash market requirement.

The packs required to comply would be the same packs required to report under the Mandatory Price Reporting system. Those are packs that kill either 125,000 head of cattle, 100,000 head of hogs, or 75,000 lambs annually, over a 5 year average.

Packers are arguing that this will hurt their ability to offer contracts to producers, but the fact of the matter is that the majority of livestock contracts pay out on a calculation incorporating Mandatory Price Reporting data. If the Mandatory Price Reporting data is not accurate, or open to possible manipulation because of low numbers on the spot market, contracts are not beneficial tools for producers to manage their risk. This legislative proposal will hopefully give confidence to independent livestock producers by improving the accuracy and viability of the Mandatory Price reporting system and secure fair prices for contracts based on that data.

It's just common sense, when there aren't a lot of cattle and pigs being purchased on the cash market, it's easier for the Mandatory Price reporting data to be inaccurate or manipulated. The majority of livestock production contracts are based on that data, so if that information is wrong the contract producers suffer.

This legislation will guarantee independent livestock producers market access and a fair price. It will accomplish these goals by making it more difficult for the Mandatory Price Reporting System to be manipulated because of low numbers being reported by the packs. The Transparency Act is crucial legislation to guarantee livestock producers receive a fair shake at the farm gate and I am looking forward to working on this legislation in a bipartisan fashion.

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

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

S. 325

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

**SECTION 1. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.**

Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following:

**''SEC. 260. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.**

''(a) DEFINITIONS.—In this section:

''(1) COOPERATIVE ASSOCIATION OF PRODUCERS.—The term 'cooperative association of producers' has the meaning given the term in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(2) COVERED PACKER.—

''(A) IN GENERAL.—The term 'covered packer' means a packer that is required under this subtitle to report to the Secretary each reporting day information on the price and quantity of livestock purchased by the packer.

''(B) EXCLUSION.—The term 'covered packer' does not include a packer that owns only 1 livestock processing plant.

''(3) NONAFFILIATED PRODUCER.—The term 'nonaffiliated producer' means a producer of livestock—

''(A) that sells livestock to a packer;

''(B) that has less than 1 percent equity interest in the packer, which packer has less than 1 percent equity interest in the producer;

''(C) that has no officers, directors, employees, or owners that are officers, directors, employees, or owners of the packer;

''(D) that has no fiduciary responsibility to the packer; and

''(E) in which the packer has no equity interest.

''(4) SPOT MARKET SALE.—

''(A) IN GENERAL.—The term 'spot market sale' means a purchase and sale of livestock by a packer from a producer—

''(i) under an agreement that specifies a firm base price that may be equated with a fixed dollar amount on the date the agreement is entered into;

''(ii) under which the livestock are slaughtered not more than 7 days after the date on which the agreement is entered into; and

''(iii) under circumstances in which a reasonable competitive bidding opportunity exists on the date on which the agreement is entered into.

''(B) REASONABLE COMPETITIVE BIDDING OPPORTUNITY.—For the purposes of subparagraph (A)(iii), circumstances in which a reasonable competitive bidding opportunity shall be considered to exist if—

''(i) no written or oral agreement precludes the producer from soliciting or receiving bids from other packers; and

''(ii) no circumstance, custom, or practice exists that—

''(I) establishes the existence of an implied contract (as determined in accordance with the Uniform Commercial Code); and

''(II) precludes the producer from soliciting or receiving bids from other packers.

''(b) GENERAL RULE.—Of the quantity of livestock that is slaughtered by a covered packer during each reporting day in each plant, the covered packer shall slaughter not less than the applicable percentage specified in subsection (c) of the quantity through spot market sales from nonaffiliated producers.

''(c) APPLICABLE PERCENTAGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage shall be—

''(A) in the case of a covered packer that is not a cooperative association, 25 percent; and

''(B) in the case of a covered packer that is a cooperative association, 12.5 percent.

''(2) EXCEPTIONS.—

''(A) COVERED PACKERS WITH A HIGH PERCENTAGE OF CAPTIVE SUPPLY CATTLE.—In the case of a covered packer (other than a covered packer described in subparagraph (B)) that reported to the Secretary in the 2001 annual report that more than 75 percent of the cattle of the covered packer were captive supply cattle, the applicable percentage shall be the greater of—

''(i) the difference between the percentage of captive supply so reported and 100 percent; and

''(ii)(I) during each of calendar years 2004 and 2005, 5 percent;

''(II) during each of calendar years 2006 and 2007, 15 percent; and

''(III) during calendar year 2008 and each calendar year thereafter, 25 percent.

''(B) COOPERATIVE ASSOCIATIONS WITH HIGH PERCENTAGE OF CAPTIVE SUPPLY CATTLE.—In the case of a covered packer that is a cooperative association and that reported to the Secretary in the 2001 annual report that more than 87.5 percent of the cattle of the covered packer were captive supply cattle, the applicable percentage shall be the greater of—

''(i) the difference between the percentage of captive supply so reported and 100 percent; and

''(ii)(I) during each of calendar years of 2004 and 2005, 5 percent;

''(II) during each of calendar years of 2006 and 2007, 7.5 percent; and

''(III) during calendar year 2008 and each calendar year thereafter, 12.5 percent.

''(d) NONPREEMPTION.—Notwithstanding section 259, this section does not preempt any requirement of a State or political subdivision of a State that requires a covered packer to purchase on the spot market a greater percentage of the livestock purchased by the covered packer than is required under this section.

''(e) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section affects the interpretation of any other provision of this Act, including section 202.''.

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By Mr. NELSON of Florida:

S. 326. A bill to amend the Uniform Code of Military Justice to apply to prosecutions of child abuse cases in courts-martial an extended statute of limitations applicable to prosecutions of child abuse cases in United States District Courts, and for other purposes; to the Committee on Armed Forces.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation to close a gaping loophole in the Victims of Child Abuse Act that currently ties the hands of military prosecutors.

Congress passed the Victims of Child Abuse Act to extend the statute of limitations for prosecuting offenses involving the sexual or physical abuse of minor children. But the military's highest court recently said the VCCA's extended statute of limitations doesn't apply to courts martial.

Because Congress did not expressly address the relationship of this provision to the Uniform Code of Military Justice serious crimes against children are now out of military prosecutors' reach.

This loophole became tragically apparent to me after I was contacted by the father of a young girl who was sexually abused by a member of the military. The victim's father called my office to express his frustration that the Air Force couldn't properly prosecute the man for molesting his daughter over a 7-year period. The military couldn't convict the offender on the worst counts levied against him because of the insufficient 5-year statute of limitations provided by the Uniform Code of Military Justice.

Air Force prosecutors originally used the extended statute of limitations provided by the Victims of Child Abuse Act to convict the defendant of several crimes, but the most serious convictions were overturned by the U.S. Court of Appeals for the Armed Forces which determined that the shorter statute of limitations provided by the UCMJ applied to the case instead of the extended prosecution period provided by the VCAA.

The Court's narrow interpretation of the VCAA means this sex offender will do a very short sentence at best, even though he abused this young girl for years.

The bill I introduce today is designed to ensure that kids aren't denied justice just because the defendant happens to be a member of the military. Military prosecutors need the power to put these criminals away for a long time.

The statute of limitations provided by the VCAA allows prosecutions until the victim's 25th birthday. My bill clarifies that the VCAA's statute of limitations applies to courts martial whenever a case arises involving the sexual or physical abuse of a child.

Child victims of sexual crimes sometimes struggle to come to terms with the crimes committed against them and often are not willing, or able, to bring the crime to the attention of authorities until they are much older. Applying the longer statute of limitations provided by the VCAA to courts martial will allow military prosecutors to throw the book at sexual predators.

I strongly urge my colleagues to support this simple, but very important, change to the law. Our kids deserve this protection and we should give it to them without delay.

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

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

S. 326

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

**SECTION 1. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.**

Section 843(b) of title 10, United States Code (article 43 of the Uniform Code of Military Justice, is amended by adding at the end the following new paragraph:

''(3) Section 3283 of title 18, relating to an extension of a period of limitation for prosecution of an offense involving sexual or physical abuse of a child under the age of 18 years, shall apply to liability of a person for trial for such an offense by a court-martial and liability of a person for punishment for such an offense under section 815 of this title (article 15).''.

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By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 327. A bill to amend part A of title IV of the Social Security Act to allow up to 2 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am pleased to be joined by the Senator JEFFORDS in reintroducing legislation that seeks to add an important measure of flexibility to a provision of the Temporary Assistance for Needy Families program, TANF, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The legislation we are introducing increases from 12 to 24 months the limit on the amount of vocational education training that a State can count towards meeting its work participation rate.

Under the pre-1996 Aid to Families with Dependent Children program, welfare recipients could participate in post-secondary vocational training or community college programs for up to 24 months while receiving assistance. While I support TANF's emphasis on moving welfare recipients into jobs, I am troubled by the restriction on post-secondary education training, limiting it to 12 months. Only one year of vocational education counts as an approved work activity. The second year of post-secondary education study does not.

The limitation on post-secondary education and training raises a number of concerns, not the least of which is whether individuals may be forced into low-paying, short-term employment that will lead them back onto public assistance because they are unable to support themselves or their families. According to recent studies, this is exactly what has happened in far too many cases.

A March 13, 2001, report of the Congressional Research Service, indicates that the average hourly wage for these former welfare recipients ranged from $5.50 to $8.80 per hour. According to the U.S. Census Bureau, the mean earnings of adults with an associate degree are 20 percent higher than adults who have not achieved such a degree.

A majority of the Senate has previously voted to make 24 months of post-secondary education a permissible work activity under TANF. The Levin-Jeffords amendment to the 1997 Reconciliation bill, permitting up to 24 months of post-secondary education, received 55 votes—falling five votes short of the required procedural vote of 60. I must note the efforts of our dear friend and colleague Senator Paul

Wellstone who was committed to this issue and who subsequently, in 1998, offered similar legislation as an amendment to the Higher Education Act reauthorization, which I cosponsored. The Senate adopted his amendment, however, the amendment was dropped during conference negotiations.

In June of last year, Senator JEFFORDS and I were very pleased that our proposal was included in the Senate Finance Committee reported bill reauthorizing TANF. It is our hope that the Senate will again act favorably and expeditiously on this legislation and that the House will support this much-needed state flexibility. We must do what is necessary to achieve TANF's intended goal of getting families permanently off of welfare and onto self-sufficiency.

Finally, I would like to share with my colleagues some examples of the difference that completion of two years of vocational or community college can make. The following are jobs that an individual could prepare for in a structured two-year training or community college program, including the average starting salary, as provided by the Bureau of Labor Statistics.

AVERAGE STARTING SALARY NATIONWIDE

| | |
|---|---|
| Respiratory Therapist | $29,700 |
| Occupational Therapy Assistant | 25,220 |
| Electrician | 24,230 |
| Physical Therapy Assistant | 23,590 |
| Computer Support Specialist | 22,710 |
| Interior Designer | 21,490 |
| Legal Secretary | 22,360 |
| Food Service Manager | 20,370 |

We must ensure that all citizens have the opportunity to become productive and successful members of the workforce. Again, I urge my colleagues to act with haste on this legislation. This modification will give the states the flexibility they need to improve the economic status of families across America.

I ask unanimous consent that the text of the legislation Senator JEFFORDS and I are introducing be printed in the RECORD.

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

S. 327

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

**SECTION 1. INCREASE IN NUMBER OF MONTHS OF VOCATIONAL EDUCATIONAL TRAINING COUNTED AS A WORK ACTIVITY UNDER THE TANF PROGRAM.**

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended by striking ''12'' and inserting ''24''.

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

S. 328. A bill to designate Catoctin Mountain Park in the State of Maryland as the Catoctin Mountain National Recreation Area,'' and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am re-introducing legislation, together with my colleague Senator MIKULSKI, to re-designate Catoctin Mountain Park as the Catoctin Mountain National Recreation Area. I first introduced this measure in October 2002, but unfortunately it was not acted upon during the closing days of the 107th Congress. It is my hope that the legislation will receive full and prompt consideration this year.

I spoke last year about the need for this legislation and would like to underscore the principal arguments today. Catoctin Mountain Park is a hidden gem in our National Park System. Home to Camp David, the Presidential retreat, it has been aptly described as ''America's most famous unknown park.'' Comprising nearly 6000 acres of the eastern reach of the Appalachian Mountains in Maryland, the park is rich in history as well as outdoor recreation opportunities. Visitors can enjoy camping, picnicking, cross-country skiing, fishing, as well as the solitude and beauty of the woodland mountain and streams in the park.

Catoctin Mountain Park had its origins during the Great Depression as one of 46 Recreational Demonstration Areas, RDA, established under the authority of the National Industrial Recovery Act. The Federal Government purchased more than 10,000 acres of mountain land that had been heavily logged and was no longer productive to demonstrate how sub-marginal land could be turned into a productive recreational area and help put people back to work. From 1936 through 1941, hundreds of workers under the Works Progress Administration and later the Civilian Conservation Corps were employed in reforestation activities and in the construction of a number of camps, roads and other facilities, including the camp now known as Camp David, and one of the earliest—if not the oldest—camp for disabled individuals. In November 1936, administrative authority for the Catoctin RDA was transferred to the National Park Service by Executive Order.

In 1942, concern about President Roosevelt's health and safety led to the selection of Catoctin Mountain, and specifically Camp Hi-Catoctin as the location for the President's new retreat. Subsequently approximately 5,000 acres of the area was transferred to the State of Maryland, becoming Cunningham Falls State Park in 1954. The remaining 5,770 acres of the Catoctin Recreation Demonstration Area was renamed Catoctin Mountain Park by the Director of the National Park Service in 1954. Unfortunately, the Director failed to include the term ''National'' in the title and the park today remains one of 17 units in the entire National Park System and one of 9 units in the National Capital Region that does not have this designation. Those units include four parkways, four wild and scenic rivers, the White House and Wolf Trap Farm Park for the Performing Arts.

The proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park, and the differences between national and state park management, has caused longstanding confusion for visitors to the area. Catoctin Mountain Park is continually misidentified by the public as containing lake and beach areas associated with Cunningham Falls State Park, being operated by the State of Maryland, or being closed to the public because of the presence of Camp David. National Park employees spend countless hours explaining, assisting and redirecting visitors to their desired destinations.

My legislation would help to address this situation and clearly identify this park as a unit of the National Park System by renaming it the Catoctin Mountain National Recreation Area. The mission and characteristics of this park—which include the preservation of significant historic resources and important natural areas in locations that provide outdoor recreation for large numbers of people—make this designation appropriate. This measure would not change access requirements or current recreational uses occurring within the park. But it would assist the visiting public in distinguishing between the many units of the State and Federal systems. It will also, in my judgment, help promote tourism by enhancing public awareness of the National Park unit.

The legislation is supported by the Board of County Commissioners and Tourism Council of Frederick County. I urge approval of this legislation.

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By Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. MILLER, Mr. JOHNSON, Mr. INOUYE, Mr. CONRAD, Mr. BINGAMAN, Mr. LEAHY, Mr. BUNNING, Mr. DOMENICI, Ms. MURKOWSKI, and Mr. CRAIG):

S. 330. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce legislation that would recognize and protect the sanctity of veterans' memorials standing tributes to the brave American men and women who have fought for our enduring freedom. I am pleased to be joined by eleven of my colleagues, who are original cosponsors of this bill, the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

This bill is based on legislation which passed the Senate in the 107th Congress, S.1644. When I introduced S.1644, it was four days before Veterans' Day—an appropriate marker to honor those who so admirably served our country. Under my bill, someone who willfully destroys any type of monument commemorating those in the Armed Services on Federal property would be fined or put in jail. The violator would be subject to a civil penalty in addition to a fine, equal to the cost of repairing the damage.

The second part of this bill would permit states to place supplemental

guide signs for veterans' cemeteries on Federal-aid highways. By allowing signs to be posted on well-traveled roads, these sites will gain the recognition they deserve. It is my goal to make cemeteries easily accessible to those who want to pay their respect there. Many Americans do stop and recognize the sacrifice so many have made for our freedom, and I am convinced many more would if they were aware of where our memorials are located.

Our veterans, living and lost, are reminders of our national unity. Those who have served in our Armed Services remind us of freedom and justice in the midst of conflict and during times of peace. We are losing thousands of them forever, each year, as the veteran population ages. We have to honor their sacrifices by protecting those sites that recognize them. There are hundreds of veterans' memorials, on Federal property, where we go to heal and to remember. As a veteran myself, I am committed to seeing that not a single one is stripped of its dignity.

I learned that approximately one month before introducing my bill, vandals in Mead, CO, had stolen four headstones and shattered another at a local cemetery. One of those headstones belonged to a Civil War veteran. I commend the Weld County Sheriff's office for their work on the ongoing investigation into the crime, as well as local residents who have volunteered their time to rebuild the site.

This was a local cemetery, which received overwhelming local support. Unfortunately, when heartbreaking incidents like this happen on Federal land, there currently is no comprehensive law to protect the site nor to punish the perpetrators.

I encourage my colleagues to work together for swift consideration of this important legislation. It doesn't cost the taxpayers a thing, but it could save the American people from the injustices of thoughtless vandalism. I have the support of several veterans' organizations who have offered words of encouragement for this bill. These Americans know, first hand, the concept of service. Let's honor what they and thousands of others have done so bravely to preserve our freedom.

I ask unanimous consent that the bill and letters of support be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 330

*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 ''Veterans' Memorial Preservation and Recognition Act of 2003''.

**SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.**

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

**''§ 1369. Destruction of veterans' memorials**

''(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) A circumstance described in this subsection is that—

''(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

''(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''1369. Destruction of veterans' memorials.''.

**SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.**

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

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THE AMERICAN LEGION,
*Washington, DC, January 27, 2003.*

Hon. BEN NIGHTHORSE CAMPBELL,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR CAMPBELL: On behalf of the 2.9 million members of The American Legion, I would like to express full support for the Veterans' Memorial Preservation and Recognition Act. We applaud your effort to prohibit the desecration of veterans' memorials, and to permit guide signs to veterans cemeteries on federal highways.

The American Legion recognizes the need to preserve the sanctity and solemnity of veterans' memorials. these historic monuments serve not only to honor the men and women of the Nation's armed services, but to educate future generations of the sacrifices endured to preserve the freedoms and liberties enjoyed by all Americans.

Once again, The American Legion fully supports the Veterans' Memorial Preservation and Recognition Act. We appreciate your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON,
*Director, National Legislative Commission.*

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AMVETS,
*Lanham, MD, January 14, 2003.*

Hon. BEN NIGHTHORSE CAMPBELL,
*U.S. Senate, Russell Office Building, Washington, DC.*

DEAR SENATOR CAMPBELL: On behalf of AMVETS, I am writing to commend your introduction of legislation to ban desecration of veterans' memorials, provide for timely repair of memorials, and ensure appropriate placement of guide signs to veterans' cemeteries along federal highways.

Our nation's veterans' memorials are national shrines to the bravery and dedication of the men and women who have served in our Armed Forces. It is hard to believe that certain individuals within our communities would even consider the desecration of a memorial to those who defended freedom. Yet, it unfortunately occurs.

AMVETS strongly supports the goals of your legislative proposal and endorses your effort to do more to protect our veterans' memorials and honor the memory of their military service. We also give strong backing to the provision in your proposal that identifies the need and importance of providing information to travelers on our Nation's highways about the location of these beautiful memorials.

We appreciate your steadfast support on issues important to the men and women who have served in our Armed Forces. And, again, thank you for the leadership on veterans' issues.

Sincerely,

RICHARD ''RICK'' JONES,
*National Legislative Director.*

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PARALYZED VETERANS OF AMERICA,
*Washington, DC, January 8, 2003.*

Hon. BEN NIGHTHORSE CAMPBELL,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CAMPBELL: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support of the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

Memorials to the men and women who have served this Nation, in times of war and in times of peace, are tokens of our gratitude for this service, and their sacrifice. They are tangible reminders of our past, and an inspiration for our future. For this reason they are well worth protecting and preserving. This legislation addresses both of these goals.

Again, thank you for introducing the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

Sincerely,

RICHARD B. FULLER,
*National Legislative Director.*

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ROLLING THUNDER®, INC,
NATIONAL CHAPTER 1,
*Neshanic Station, NJ, January 8, 2003.*

Senator BEN ''NIGHTHORSE'' CAMPBELL,
*Russell Senate Office Building,*
*Washington, DC.*

HONORABLE BEN CAMPBELL: I am sending this letter in support of Bill, ''Veterans Memorial Preservation and Recognition Act of 2003.

Rolling Thunder National and our members are in full support of this bill. Those who destroy and deface any Veterans Memorial should be punished and made to pay full restitution for the damages they have caused. Many Americans have fought and died for the Freedom of all Americans and their Memorials should be honored and respected by all.

I thank you for all your help and support to all American Veterans.

Sincerely,

SGT. ARTIE MULLER,
*National President.*

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By Mr. DASCHLE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BAUCUS, Mr. JOHNSON, Mr. DOMENICI, Mr. BINGAMAN, Mr. COCHRAN, and Ms. STABENOW):

S. 331. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

Mr. DASCHLE. Mr. President, today I am reintroducing legislation to correct an inequity in the laws affecting many Native American children. I am joined by Senators MCCAIN, INOUYE, BAUCUS, JOHNSON, DOMENICI, BINGAMAN, COCHRAN and STABENOW, in sponsoring this important piece of legislation. This effort is also supported by the National Indian Child Welfare Association, the American Public Human Services Association, and the National Congress of American Indians.

Every year, for a variety of often tragic reasons, thousands of children across the country are placed in foster care. To assist with the cost of food, shelter, clothing, daily supervision and school supplies, foster parents of children who have come to their homes through state court placement receive financial assistance through Title IV–E of the Social Security Act. Additionally, States receive funding for administrative training and data collection to support this program. Unfortunately, because of a legislative oversight, many Native American children who are placed in foster care by tribal courts do not receive foster care and adoptive services and assistance to which all other income-eligible children are entitled.

Not only are otherwise eligible Native children denied foster care maintenance payments, but this inequity also extends to children who are adopted through tribal placements. Currently, the IV–E program offers limited assistance for expenses associated with adoption and the training of professional staff and parents involved in the adoption. These circumstances, sadly, have made it even harder for Indian children to attain the permanency they need and deserve.

In many instances, these children face insurmountable odds. Many come from abusive homes. Foster parents who open their doors to care for these special children deserve our help. These generous people should not have to worry about whether they have the resources to provide nourishing food or a warm coat, or even adequate shelter for these children. This legislation will go a long way to ease their concerns.

Currntly, some tribes and states have entered into IV–E agreements, but these arrangements are the exception. They also, by and large, do not include funds to train tribal social workers and foster and adoptive parents. This bill would make it clear that tribes would be treated like a state when they choose to run their own programs under the IV–E program.

The bill we are introducing today would: extend the Title IV–E entitlement programs to children placed by tribal agencies in foster and adoptive homes; authorize tribal governments to receive direct funding from the Department of Health and Human Services for administration of IV–E programs (tribes must have HHS-approved programs); allow the Secretary flexibility to modify the requirements of the IV–E law for tribes if those requirements are not in the best interest of Native children; and allow continuation of tribal-State IV–E agreements.

In a 1994 report, HHS found that the best way to serve this underfunded group is to provide direct assistance to tribal governments qualified tribal families. This bill would not result in reduced funding for the States, as they would continue to be reimbursed for their expenses under the law.

I strongly believe Congress should address this oversight and provide equitable benefits to native American children who are under the jurisdiction of their tribal governments, and I urge my colleagues to support this bill.

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By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, and Mr. CONRAD):

S. 332. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Today I am introducing legislation to correct a longstanding inequity that has caused hardship for American farmers. That inequity is the pricing of agricultural pesticides for American producers in relationship to Canadian pesticide pricing. My bill would solve this inequity by allowing individual States to label Canadian pesticides that have the same formula as those used in the U.S. for use by American farmers.

Farmers combine land, water, commercial inputs, labor, and their management skills into practices and systems to produce food and fiber. To sustain production over time, farmers must make a profit and preserve their resource and financial assets. Society wants food and fiber products that are low-cost, safe to consume, and aesthetically pleasing, and wants production systems that preserve or enhance the environment. These often competing goals and pressures are reflected not only in the inputs made available for production, but also in how the inputs are selected, combined, and managed at the farm level.

Time and time again I have come to Senate floor to point out the stark realities of free trade. I have talked at length about the flood of imported grain that streams across our border. Come to my State of North Dakota. Every day truckload after truckload of Canadian commodities, wheat, barley, durum, come across our border to compete with commodities grown here at home. These Canadian imports are grown with the aid of pesticides, pesticides of the same makeup and composition as those purchased in the United States. Yet Canadian producers have the luxury of buying those same chemicals at prices substantially lower than those American farmers have to pay.

Why? The answer is simple; pesticide manufacturers charge American farmers more because they can. In agricultural policy, benefits from the North American Free Trade Agreement flow the same direction as the Red River of my State, north. This is especially true of pesticide pricing.

A recent survey completed by North Dakota State University surveyed 15 different pesticides commonly used in both Canada and North Dakota. All would qualify for registration in North Dakota under this bill. Of the 15, not one, not one, had a price differential in favor of the American farmer. When you totaled it all out, those 15 chemicals cost, in North Dakota alone, $23.7 million more, in 1 year, for the American producer. That's just not right.

If we're going to have free trade, let's make it fair trade. If we are going to open our borders to Canadian grain grown with Canadian pesticides, we ought to open our borders to similar pesticides for U.S. producers at the same cost. It's time to level the playing field for American farmers, we must give them the same advantages that Canadian producers have enjoyed for years. If we're going to have a free trade agreement with Canada, let's all sing from the same page, using the same music. Because putting American farmers at a disadvantage in the world marketplace over pesticide prices that are not in harmony with our competitors is a practice that must be stopped. It must be stopped now.

Nothing in this legislation harms the environment, unless you're in the environment of profits. This legislation would create a procedure whereby individual states could apply and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States.

The new labels for the chemicals would still be under the strict scrutiny of the Environmental Protection Agency as would their use. This would continue to insure safety in the food supply. Food safety is a number one priority for all of us. Chemical safety is a number one priority for all of us. This bill keeps those priorities intact.

It is impossible to defend chemical price imbalance. You can't defend it to the growers, you can't defend it to the chemical distributor, and you can't defend it to the chemical retailer. Most importantly, you can't defend it to the American consumer, who ultimately pays the tab.

Let's be clear, this is not the end of the journey but the beginning. We have a long way to go to cure the imbalances of trade between our nations. If we don't begin the journey, we can't end it. This bill is a step in the right direction.

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

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

S. 332

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

**SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.**

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

''(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

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

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under section 3; and

''(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

''(i) that is registered under section 3;

''(ii) the registration of which is not under suspension;

''(iii) that is not subject to—

''(I) a notice of intent to cancel or suspend under any provision of this Act;

''(II) a notice for voluntary cancellation under section 6(f); or

''(III) an enforcement action under any provision of this Act;

''(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

''(v) that is registered for use on each site of application for which registration is sought under this subsection;

''(vi) for which no use is the subject of a pending interim administrative review under section 3(c)(8);

''(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

''(viii) that is not classified as a restricted use pesticide under section 3(d).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration—

''(i) complies with this subsection;

''(ii) is consistent with this Act; and

''(iii) has not previously been disapproved by the Administrator.

''(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under section 3 or subsection (c).

''(C) EFFECT OF REGISTRATION.—A registration of a Canadian pesticide by a State under this subsection—

''(i) shall be deemed to be a registration under section 3 for all purposes of this Act; and

''(ii) shall authorize distribution and use only within that State.

''(D) REGISTRANT.—

''(i) IN GENERAL.—A State may register a Canadian pesticide under this subsection on its own motion or on application of any person.

''(ii) STATE OR APPLICANT AS REGISTRANT.—

''(I) STATE.—If a State registers a Canadian pesticide under this subsection on its own motion, the State shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(II) APPLICANT.—If a State registers a Canadian pesticide under this subsection on application of any person, the person shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(3) REQUIREMENTS FOR REGISTRATION SOUGHT BY PERSON.—A person seeking registration by a State of a Canadian pesticide in a State under this subsection shall—

''(A) demonstrate to the State that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(B) submit to the State a copy of—

''(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

''(ii) the label approved by the Administrator for the comparable domestic pesticide.

''(4) STATE REQUIREMENTS FOR REGISTRATION.—A State may register a Canadian pesticide under this subsection if the State—

''(A) obtains the confidential statement of formula for the Canadian pesticide;

''(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

''(C) for each food or feed use authorized by the registration—

''(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

''(D) obtains a label approved by the Administrator that—

''(i)(I) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the State; and

''(II) excludes all labeling statements relating to uses that are not registered by the State;

''(ii) identifies the State in which the product may be used;

''(iii) prohibits sale and use outside the State identified under clause (ii);

''(iv) includes a statement indicating that it is unlawful to use the Canadian pesticide in the State in a manner that is inconsistent with the labeling approved by the Administrator under this subsection; and

''(v) identifies the establishment number of the establishment in which the labeling approved by the Administrator will be affixed to each container of the Canadian pesticide; and

''(E) not later than 10 business days after the issuance by the State of the registration, submit to the Administrator a written notification of the action of the State that includes—

''(i) a description of the determination made under this paragraph;

''(ii) a statement of the effective date of the registration;

''(iii) a confidential statement of the formula of the registered pesticide; and

''(iv) a final printed copy of the labeling approved by the Administrator.

''(5) DISAPPROVAL OF REGISTRATION BY ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator may disapprove the registration of a Canadian pesticide by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

''(i) does not comply with this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(ii) is inconsistent with this Act.

''(B) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection by the date that is 90 days after the date on which the State issues the registration, the registration shall be ineffective after the 90th day.

''(6) LABELING OF CANADIAN PESTICIDES.—

''(A) IN GENERAL.—Each container containing a Canadian pesticide registered by a State shall bear the label that is approved by the Administrator under this subsection.

''(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

''(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

''(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

''(i) prepare labels approved by the Administrator for the Canadian pesticide; and

''(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

''(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

''(7) REVOCATION.—

''(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

''(B) TERMS OF ORDER.—The order—

''(i) shall be effective immediately;

''(ii) may prohibit the sale, distribution, and use of the Canadian pesticide; and

''(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

''(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

''(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

''(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

''(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

''(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection, other provisions of this Act, or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or has failed to exercise adequate controls of 1 or more Canadian pesticides registered under this subsection, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

''(i) notify the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

''(ii) before taking final action to suspend authority under this subsection, provide the State an opportunity to respond to the proposal to suspend within 30 calendar days after the State receives notice under clause (i).

''(9) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal court against—

''(A) a State acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the State under this subsection; or

''(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

''(10) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the Administrator that the State can and will maintain the confidentiality of any trade secrets and commercial or financial information provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

''(11) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

''(A) IN GENERAL.—On request by a State, the registrant of a comparable domestic pesticide shall provide to the State that is seeking to register a Canadian pesticide in the State under this subsection information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the registrant that the State can and will maintain the confidentiality of any trade secrets and commercial and financial information provided by the registrant to the State under this subsection to the same extent as is required under section 10.

''(B) PENALTY FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the State, not later than 15 days after receipt of a written request by the State, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

''(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

''(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

''(II) the number of acres in the State devoted to the commodity for which the State registration is sought.

''(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

''(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

''(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the State the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

''(ii) the amount of the penalty.

''(12) PENALTY FOR DISCLOSURE BY STATE.—

''(A) IN GENERAL.—The State shall not make public information obtained under paragraph (10) or (11) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

''(B) DISCLOSURE.—Any State employee who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

''(13) DATA COMPENSATION.—A State or person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

''(14) FORMULATION CHANGES.—

''(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

''(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

''(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

''(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

''(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

''(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(c)) is amended—

(A) in paragraph (1), by inserting ''IN GENERAL.—'' after ''(1)'';

(B) in paragraph (2), by inserting ''DISAPPROVAL.—'' after ''(2)'';

(C) in paragraph (3), by inserting ''CONSISTENCY WITH FEDERAL FOOD, DRUG, AND COSMETIC ACT.—'' after ''(3)''; and

(D) by striking ''(4) If the Administrator'' and inserting the following:

''(4) SUSPENSION OF AUTHORITY TO REGISTER PESTICIDES.—Except as provided in subsection (d)(8), if the Administrator''.

(2) The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the item relating to section 24(c) and inserting the following:

''(c) Additional uses.
''(1) In general.
''(2) Disapproval.
''(3) Consistency with Federal Food, Drug, and Cosmetic Act.
''(4) Suspension of authority to register pesticides.
''(d) Registration of Canadian pesticides by States.
''(1) Definitions.
''(2) Authority to register Canadian pesticides.
''(3) Requirements for registration sought by person.
''(4) State requirements for registration.
''(5) Disapproval of registration by Administrator.
''(6) Labeling of Canadian pesticides.
''(7) Revocation.
''(8) Suspension of State authority to register Canadian pesticides.
''(9) Limits on liability.
''(10) Disclosure of information by Administrator to the State.
''(11) Provision of information by registrants of comparable domestic pesticides.
''(12) Penalty for disclosure by State.
''(13) Data compensation.
''(14) Formulation changes.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 6, 2003, at 9:30 a.m., to hold a hearing on the foreign affairs budget.

Witness: The Honorable Colin L. Powell, Secretary, Department of State, Washington, DC.

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

### COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 6, 2003, at 11:30 a.m., in Dirksen Room 226.

(Tentative) Agenda

*I. Nominations*

Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit; John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit; Jeffrey Sutton to be U.S. Court of Appeals Judge for the Sixth Circuit; John Adams to be U.S. District Court Judge for the Northern District of Ohio; Robert Junell to be U.S. District Court Judge for the Western District of Texas; and S. James Otero to be U.S. District Court Judge for the Central District of California.

*II. Bills*

S. 253, A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. [Campbell/Leahy/Hatch/Grassley/DeWine/Kyl/Sessions/Craig/Cornyn/Graham/Feinstein/Schumer]

S. 113, A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism. [Kyl/Hatch/DeWine/Schumer/Chambliss]

*III. Resolutions*

S. , National Inventor's Day [Hatch/Leahy]

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

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 93–642, appoints the Senator from Washington (Mrs. MURRAY) to be a member of the Harry S Truman Scholarship Foundation Board of Trustees, vice the former Senator from Missouri (Mrs. Carnahan).

## ORDERS FOR MONDAY, FEBRUARY 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., Monday, February 10. I further ask unanimous consent that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

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

## PROGRAM

Mr. FRIST. For the information of Senators, on Monday, the Senate will resume debate on the nomination of Miguel Estrada. We have had a number of Senators speak on the nomination over the past 2 days. The debate has been productive. I will continue to try to reach agreement with my colleagues on the other side of the aisle to set a time certain for a vote on the confirmation of this very important nomination.

In addition, I understand three additional district court judges were reported by the Judiciary Committee today. We are also attempting to clear several important pieces of legislation that may require a small amount of debate and a rollcall vote. If we are still unable to vote on the Estrada nomination on Monday, it would be my hope and expectation to vote on a district judge or one of the bills we are working towards clearing. Therefore, Members should be on notice that the next rollcall vote can be expected approximately at 5:15 on Monday. We will alert Members to the precise timing, but it won't be any earlier than 5:15 on Monday.

Mr. REID. If I could interrupt the majority leader, I wish to speak for up to 15 minutes, and then Senator BIDEN wishes to speak for up to 15 minutes.

## ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business, I ask unanimous consent that the Senate resume executive session, and that following the remarks of the assistant Democratic leader for 15 minutes and the Senator from Delaware for up to 15 minutes, the Senate then stand in adjournment under the previous order.

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

## EXECUTIVE SESSION

### NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I apologize to the Chair. I know the Chair has things to do. We have been in the same position. We know that it is not convenient sometimes to preside, but we were kind of dared to come out here today, even though there are a lot of things going on. We had a number of people who went to the memorial. Senators from the other side said: I am amazed there are no Democrats here to debate Estrada. We recognize there is going to be other time to debate, but we do not want the record to appear that we are not interested. That is the reason I came down here, to offer my opinion.

Migrada Estrada has literally had no paper trail. Despite what some of my colleagues have said on the other side of the aisle, it is indisputable that Solicitor General memoranda have been turned over in the past. For example, the Department of Justice turned over Solicitor General memoranda for Bork, Rehnquist, and Easterbrook. On executive branch appointments, the Department of Justice turned over memoranda for Benjamin Civiletti.

While my colleagues may note that former Solicitors General have written a letter opposing the release of these memos, they cite no legal authority for keeping these memos secret. Basically what they say is it would impede these people from writing their opinions. It doesn't happen very often that these people are asked to serve on the second highest court of the land. It is not often they are asked to serve on the U.S. Supreme Court. But in cases in the past when that has occurred, with Rehnquist, Bork and, of course, another important appointment, Easterbrook, they were made available. And they should be made available here.

There is no attorney-client privilege at work here. The courts have determined that applying that privilege to Congress would impede our work. Both the House and the Senate have refused to recognize the privilege in their rules. Former Solicitors argue that the policy considerations of ensuring candid advice outweighs the Senate's interest in examining this nominee. I don't think that is valid.

As I mentioned, the precedent supports release of these memos to the Senate. Further, the United States' own Department of Justice guidelines from 2000 state:

> Our experience indicates that the Justice Department can develop accommodations with congressional committees that satisfy their needs for the information that may be obtained in deliberative material while at the same time protecting the Department's interest in avoiding a chill in the candor of future deliberations.

It is my understanding the Department of Justice has made no attempt to reach such an accommodation with the Judiciary Committee. The stonewalling on the Estrada nomination is part of a larger systematic effort by this administration to disable the Senate, to govern in secret, to advance the interests of big business over the public interests.

I joined an amicus curiae brief in a matter where Vice President CHENEY had all these meetings with big oil companies. It was determined that there should be some divulging of whom he met with, when he met with them, and what they talked about. Litigation had to be filed on that, and I joined in that litigation, filing a friend of the court brief. It is not right that there be stonewalling. Here is another example of what has happened in this administration.

My colleague and a dear friend, the chairman of the Judiciary Committee, Senator HATCH, has called the Democratic calls for more information about Estrada ''silly.'' Well, we have a role as Members of the Senate to advise and give consent to nominations forwarded to us by the White House. I don't think what we are asking is silly.

My friend may not agree with our position, but it is not a silly position. Here is a person about whom the Hispanic caucus of the Congress unanimously said: We don't want him.

Here is a person about whom I put in the RECORD over 50 organizations yesterday saying: We don't want him.

There are lots of different reasons organizations give based on his qualifications, his temperament. We have one of his former employers who said his temperament, demeanor is not appropriate to serve on a circuit court. In fact, he said he was an ideologue.

That is not silly. People may disagree with our position, but it is not a silly position. The Constitution's consent requirement is not just a rubberstamp requirement, as my colleague himself once observed. When a Democratic President sat in the White House, my Republican colleagues called for voluminous document presentations from his judicial nominees, and they got them.

Judge Paez, I talked to his mother, trying to get him confirmed, and we finally did. Senator HATCH knows this. I had his mother talk to Senator HATCH. He was held up for 4 years. He was asked to provide documentation of every instance during his tenure as a lower court judge where he reduced a sentence downward from Federal sentencing guidelines. I had no problem with their asking for them. Why did he do it? Was his judicial temperament, his activism, as it is called by my friend from Utah, so much that he couldn't vote to confirm? That is a right that he has.

Judge Marcia Berzon was required to provide the minutes from every single California ACLU meeting that occurred while she was a member, regardless of whether she had even attended the meeting.

At that time, Chairman HATCH stated:

> [T]he Senate can and should do what it can to ascertain the jurisprudential views a nominee will bring to the bench in order to prevent the confirmation of those who are likely to be judicial activists.

That is not a ''silly'' thing he is doing. He has a right to do that. Senator HATCH continued:

> Determining which of President Clinton's nominees will become activists is complicated and it will require the Senate to be more diligent and extensive in its questioning of nominees' jurisprudential views.

He had a right to do that. I think the Senate should be similarly diligent and probing in its review of Mr. Estrada's record. Basically, the Judiciary Committee asked him roughly 80 questions and he didn't give any answers. He gave answers such as ''I have not read the briefs;'' ''I wasn't present during arguments;'' ''I have to independently research the issue.'' He was asked to name three cases from the last 40 years—Supreme Court cases—of which he was critical. He didn't have any.

Even Chief Justice Rehnquist, who presided in the Senate during the impeachment trial—and the Presiding Officer was one of the prosecutors—and, I thought, handled that impeachment proceeding with great solemnity—he was diligent and fair. I may not agree with all of his legal opinions, but what a nice man. I was chairman of the Democratic Policy Committee, and I called the Chief Justice and said: Come visit with us at election time; would you do that? He did that. He answered questions, was real funny, and he had a great sense of humor. So Chief Justice Rehnquist, a person I have great respect for, said:

> Since most justices come to this bench no earlier than their middle years, it would be unusual if they had not by that time formulated at least some tentative notions that would influence them in their interpretation of the sweeping clauses of the Constitution and their interaction with one another.

This nominee doesn't fall under that. He also commented:

> It would not merely be unusual, but extraordinary if they had not at least given opinions as to Constitutional issues in their previous legal careers.

They are asking that the man be on the second highest court in this land and he doesn't have any opinion about other opinions written by judges. I think that really says it all—why there are questions being raised.

I am going to bring in here—I was hoping to do it today. Everybody brings in visual aids to the Senate, and there have been efforts to cut the size of them, or to cut them out. Anyway, that has not been done. Let's assume we had a chart back here, a big white piece of cardboard, or posterboard, and we had here the judicial experience of Mr. Estrada. It would be blank. There would not be anything on it. We would bring out another chart and on that it would have Miguel Estrada and it would have there the questions he answered for the Judiciary Committee. It would be blank. There would be nothing on it.

Does it seem ''silly'' that we are asking questions about this man? I don't think so. So I would say that we have a right and an obligation to move forward the way we are.

The administration's secrecy is deeply disturbing in all these areas. It is more so in the case of Miguel Estrada. I have talked about Vice President CHENEY not giving us information about the oil companies, and this nomination is also very troubling to me. If I could file another court brief in this instance, I would. It is not available. This is a different type of proceeding.

Senators have a constitutional duty to evaluate this nominee. This nominee has stayed silent, refusing the American people a window into his views, judicial philosophy, and his manner of thinking. The administration has similarly refused to turn over documents that would illustrate those things to the Senate.

Should we approve this nomination, the Senate would be setting a dangerous precedent that would greatly narrow the scope of the important power vested in us by our Founding Fathers.

It would serve neither the Senate, the people of Nevada, nor the rest of the American people to confer such a rubber stamp on this or any administration, Republican or Democrat.

The Founders carefully balanced the powers of each branch of government, and the Senate's role in approving a President's nominee is a critical part of that balance, this separation of powers.

I submit that the examples I have provided show that this administration has forgotten, or ignored, the importance of that balance.

There is no more important a time to remind this administration of the importance of that balance than in the case of a person who is nominated for a lifetime judicial appointment to the second highest court in our land.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

## LEGISLATIVE SESSION

Mr. BIDEN. I ask unanimous consent that the Senate now return to legislative session.

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

## CRISIS IN NORTH KOREA

Mr. BIDEN. Mr. President, I thank the majority leader, Senator FRIST, for accommodating my being able to speak at this moment.

I rise today, after coming from a hearing of my Foreign Relations Committee, where Secretary Powell has just testified. I note at the outset that I, for one—and I think my view is shared by many—think Secretary Powell made a compelling and irrefutable case yesterday about Saddam Hussein's possession of and continued effort to hide his weapons of mass destruction and his desire to gain more. But I am fearful—that is the wrong word—I am concerned that our understandable focus on Iraq at this moment is taking focus off of what I believe to be an equal, if not more immediate, threat to U.S. interests and those of our allies. I speak of Korea.

Last week we learned that North Korea has moved plutonium fuel rods out of storage and possibly towards a production—for everybody listening, this is complicated stuff and I will explain what I mean. They announced today they are beginning their 5 megawatt nuclear powerplant. What happens with that type of nuclear powerplant—which we, until now, had them shut down with the IAEA, when there were cameras and inspectors making sure it was shut down. What happens is they have fuel rods—as my friend knows well, fuel is a nuclear power, produces nuclear power. That spent rod—in other words, the byproduct of that process of generating electricity through nuclear power—that so-called spent rod is then taken out of that reactor and, because of the type of reactor this is, it is the byproduct of that reactor. It is a spent rod that has plutonium in it. Plutonium—and I am giving an unscientific analysis. Not that the American public could not understand it, but this is an unscientific analysis of how it works.

That spent rod is then stored somewhere because it has a radioactive half life that is longer than any of us, or our grandchildren, or great-grandchildren are going to have. What we have always worried about is they would take that spent rod and move it to a plant not far from the reactor that generates electricity, such as the lights that are on in this Chamber, and they are put in a reprocessing plant.

The reprocessing plant is another process by which that spent rod that no longer generates electricity, that has the fissile material in it, essentially

takes that rod—it is a long rod and it looks like a big pole, sort of. When it is put in that reprocessing plant, within 1 month there would be enough plutonium—figuratively—that comes out of that rod that is in a different form—enough plutonium to construct one additional nuclear bomb. That material does not lend itself to easy detection. Geiger counters don't click when it passes through a detection area. It is very hard to pick up, like we pick up knives in suitcases going through at the airport. That plutonium is exportable and hardly detectable. It is the stuff of which a nuclear bomb is made.

Correct, and prophetic! How then, do we explain the administration's muted response to the world's worst proliferator taking concrete steps that could permit it to build a nuclear arsenal?

We can't afford to put this problem on the back burner just because we are preoccupied with Iraq and the war on terrorism. The administration needs to demonstrate the ability to walk, chew tobacco, and spit at the same time.

If we follow the hard-headed engagement prescription, will it work? Will the North change course?

I don't know. It's impossible to know for sure unless we try. I say the odds, frankly, are stacked against us, and would have been stacked against us even if we hadn't wasted the last 2 years.

Pyongyang says it wants to resolve all of the United States' security concerns, including the ''nuclear issue,'' and will do so if the United States formally assures the DPRK of nonaggression. Is this price too high? Can the North be counted on to fulfill its side of the bargain?

Prior to his departure for Pyongyang in 1994, President Carter was briefed by the State Department on the current situation in North Korea—its economy, military capabilities, diplomatic initiatives. He kept coming back to one question, ''What does North Korea want?''

He answered the question himself with one word: RESPECT. The underlying cause of the 1994 crisis and the current one are the same.

North Korea is weak, isolated, and incapable of rescuing itself. Largely cut off from Chinese and Russian support, the DPRK is profoundly insecure. South Korea's economy has made possible a revolution in military affairs, and U.S. military prowess has been proved repeatedly in the Gulf, the Balkans, and most recently in Afghanistan. By contrast the North's conventional military forces are obsolete, its training budget minuscule.

The North is one of the obvious targets of a new so-called ''preemptive'' military doctrine, and it is witnessing a military buildup in the Persian Gulf designed to oust Saddam Hussein from power in the very near future.

The message to Pyongyang could not be more clear: ''Be afraid. Be very afraid.''

Fine, Deterrence works, up to a point, and I am not against reminding North Korea of our military prowess.

But only comprehensive negotiations have a change to move Pyongyang back from the precipice it is approaching.

The administration should overcome its distaste for dealing with Kim Chong-il and engage the North in serious, high level, bilateral discussions to end the North's nuclear program once and for all.

Demanding that Pyongyang unconditionally surrender before the United States will engage in talks is a nice fantasy policy, but it has absolutely no hope in the real world.

We should instead adopt a posture of ''more for more.'' The President is right when he resists ''paying'' North Korea to abide by the agreements it has already signed. But that is not what I'm talking about. The agreed framework left too much undone. Our objective should not be to restore the status quo ante.

Rather, we need to seek the removal of all of the spent fuel rods from the Yongbyon nuclear reactor. We need verifiably to dismantle the North's highly enriched uranium program. We need to account for the 8–9 kilograms of plutonium ''missing'' since 1994, and do so sooner. rather than later. We need to get North Korea back inside the Nuclear Non-proliferation Treaty and return the inspectors to monitor the North's conduct.

Long term, we need to address the North's development and export of ballistic missiles and its abominable human rights records.

To get there, we must bring something to the table other than threats and insults.

The North isn't looking for money from us. That can come from South Korea, Japan, our allies, in the form of trade, aid, investment, and war reparations.

The North is looking for respect and security. These are precious commodities. The North must earn them. But in the end, it seems a small price to pay if the outcome is a denuclearized Peninsula with North and South living in peace.

If you have a piece of plutonium that has a base bigger in circumference than the bottom of the jar I am holding up and about as half as thick and you have the right instrument, the right rifling effect—you know how a bullet that has gunpowder in it and a piece of metal at the end of it, the stuff that goes through your body, the bullet has to be directed some way; it has to be, in effect, ignited some way.

What happens is you have a rifle with a firing pin. It has a long tube. You hit the back of it, and it explodes the gunpowder, fires this projectile through the rifle, through the long muzzle, and it goes certain distances based on its configuration.

That is what happens when you have these two pieces of plutonium, if you can get your hands on them, and you put it in a nuclear device they call a rifle device. If you can smash those two pieces of plutonium together at the appropriate speed in the appropriate sphere, you can have, with just those two small pieces, a 1-kiloton bomb. A nuclear chain reaction starts when those pieces collide in the right circumstances.

If one of those weapons is homemade—it does not have to be put in a missile. Because it is classified, I am not able to tell you, but I know my friend knows because he has full access, as I do. If we put that so-called rifle device which is, like that old saying, bigger than a bread box but smaller than a Mack truck—it is somewhere in between—if you put that in place in a stationary position and detonate it, you would have been able to take down the World Trade Towers in, I believe it was 3 seconds—do not hold me to that, but very few seconds—and kill about 100,000 people according to our experts. Because this material is highly undetectable and moveable, it is of considerable concern.

What does this have to do with anything? Why am I standing here when we may be able to go to war in Iraq if Saddam does not make the right choice? Why am I talking about this?

What happened is, the North Koreans, who are trying to blackmail us and the world, who are the bad guys, who are doing the wrong thing and are doing it on their own—I am not suggesting anything we did produced that or made them do that—they are saying: We are going forward, and we just turned the light switch on in our 5-megawatt nuclear reactor that will only produce more spent rods—follow me?—the stuff from which you get plutonium, but we have 8,000 of these spent rods sitting in another location. But all we have to do is take these spent rods or the new ones we get and take them over to that reprocessing plant. We have not clicked the light switch on in that plant yet, but we promised you we would not switch the light on in our nuclear powerplant, and we are saying: No, we are out; we are out of the arms control regime; we are going ahead and switching the light on, and if you do not talk to us—basically, blackmail—we are going ahead and switching the light on in the reprocessing facility.

That puts the President in a very difficult position, and I am not suggesting this is an easy call. At the end of December, the administration indicated that it intended to take a careful and deliberative approach to the emerging crisis on the peninsula.

The emerging crisis occurred when they blocked the cameras of the IAEA, kicked the inspectors out, and they went dark; we did not know what they were doing. Fortunately, we have COMINT and HUMINT, my friend knows, a fancy way of saying human intelligence on the ground and satellites above, that give us a pretty

good idea what they are doing because we know where the reprocessing plant and nuclear plant are.

I think the administration took a fairly reasoned approach. They declared:

> We have months to watch this unfold and see what happens.

Other administration officials, including the President, conveyed the importance of patience in assessing and responding to North Korean threats. Were North Korea 3 to 5 years away from acquiring additional nuclear weapons, this patience in diplomacy would be very appropriate. However, there are 8,000 spent-fuel rods in North Korea, which may now be moving out of storage, that can yield enough fissile material for five or six additional nuclear weapons.

The time line for reprocessing this spent fuel is a mere 5 to 6 months, but it gets worse. The North Koreans are likely to reprocess plutonium from spent-fuel rods in small batches. They do not have to take the 8,000 spent-fuel rods and start to reprocess them, meaning that the plutonium emerges a few grams at a time. Enough plutonium to produce one nuclear weapon can be ready in less than 5 weeks, according to our intelligence people and our scientists at the laboratories, after the initial spent fuel—those 8,000 rods—enter the reprocessing plant, not 8,000 of them but some of them.

The clock is already ticking, and I think it is important that the administration's assessment of the recent reports that North Korea has begun removing some or all of those 8,000 spent-fuel rods from those storage facilities—tell us how this development will impact on the overall policy of the administration in terms of patience.

Just restarting this reactor could produce another 6 kilograms of plutonium, in addition to those that are sitting in these rods right now. If Pyongyang completes construction of two unfinished, but much larger nuclear reactors, it could produce as much as 275 kilograms of weapons-grade plutonium each year.

When the administration says North Korea's reprocessing, if they started, is not a crisis, it seems to me it makes a very unhealthy suggestion, and that is that the only use of this reprocessed plutonium, the stuff that can go right into a bomb, a nuclear weapon, that the only use they will use it for is to make another six or eight nuclear weapons.

They have, we think, one or two nuclear bombs now, from the time we shut down the process. We worked out an agreement that they shut down the process, and everybody agrees it was shut down in 1994.

I would have to agree with the administration because I think deterrence works. They seem to have a dual standard here. They say the reason we have to build a national missile defense is if deterrence does not work, and now they tell us basically: Do not worry, it does not materially change the situation on the peninsula if they get another three, four, five, or eight nuclear weapons. I think it does. Apparently they agree deterrence does work somehow or they would be much more worried about it.

I then ask the question, What happens if they do not take this spent fuel? What happens if they do not take it and put it in a weapon? What happens if they take this plutonium from the spent fuel and put it in a little canister? I am told by my staff who is expert on Korea that their total trade surplus is about $400 million a year.

If they have this spent fuel, I cannot imagine they would not be able to find buyers where they could pick up maybe $200 million for this. What would Iran pay for this spent fuel? They are trying to now generate the ability to reprocess their own fissile material.

What about al-Qaida, who I might note is alive and well, unfortunately? Damaged but well, damaged but in business. Remember when we saw those pictures as we took Kandahar, when we invaded Afghanistan with the multilateral force? Remember a reporter—I forget which news organization it was, but I think it was one of the weekly magazines. I will not say which one. I remember clearly, and everyone else will remember when I say it, they went into a safe house, I believe it was in Kandahar, and came out with a diagram—a safe house meaning a house occupied by al-Qaida—of an attempt at what looked like how to produce a nuclear weapon. Then we got further information saying there was clear evidence that al-Qaida had been talking to two Pakistani nuclear scientists who know how to and have made nuclear weapons. So obviously these boys are trying to figure out how to make a homemade nuclear device.

So I would like to think, and I agree the probability is North Korea is not likely to sell this—I should not say not likely—may not sell this plutonium. They may use it all for their own purposes.

What if we are wrong and the ability to account for this material is virtually nonexistent, because it is so difficult to discern and determine where it is? The reason why our intelligence service, even after the agreed framework, is saying we think they have enough fuel, enough fissile material, plutonium from the past to have made one or two nuclear bombs by 1994, we do not know that. So what happens if we do not resolve this crisis, draw some red lines, make it clear what our intention is and talk with these guys? What happens if 6 months down the road they have started up the reprocessing plant and we know they have enough plutonium for 6 new nuclear weapons, and then we get an agreement? They are going to say we did not really produce X amount, we produced Y amount, or X minus whatever. Are we ever going to know where this material is? This is dangerous stuff.

As I understand it, the Bush administration says—which is the preferred course—we do not want to be blackmailed. We have to put this into a multilateral context. Again, I find it interesting they never wanted to do anything multilateral but now with regard to Korea they want to be multilateral, which is a good idea. They say China, Russia, South Korea, and Japan have as much at stake as we do, even more.

So what we are going to do—and it is correct if we can get it done—we are going to say we will negotiate or talk with North Korea only under the umbrella of a multilateral meeting called by the community I just named, where we are one of the parties.

What are the North Koreans saying? They are saying it does not matter what the rest of these guys think. We want to know what you think. We know if we do not get a nonaggression agreement in some form from you, our legitimacy continues to be at stake.

Do we want to legitimize this illegitimate regime? No. But here is the horns of the dilemma. If we do not talk to them about what it is we insist on in order to suggest we get a nonaggression pact or some version of it, if we do not let it be known, we will never know whether there could have been an agreement, and we almost certainly know that in the near term there will be plutonium that is unaccounted for coming out of that country.

My colleagues might say, oh, that is not true, Joe. All we have to do is we can take out those reprocessing plants—and we can, by the way. We can take them out in a heartbeat. We have the capacity. We know where they are. We can blow them up with our missiles, our jets, our standoff bombers.

Guess what. There are roughly 8,000 pieces of artillery they have sitting within range of Seoul. One of our South Korean friends told us, we do not support you using force against the North.

How can we go to war with the North when the South will not support us? Kind of fascinating, isn't it?

China says they are prepared to talk with North Korea but you should not waste any more time. Talk to them. South Korea is saying you should talk to them. In a sense, the President is put on the horns of another dilemma. One says we should talk multilateral because that is the best way to deal with this, and all our multilateral partners whom we say should be part of the discussion say, no, you talk, which is unfair because China will not step up to its obligations and its own interest, in my humble opinion. So much is at stake for South Korea in terms of the potential carnage that would occur to South Koreans, in addition to the 37,000 American forces on the peninsula. They are saying, whoa, we are not for you taking out those reactors. We are not ready to have you call the bluff of the North.

So what does the President do? Imagine being President of the United

States and having to make the decision between shutting down a reactor you believe to be inimicable to your security interests, and knowing if you do, you may very well be in a position of starting a war—justified in literal terms, in my view—that would cause such overwhelming damage to the—and we would win the war, by the way, but it would cause such overwhelming damage to the very people we went to Korea in the first place to protect, the South Koreans.

What do we do? I suggest the members of this administration have the answer if they listen to the people who are now in their administration. The Bush administration claims the ball is in North Korea's court. North Korea says the ball is in our court. From where I sit, the ball is stuck somewhere in the net, or not even in the net. You know how once in awhile when you were a kid you would fake a jumpshot from the corner and it would get wedged between the back corner and the rim? That is where the ball is right now. Somebody has to jump up and put the ball back in play.

How does the ball get put back in play? There was a report written not long ago called The Armitage Report. He happens to be the No. 2 guy at the State Department now. In that report, Mr. Armitage and others—including the following people: Paul Wolfowitz, the No. 2 guy at Defense; the former Deputy Assistant Secretary of Defense, Peter Brookes; current Assistant Secretary of Intelligence and Research, Carl Ford, among others. They are all part of this Armitage Report filed before President Bush became President—called for a policy of hardheaded engagement, developing close coordination with our allies and backed by a credible threat of military force. Their prescription was remarkably close to that offered by former Secretary of Defense Perry, but has the tremendous political advantage of having been embraced by so many leading figures on the Bush foreign policy team, the people running the show now.

What did Armitage advocate? Here are the key recommendations.

First, regain the diplomatic initiative. U.S. policy toward North Korea has ''become largely reactive and predictable with U.S. diplomacy characterized by a cycle of North Korea provocation or demand and an American response.''

Good idea. Now the Bush administration claims the ball is in their court, as I said.

The second recommendation was ''a new approach must treat the agreed framework as the beginning of a policy toward North Korea, not as an end to the problem. It should clearly formulate answers to two key questions. First, what precisely do we want from North Korea and what price are we prepared to pay for it.''

I am quoting from the Armitage report that Wolfowitz signed off on and Carl Ford signed off on, major players in this administration.

They said, ''Are we prepared to take a different course if, after exhausting all reasonable diplomatic efforts, we conclude that no worthwhile court is possible?''

What diplomatic efforts have we exhausted? These are great questions, but the administration has yet to answer them. Indeed, the administration cannot seem to decide what it is about the north that bothers it the most. Is it human rights abuses or past support of terrorism, export of missiles, its military threat, or its nuclear program?

To me, the priority must be a verifiable ending of North Korea's weapons program, particularly nuclear weapons. Everything else must be put off for another day.

The third recommendation of the Armitage report: A U.S. point person should be designated by the President in consultation with congressional leaders and should report directly to the President.

We have a fine man named Kelly out of the State Department, but he has no direct access to the President. This has not been raised up to that level because we are being told—I don't know why—that this is not a crisis.

I think the American people and this Congress are fully capable of handling more than one crisis at a time. Iraq is a crisis. So we are told. Well, it is. But not in my view in terms of the immediate threat to the United States. Or the crisis could be in North Korea. Why can't we do both?

President Bush has downgraded the special envoy position, thereby assuring that we cannot gain access to Kim Chong-il, the only man in North Korea with whom we can get a deal, or at least figure out what he is about.

Fourth recommendation: Offer Pyongyang clear choices in regard to the future. On the one hand, economic benefits, security assurances, political legitimization. On the other hand, the certainty of enhanced military deterrence.

For the United States and its allies, the package, as a whole, means we are prepared, if Pyongyang meets our concerns, to accept North Korea as a legitimate actor up to and including full normalization of relations.

This is not JOE BIDEN writing this recommendation; it is Paul Wolfowitz. It is the Assistant Secretary of State, Mr. Armitage. What happened in a year and a half? What happened to change their mind?

The good idea of the administration almost seems ready to be embraced. The President has spoken about bold initiatives toward the north but talk of carrots still has been undermined by the Bush administration's insistence that incentives are the equivalent to appeasement.

Before my committee today, the Secretary of State says we have no intention to go to war with the north, et cetera, et cetera. The right words, right phraseology. The Secretary of Defense walked out of a hearing yesterday with the House Armed Services Committee and said this is an evil empire, something much more provocative. Accurate but provocative.

The fifth recommendation by this committee that the notion of buying time works in our favor is increasingly dubious. Let me reiterate the fifth point of the report signed by Carl Ford, No. 2, over at CIA, Wolfowitz, No. 2 at Defense, Armitage, No. 2 at State: The notion that buying time works in our favor is increasingly dubious.

President Bush, please, even if you don't want to enunciate it, in your mind, treat this as a crisis because, if it is not contained now, our options are only diminished as time goes by, not increased.

## ADJOURNMENT UNTIL 11 A.M. MONDAY, FEBRUARY 10, 2003

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 11 a.m, Monday, February 10, 2003.

Thereupon, the Senate, at 1:15 p.m., adjourned until Monday, February 10, 2003, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate February 6, 2003:

### THE JUDICIARY

EDWARD C. PRADO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE ROBERT M. PARKER, RETIRED.

ROBERT ALLEN WHERRY, JR., OF COLORADO, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE LAURENCE J. WHALEN, TERM EXPIRED.

### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211, TITLE 14, U.S. CODE:

*To be lieutenant*

SCOTT ATEN, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. STEVEN J. HASHEM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ALBERT A. RUBINO, 0000

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JAMES L. WILLIAMS, 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

WAYMON J. JACKSON, 0000

# EXTENSIONS OF REMARKS

## CITY OF MILWAUKIE, OREGON CENTENNIAL

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. BLUMENAUER. Mr. Speaker, I would like to recognize the city of Milwaukie, OR, on the 100th anniversary of its incorporation. This is a community in my district that has played an important role in Oregon's history.

While incorporated for 100 years it was actually founded in 1840. Milwaukie began to play an important role in riverfront shipping with the advent of docks on the Willamette River. The commerce from these docks served to link the Willamette Valley's pioneers with goods from the Hudson Bay Trading Company and beyond. Oregon's founder, Doctor John McLaughlin, often supervised commerce on those docks when he visited from his nearby home a mile away.

Oregon's third newspaper, The Western Star, was founded in Milwaukie in 1850. It quickly became Oregon's premier newspaper up and down the Willamette Valley for settlers as far south as Eugene. It gave the pioneers their only information on the Oregon Territory, the coming statehood, events at Champoeg, and the Civil War.

Reaching beyond Oregon's borders and to the rest of the world is Milwaukie's contribution to the American Produce market. A little known fact is that the Bing Cherry was first cultivated in Milwaukie. It was named after a Manchurian Chinese immigrant who worked for the Lewelling Family Orchards, in what is now the Lewelling Neighborhood.

Today, Milwaukie is the second largest city in Clackamas County with a population of 20,470. Its large employers include United Grocers, Oregon Cutting Systems, Dark Horse Comics, Warn Industries and Providence Milwaukie Hospital. It serves the Portland region as a transportation crossroads, hosting the intersection of two State highways, two freight lines, and hopefully a future light rail line.

I am proud to represent the ''City of Dogwoods''—Milwaukie, OR.

## IN HONOR OF SCOTT MASON AND RITA THOMAS

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Scott Mason and Rita Thomas of Mason Building Group, Inc., this year's recipients of the Government Market Assistance Program Delaware Diamond Award from the Delaware Small Business Development Center Network.

As you know, small businesses such as Mason Building Group, Inc., have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through Scott and Rita's teamwork and guidance, Mason Building Group, Inc. has distinguished itself as a leader amongst small businesses in Delaware by offering a valuable service and maintaining a high level of customer satisfaction.

Through out my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country, and recognition of Mason Building Group, Inc. by the Delaware SBDC Network, in my mind, confirms this belief.

Scott and Rita's accomplishments and innovative leadership in the small business community have placed Mason Building Group, Inc., in a position to rise above and meet the challenges of the future; I commend them on their receipt of this award and wish them continued success.

## LET'S FIND A CURE FOR SCLERODERMA

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. GUTIERREZ. Mr. Speaker, today I am introducing a bill to help the more than 300,000 Americans who suffer from scleroderma. Scleroderma is a chronic, often progressive autoimmune disease in which the body's immune system attacks its own tissues.

The disease manifests itself in two forms: localized scleroderma, effecting the skin and underlying tissue; and systemic scleroderma, also known as systemic sclerosis, a potentially life-threatening disease that attacks internal organs, including the lungs, heart, kidneys, esophagus and gastrointestinal tract.

Scleroderma can vary a great deal in terms of severity. While for a few individuals it is merely a nuisance, for many it is a life-threatening illness. For most, it is a disease that affects how they live their daily lives.

The wide range of symptoms and localized and systemic variations of the disease make it especially hard to diagnose. The average diagnosis is made five years after the onset of symptoms. Once diagnosed, however, people with Scleroderma can only look forward to symptomatic relief, as there is no known cure.

Symptoms may include swelling, hardening and thickening of the skin, blood vessel spasms with severe discomfort in the fingers and toes, weight loss, joint pain, swallowing difficulties, nonhealing ulcerations on the fingertips and extreme fatigue. In its more advanced forms, Scleroderma can prevent patients from performing even the simplest tasks.

Among the goals of my legislation is to help adequately fund research projects regarding Scleroderma; hold a Scleroderma symposium that would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in Scleroderma research; and to establish a national epidemiological study to better track the incidence of this disease.

Mr. Speaker, I urge my colleagues to join me in bringing awareness and to help find a cure for this devastating disease.

## RECOGNIZING OSCAR DE LA HOYA FOR HIS CONTRIBUTIONS

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. REYES. Mr. Speaker, I would like to take this opportunity to recognize and salute a proud and distinguished individual for his many accomplishments and contributions to the Latino community and our country.

Oscar De La Hoya began his successful boxing career at the young age of 6 when he began training to box at the Eastside Boxing Club in Los Angeles, CA. From there he made his way through the ranks and divisions of professional boxing, winning five world titles in different weight divisions. Along the way, he also triumphed at the 1992 Olympics, winning a gold medal in boxing.

As if a successful boxing career were not enough, in October of 2000, he began his musical career, releasing his first self-titled album of popular music.

Besides his many accomplishments, his commitment to his community has remained steadfast. In 1995, he created the Oscar De La Hoya Foundation as a tribute to his mother Celia. Its goal is to provide educational and athletic opportunities for the young people of the East Los Angeles community. In keeping with this mission, he established an academic scholarship fund for low-income students and opened the Oscar De La Hoya Youth Center. The Youth Center today provides a safe and positive environment where local area youth receive help with their schoolwork, develop computer skills, and participate in athletic training programs.

In memory of his mother, he also made a generous donation to the East L.A. White Memorial Medical Center. This donation served as the foundation from which the Celia Gonzalez De La Hoya Cancer Center was created.

Oscar knows the importance of being a good role model. Professionally, he has been a testament to the ideals of hard work and perseverance. Outside of the boxing arena, he has demonstrated what it means to truly give back to one's community. The positive impact of Oscar De La Hoya reaches far beyond the state of California. Next week he will visit El Paso, in my district, and be warmly received by an admiring community. He is a young man, who while especially appealing to Latino youth, stands as an inspiration to all.

## TRIBUTE TO STUART E. GLICKMAN, RIVERSIDE SUPERIOR COURT COMMISSIONER

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the County of Riverside are exceptional. Riverside County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Stuart Glickman is one of these individuals. On January 10, 2003, Stuart was honored as he retired as a Riverside Superior Court Commissioner.

A native born Southern Californian, Stuart was born and raised in Los Angeles. He was educated by Los Angeles public schools and was admitted to the State Bar in 1971. He went on to serve as Deputy District Attorney for Riverside County from 1971 to 1988. He was the Deputy in charge of the Corona Branch Office for ten years and assisted the Corona Police Department with training in the areas of search warrants and report writing. He also conducted courtroom training for police officers. He worked in the Riverside Superior and Municipal Courts, Corona Municipal Court and Hemet Municipal Court, handling both felony and misdemeanor cases.

In 1988 he was appointed a Municipal Court Commissioner in the Corona Municipal Court. In 1992 he was appointed a Superior Court Commissioner and oversaw assignments that included criminal, civil, family law, traffic, small claims, and unlawful detainers.

Stuart currently lives in Corona, California with his wife Ann of 43 years. He has two daughters, Marsha and Deborah, and is a proud grandfather of five.

Stuart has been actively involved in the community as a member and past president of the United States Navy League of Corona. He is also a member and past president of the Corona Breakfast Lions Club and a member of the Temescal Palms Masonic Lodge in Corona.

Stuart's tireless work as a Deputy District Attorney and a Superior Court Commissioner has contributed unmeasurably to the betterment of Riverside County. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that the residents of Riverside County are grateful for his service and salute him as he retires. I look forward to continuing to work with him in the future for the good of our community.

## TRIBUTE TO DOCTOR FRANCINE RATNER KAUFMAN

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to our good friend, Doctor Francine Ratner Kaufman, recently named as the Woman of Valor for 2003 by the American Diabetes Association. During the past two decades, we have had the pleasure of working with Dr. Kaufman on numerous issues relating to health policy and we are delighted she has been chosen to receive this prestigious award.

Dr. Kaufman has devoted her clinical and research career to improving the lives of those afflicted with diabetes. She is a clinician who heads the Division of Endocrinology and Metabolism at Children's Hospital Los Angeles; a scholar who is a Professor of Pediatrics at the Keck School of Medicine at USC; a researcher who has received NIH funding for over twenty years and a leader who is currently serving as the National American Diabetes Association President. In short, she is a remarkable woman with an extensive and diverse history of accomplishments.

Dr. Kaufman, the principal investigator for several nationwide efforts to mitigate or eliminate the impact of diabetes, holds numerous patents on the formulation of ExtendBar, a snack bar designed to reduce glycemic excursion and episodes of hypoglycemia in diabetics. She has even developed an interactive, educational CD–ROM game designed for children with diabetes in collaboration with the Starbright Foundation.

Dedicated to helping others, Dr. Kaufman served as the medical director at a summer camp for children with diabetes in the San Bernardino Mountains of Southern California for more than twenty years. She also helped establish standards of care for the American Diabetes Association. Using her influence to help in her cause, she has led many advocacy efforts at the local and national levels to increase insurance benefits and to reduce discrimination against people with diabetes.

We ask our colleagues to join us today saluting our friend Doctor Francine Ratner Kaufman for her service and commitment to our community.

## HONORING MARGARET ''PEGGY'' STILLMAN ON BECOMING SELECTED WOMAN OF THE YEAR BY THE HAMPTON ROADS CHAMBER OF COMMERCE-CHESAPEAKE

**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to honor a woman who leads her community in advocating reading and education, and has spent thirty years building an exemplary library system in her community.

Since 1973, Margaret ''Peggy'' Stillman of Chesapeake, Virginia, has worked to improve the quality of life for the citizens of Hampton Roads as a librarian at the Chesapeake Public Library. Ms. Stillman's dedication to enhancing her community's joy of reading and access to information and resources is outstanding.

In addition to her service to the library, Ms. Stillman chairs the Library of Virginia Board, and serves as the Chairman of the Library of Virginia Building Committee. Ms. Stillman has also dedicated time and service on the local boards of the American Cancer Society, American Red Cross, and Chesapeake Chamber of Commerce.

Amidst all of her obligations, Ms. Stilhnan is known for her love of and commitment to her wonderful children, Lindsay and Walker.

Her loyalty and willingness to do all she can to help everyone is unfailing. No one deserves the distinguished honor of being named Woman of the Year for the Women's Division of the Hampton Roads Chamber of Commerce-Chesapeake more than Peggy Stillman.

Mr. Speaker, please join me in honoring Margaret ''Peggy'' Stillman, for her commitment to literacy, service, and compassion for her community.

## PAYING TRIBUTE TO MAJOR GENERAL E. GORDON STUMP, ADJUTANT GENERAL AND DIRECTOR OF THE DEPARTMENT OF MILITARY AFFAIRS FOR MICHIGAN

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Major General E. Gordon Stump who is retiring as the Adjutant General of Michigan and Director of the Department of Military Affairs for Michigan.

General Stump's distinguished military career and his leadership skills led to his appointment by Governor John Engler as Adjutant General and Director of Military Affairs in 1991. He has commanded the 150 units of the Michigan Army National Guard and Michigan Air National Guard, as well as directed two veterans' nursing homes and administered grants to a dozen veterans' service organizations.

Decorated many times for his service, General Stump served his nation with valor in the Vietnam War, in South Korea during the U.S.S. *Pueblo* crisis, and in various assignments throughout his more than 37 years of active and reserve duty.

Today, as America engages in a war on terrorism, General Stump is a role model for the young men and women around the globe who stand in harms way, defending our nation and the free world.

General Stump's devotion and commitment to this nation and the state of Michigan, and his leadership of the men and women of Michigan's National Guard and Air National Guard, and his service to the state's veterans organizations have earned him great respect.

On February 15, 2003, General Stump and his wife, Marie, will be honored by family, friends, associates, and Michigan leaders at a special farewell reception and dinner in East Lansing, Michigan.

Mr. Speaker, we wish to extend congratulations to General E. Gordon Stump on the occasion of his retirement. We are honored to recognize his many accomplishments and ask that our colleagues in the U.S. House of Representatives join in recognizing his very worthy achievements.

## A TRIBUTE TO BOOKER T. WASHINGTON HIGH SCHOOL

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I ask my colleagues to join me in honoring an educational success story within the Dallas Independent School District. The Booker T. Washington High School was built in 1922 as the first African American high school in Dallas. For the past 81 years, Booker T. Washington High School has provided hundreds of central city youngsters with an academic foundation that has allowed them to reach their potential.

The school's story began in 1922 with the dream of an African-American-owned school emphasizing the basics through creative instructional programs, coupled with a strong multicultural development. The school's success story can be attributed to incredible commitment on the part of the school's parents, administrators, and teachers because of their love for kids and crafts.

The Booker T. Washington High School, after gallery space and studios were added in 1976, was designated as the arts ''magnet'' high school. Since its inception, Booker T. Washington High School has received national acclaim as a prototype for subsequent magnet schools throughout the United States and Canada.

The Booker T. Washington High School community has pulled together for the children of Dallas's central city. The school currently serves over 700 students from 66 different zip codes in grades 9 through 12. All students are selected through auditions, interviews, portfolios, or other demonstration of artistic and academic aptitudes.

Booker T. Washington High School students distinguish themselves by receiving a variety of prestigious awards and honors including thirteen Presidential Scholar Awards—the nation's highest accolade for excellence in arts and academics.

On average, 163 graduating seniors boast $5 million in college scholarship offers both in arts and academic majors. Noted graduates include Grammy winners such as R & B vocalist Erykah Badu, jazz trumpeter Roy Hargove, singer Norah Jones, dancer Jay Franke, cellist John Koen, visual artists Christian Schumann and Chris Arnold, drummer Aaron Comess, Edie Brickell of the New Bohemians, and members of the gospel group God's Property.

Booker T. Washington High School, a pride of our community, has been a success story because of its distinguished faculty. The instructional staff consists of 60 full time teachers and 24 part-time teachers and consultants. Approximately 83 percent of the faculty has advance degrees and 88 percent have more than 10 years of teaching experience.

Booker T. Washington High School is a national model for educational quality, innovation, and commitment in the face of adversity. I ask my colleagues to join me in recognizing this fine institution.

## INTRODUCING THE ENDING THE DOUBLE STANDARD FOR STOCK OPTIONS ACT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. STARK. Mr. Speaker, I rise today to reintroduce legislation to require accuracy in the way corporations report profits and account for stock options on their Security and Exchange Commission (SEC) earnings reports. I'm pleased to be joined by Representatives EARL POMEROY, HENRY WAXMAN, GEORGE MILLER, JOHN OLVER, JAN SCHAKOWSKY, BERNIE SANDERS, BILL LIPINSKI, and RAUL GRIJALVA in introducing this important bill. Senators LEVIN and MCCAIN recently introduced companion legislation in the Senate.

Under current law, companies can deduct stock option expenses from their income taxes as a cost of doing business, just like they deduct employee wages. However, companies are not required to similarly report stock option expenses on their SEC financial statements to stockholders. Therefore, SEC reports don't accurately reflect a company's actual earnings because there is an outstanding compensation liability that is not accounted for in the earnings statement. This misleads employees and investors on the financial standing of their investment.

My bill, Ending the Double Standard for Stock Options Act, would help institute accuracy in the reporting of corporate profits. It would require corporations to report stock options as expenses on their SEC earnings statements in order to receive a tax deduction for stock option compensation on the IRS income statement.

Last year, employees and investors faced an onslaught of accounting scandals that led to bankrupt corporations, diminished pension funds and mass lay-offs. While Congress addressed many of the accounting problems that led to the deluge of scandals, the treatment of stock option expensing has not been addressed. Without this reform, corporations will continue to mislead investors on the real value of their investments and undermine the integrity of the market.

The Financial Accounting Standards Board or FASB is the self-regulated accounting board that oversees SEC reporting. FASB recommends that companies record stock options as an expense on their SEC financial earnings statement, but does not require that stock options be treated as an earnings expense. In fact, stock options are the only form of compensation not treated as an earnings expense at any time. FASB is currently rethinking this standard due to pressure from investors and its international counterpart, the International Accounting Standards Board or IASB.

At the end of this year, IASB will issue new accounting standards requiring companies to expense stock options. The FASB is expected to announce in the next month whether it too will issue new stock option accounting standards similar to those of IASB.

It is my hope that FASB will come out with a decision to require expensing of stock options. But as we've seen in the past, political and corporate pressure may dissuade FASB from providing more transparency to earnings report requirements. I hope the introduction of this bill will help encourage FASB to do the right thing and require companies to account for stock options. However, if they succumb to industry pressure, Congress should enact this bill and fix the problem once and for all.

Prior to last year's scandals, nearly all companies relegated their stock option expenses to merely a footnote in their SEC report. Yet, these expenses were not reflected in their bottom line earnings. Since last year's scandals, many more companies have responded to investors' demands that stock options be expensed in earnings reports. Over 120 companies, including Amazon.com, Coca-Cola, and General Motors, have announced that they will voluntarily expense stock options on their SEC earnings reports in 2003. They should be commended. Nonetheless, many other companies have claimed that they will not expense stock options until forced to do so.

Again, Congress took important steps last year to address statutory flaws relating to corporate governance and the accounting industry. My legislation, ''Ending the Double Standard for Stock Options'' is another needed step to help prevent companies from misrepresenting their value to their investors and employees. I urge my colleagues from both sides of the aisle to join me in supporting the efforts of the IASB. Congress ought to heed the call of investors and ordinary Americans to ensure accurate reporting of profits and stock options expensing. I hope my colleagues will join me in passing this bill this year.

## PAYING TRIBUTE TO MR. DALTON PAUL

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the outstanding career of Mr. Dalton Paul, a very special individual from my district. Mr. Paul has been a resident of Chambersburg, Pennsylvania for more than 37 years. During that time he has dedicated himself to the noble pursuit of educating others. Mr. Paul has recently retired from his position as executive director of the Franklin County Career and Technology Center from which he has served since July of 1975. For four years prior to that, he also served as the school's assistant director. Upon his retirement, he has earned the distinction of being the longest-tenured executive director of a vocational school in the state of Pennsylvania.

Mr. Paul earned a very impressive record during his time as executive director. Under his leadership, 96 percent of the students from the Franklin County Career and Technology Center went on to be part of the local work force. This impressive statistic is just one of the many reasons why Mr. Paul's school has been named the best vocational-technical school in the state of Pennsylvania for a number of years. In addition to his work at the career center, Mr. Paul is also affiliated with at least 30 different community clubs and organizations. A few examples of these organizations are: Boy Scout Troop 128 Committee, Greene Township Lions Club, Pennsylvania Association of School Administrators, the Pennsylvania Vocational Association, and the Pennsylvania District Governor's Council for

the Lions Club. Mr. Paul will continue many of his memberships and serve his community in numerous capacities.

Mr. Speaker, I am honored to have the opportunity to pay tribute to Mr. Dalton Paul for his noteworthy career and his impressive accomplishments at the Franklin County Career and Technology Center. His students, colleagues, and community will greatly miss his experience and leadership in the areas of vocational education. I wish him the very best in all of his future endeavors.

## RECOGNIZING MS. AMANDA BENNETT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Amanda Bennett, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part as a volunteer for synergy services' S.T.O.P. (Synergy Teen Outreach Program) Group.

Amanda was one of the founding members of S.T.O.P. who eagerly volunteered to be a part of Synergy's Youth Development Leadership Program. As a part of this important program, Amanda and other high school students have learned about Synergy's Mission to stop domestic violence and abuse and to help those that are in shelters. Among her many activities with the organization, Amanda has organized cookie decorating nights for the Children's Center, free haircuts for teens at the emergency shelter, and taking small children from the shelter to toy stores and dinner. Her accomplishments have had a profound effect on those who are in great need.

Most recently, Amanda received the National Network Youth Leadership Award. As the only youth to receive this prestigious award at the National Symposium Conference, I would like to commend Amanda on her sincere dedication to Synergy Services'. She is an excellent example of someone who is using their passion, motivation and skills to make their community a better place.

Mr. Speaker, I proudly ask you to join me in commending Ms. Amanda Bennett for her many important contributions to Synergy Services, her community and the 6th District of Missouri.

## YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT ACT

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. RADANOVICH. Mr. Speaker, I submitted the Yosemite National Park Education Improvement Act in the House of Representatives. The bill authorizes the Secretary of Interior to make available supplemental funding to assist local school districts in providing educational services for students attending three schools located within Yosemite National Park.

Since the devastating 1997 Merced River flood, there has been a dramatic reduction in the number of employees in Yosemite National Park, and thus fewer school children attending these schools. With fewer and fewer children attending these schools, state dollars are reduced. The result is that the Park is attracting less than qualified candidates to work in the Park because families are not provided with adequate schools.

Furthermore, other existing federal funding sources are inadequate to meet the needs of the schools. PILT, payment in lieu of taxes, is available in both Mariposa and Madera counties where these schools exist and Impact Aid is accessible in Madera County, but—pursuant to current law—very few dollars actually are used to fund the classroom needs.

The situation is so bad for the schools that both the Superintendent of Yosemite National Park and the President of the Park concessionaire have pulled their children from the schools.

Mr. Speaker, I don't think we should stand by and permit children of Park Service and concessionaire employees from being deprived of their education simply because their parents have been asked by our government to work in Yosemite National Park. Precedence for assistance to schools located in national parks does exist. Yellowstone National Park had such a program established in the 1940's to ensure children of Park employees receive a quality education.

In addition to the language for Yosemite schools, the bill includes a provision to authorize the Yosemite Area Regional Transportation System, YARTS, facility outside of Yosemite National Park. This noncontroversial provision was added to the bill last Congress prior to passage in the in the Senate.

In closing, I believe the best long-term approach to the Yosemite schools' funding problems is the legislation I have proposed. The bill was approved by this body during the 107th Congress, and I look forward to working with my colleagues in the 108th Congress to once again approve the measure.

## TRIBUTE TO GWENN KLINGLER

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Representative Gwenn Klingler a resident of Springfield; she is married to Dr. Gerald Klingler and has two grown, married children and one grandson; she graduated from Ohio Wesleyan University and later received a master's degree in biology from the University of Michigan; she went on to receive a law degree with honors from George Washington University.

Representative Klingler served as an alderman on the Springfield City Council from 1991 to 1995 where she was chairman of the Public Safety Committee; she was twice elected to the Springfield District 186 School Board where she served from 1987 to 1991; she served as Board President in 1988.

Since first being elected to the House of Representatives in 1994, Representative Klingler has been regarded as a child's advocate; in 1998, she received the Daycare Action Award; she helped to pass the Foster Parents Bill of Rights; she has served as the Spokesperson for the Children and Youth Committee of the House of Representatives; she was chief sponsor of the Sex Offender Registration bill and Public Act 92–137 (''Heather's Law'') as well as House Resolution 63, which created the Illinois After School Initiative; she donated legislative scholarships to DCFS for foster children who are wards of the court.

Representative Klingler worked hard for State employees; she cosponsored the Early Retirement Plan for State Employees, which enabled State employees to retire as early as 50 years old, saving jobs and State money.

Representative Klingler consistently worked to bring State money to the 100th district; she sponsored the Springfield Medical District bill, which established a commission to create a master plan to redevelop the medical district neighborhood and expand existing healthcare facilities as well as attract new facilities.

Representative Klingler was instrumental in securing funding for a new classroom at the University of Illinois at Springfield; she was a major supporter of the construction process of the new Lincoln Presidential Library.

Representative Klingler has received community honors in recognition of her work; she received the Charlotte Danstron Award from Women-In-Management for the Women of Achievement in Government Award in 1994, and in 1996 received the Distinguished Leadership Award from Leadership Springfield that is sponsored by the Greater Springfield Chamber of Commerce; she received the 1999 Legislative Leadership Award from the Illinois Alcoholism and Drug Dependence Association; further, she received the 1999 Goodwill, SPARC, and National Association for the Mentally Ill Award, the 2001 Anti-Hunger Advocate Award, and the 2002 Illinois Women in Government Award.

Representative Klingler remains active in the community and serves on a number of Springfield area community committees; she is a member of the Human Values and Ethics Committee at Memorial Hospital, the Chancellor's Advisory Committee at the University of Illinois at Springfield, and the Central Illinois Blood Bank Board; she is a member of The Greater Springfield Chamber of Commerce, Women-In-Management, Springfield Rotary International, and the Sangamon County Medical Alliance.

We congratulate Representative Gwenn Klingler on a job well done and wish her and her family well in all of their future endeavors.

## IN HONOR OF BISHOP BERTHA MABLE MASSEY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Bishop Bertha Mable Massey, resident Of Cleveland, on the joyous occasion of the celebration of her 106th birthday.

For over a century, Bishop Massey has devoted her life to her family, her faith, and her community. Well ahead of her time, Bishop Massey paved the way for women within the hierarchy of organized religion. She is the presiding Bishop of The House of God, and has jurisdiction over two states—Ohio and New Jersey.

While committing herself to helping others in rural and urban America, Bishop Massey also kept focused on her studies. At Trinity College in Springfield, IL, Bishop Massey earned her Doctorate degree. In 1976, Bishop Massey was appointed presiding Bishop over New Jersey and Ohio. Her passion for spirituality, faith, history and community has not faltered with the passing years. Rather, her devotion has grown stronger.

Mr. Speaker and Colleagues, please join me in honor and recognition of Bishop Bertha Mable Massey—a remarkable woman, leader, and spiritual guide. Bishop Massey's work and service continues to give hope, faith, wisdom and comfort to countless individuals and families, and serves to uplift our entire Cleveland community. Together we wish Bishop Bertha Mable Massey a wonderful 106th Birthday, and many more to come.

## HONORING MARY HARRIS FOR HER THIRTY-ONE YEARS OF SERVICE

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. CAPUANO. Mr. Speaker, I rise today to honor and congratulate Mary Harris, who recently retired from Greater Boston Catholic Charities. In her 31 years of service Ms. Harris worked tirelessly to better the lives of those around her.

During her tenure at Catholic Charities, Ms. Harris worked with children in day care, foster care and adoption. She also worked with families wishing to adopt and families interested in foster care. For the past 12 years she served as the Director of the Eastern Middlesex County Foster Grandparent Program. This program has a multitude of benefits for both seniors and children. Seniors volunteer in schools and daycare centers, help with fundraisers, promote the Foster Grandparent Program, and learn about children from a variety of educators. Seniors also gain the knowledge that they are needed and can make a difference in the lives of children. The children get the privilege of having more people in their lives who care about them and are exposed to different perspectives and wisdom.

Ms. Harris has not only administered the program, but also shown the participants how much she values them. She makes sure that ill Foster Grandparents are taken care of, helping however she can. She often helps with shopping and getting medications.

Running the Foster Grandparent Program is not all Ms. Harris does for her community. She also manages the St. Gerard Thrift Store in Somerville and worked to make the holiday season more pleasant for families in need. She worked with the Christ Child Society to purchase over 100 jackets for children. She also helped to put together food baskets for needy families and distributed Christmas toys.

A lifelong resident of Cambridge and Somerville, Mary Harris is a true credit to her community and to the 8th District. Her work has improved the lives of both young and old. Her dedication is worthy of praise and her works of heartfelt appreciation. People like Ms. Harris are examples to others and proof that one person can make a difference. I wish her a relaxing and fulfilling retirement.

## A SPECIAL TRIBUTE TO BARBARA BLACKFORD FOR HER DEDICATED SERVICE TO CRAWFORD COUNTY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding lady from Ohio. Barbara Blackford was born in Crawford County and has lived there all her life. She was raised on a farm in Liberty Township and graduated from Sulphur Springs High School.

Barbara worked in the accounting department of the Shelby Depot, at the Bucyrus Telegraph Forum, and at the Crawford County Board of Elections before becoming a county commissioner.

As a county commissioner, Barb served on the CCAO Legislation Committee and the Ag and Rural Affairs Committee. Locally, Barb represented the commissioners on the Regional Planning Commission, the Erie Basin Resources Conservation & Development Committee, the Community Improvement Corporation, was an alternate for issue 11, served on the Personnel Committee, the Microfilm Board, and was on the MARC Board of Governors.

Barbara did an outstanding job as a Crawford Community Commissioner. She has always enjoyed the small town atmosphere and has always respected and appreciated working with the people of Crawford County. Barbara practiced an opendoor policy and believed that local government should always be there to serve and to keep the best interests of its constituency in mind. Barbara Blackford did just that.

Barbara is a devoted mother of four children and the proud grandmother of six grandchildren. She and her husband, Lloyd, attend the St. Paul Lutheran Church in North Robinson, Ohio.

Mr. Speaker, Barbara Blackford will leave big shoes to fill as she leaves her post as Crawford County Commissioner. Her wisdom, honesty and forthrightness are attributes to which all public servants should aspire. She has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Barbara Blackford. Our communities are served well by having such honorable and giving citizens, like Barbara, who care about their well being and stability. We wish Barbara, her husband, Lloyd, and their family all the best as we pay tribute to one of our State's finest citizens.

## TRIBUTE TO JOE WARNER

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the life of Joe Warner, who tragically passed away in a plane crash shortly after takeoff from Central Illinois Regional Airport on July 22.

Many of our Nation's greatest servants have never been elected to public office. They silently and humbly transform communities out of the kindness of their hearts, selfless generosity, and a dedication to improving the welfare of loved ones and those whom he had never met. Joe Warner was one of these servants, and serves as an inspiration to us all.

Joe Warner was born on July 3, 1942, in DeKalb, IL, to Paul and Doris Walkey Warner. He attended Northern Illinois University, and then received his MBA from the University of Illinois. Mr. Warner went on to become president and chief executive officer of Heritage Enterprises, a long term care corporation, which is located in Bloomington, IL.

The frail elderly of Illinois have benefited greatly from the leadership and dedication of Joe Warner. Whether it was in his capacity as president and chief executive officer of Heritage Enterprises, or president of the Illinois Health Care Association, Mr. Warner tirelessly advocated on behalf of Illinois' seniors to ensure they were afforded the highest quality of care. He considered anything less as unacceptable, because his residents were our fathers, mothers, wives, and husbands.

Joe Warner's generosity was not limited to the elderly. Illinois' youth have also lost a friend. Prior to his passing, he had taken on the role of planner and fundraiser for the $3 million Challenger Learning Center, which will be an educational site for children to learn more about math and science. Memorial contributions are being made to the learning center, to ensure that Mr. Warner's vision is realized.

The towns of Normal and Bloomington are better places to work and live because of Joe Warner. In 1987 he conducted a $2 million renovation in Bloomington which served as a catalyst in the town's revitalization program. In addition, he served on Normal's 2025 Committee, which planned for the city's future, as well as its Downtown Advisory Commission.

Joe Warner was involved in scores of organizations, and knew the importance of investment in his community. Mr. Warner was the dedicated head of the McLean County GOP for ten years. He served his country in the army. He was on the legislative committee of the board of directors of the Illinois State University Foundation. He was the past-president of the Redbird Education and Scholarship Fund at Illinois State University, past-chairman of the McLean County American Heart Association, past-director of the Bloomington Occupational Development Center, past-director of the United Campus Christian Church Foundation; past ruling elder of the First United Presbyterian Church, past director of the Illinois Wesleyan University Association, and past director of the Illinois Restaurant Association.

Along with his cherished wife, Rose Stadel, Joe Warner was a loving and devoted father to his children Jeff, and Jennifer. His son is a pilot and introduced him to flying, which became his passion.

The memory of Joe Warner will continue through his numerous contributions to his community. On July 22, Illinois lost a respected and admired friend. He will be missed. On behalf of my colleagues, I salute the rich legacy and the spirit of Joe Warner.

## IN HONOR OF THE CLEVELAND CHAPTER OF THE WORLD FEDERATION OF HUNGARIAN VETERANS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Cleveland Chapter of the World Federation of Hungarian Veterans, on the occasion of their 50th Annual Charity Ball.

U.S. veterans of Hungarian heritage founded the organization in 1946, just after WWII. A Cleveland Chapter was formed in 1951, with objectives mirroring those of the national organization—to promote patriotism, and to honor and keep alive the memories of those who suffered and gave their lives to preserve our freedoms and democratic ideals.

Additionally, the Cleveland Chapter has focused on the preservation of the Hungarian culture, customs and history for the younger members of our community, and for generations to come. Moreover, the membership has consistently demonstrated a willingness to lend a helping hand. Over the years, the Cleveland Chapter of the World Federation of Hungarian Veterans has assisted other members and their families with moral and financial support whenever needed.

Mr. Speaker and Colleagues, please join me in tribute and recognition of the Cleveland Chapter of the World Federation of Hungarian Veterans as they celebrate their culture once again at the 50th Annual Charity Ball. Today we honor the significant sacrifices each of you has made to preserve our freedoms, and we also pay tribute to your organization for preserving the rich fabric of Hungarian culture and tradition within our community.

## INTRODUCTION OF THE ROUND II EZ/EC FLEXIBILITY ACT

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. CAPUANO. Mr. Speaker, I rise in support of the Round II EZ/EC Flexibility Act of 2003, bipartisan legislation I introduced today with my colleague from New Jersey, Mr. LOBIONDO.

The bill we introduced makes a number of small changes to the EZ/EC program that will provide these communities with greater flexibility in administering their economic development plans. Specifically, the bill authorizes $100 million in appropriations for each of the fifteen urban Empowerment Zones, $40 million for each of the five rural Empowerment Zones, and $3 million for each of the twenty rural Enterprise Communities.

The legislation also ensures that Empowerment Zones and Enterprise Communities that apply for one of the new Renewal Community designations will continue to receive the EZ/EC funding they were promised in 1999. Finally, the bill allows these communities to use their funding as the local match for receiving grants from other federal programs. This will help EZ/EC communities leverage additional resources to undertake economic development initiatives and provide job training and other vital social services.

Mr. LOBIONDO and I have worked hard over the last several years to secure funding for the communities across the nation that were designated as Round II Empowerment Zones and Enterprise Communities. We both know first hand the successes of the EZ/EC program, and we will continue to work together in a bipartisan manner to ensure that these communities are allocated the resources they need to bring economic opportunity to all Americans.

## A SPECIAL TRIBUTE TO CHARLES L. DODGE FOR HIS DEDICATED SERVICE TO THE CITY OF FOSTORIA

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio. Charles L. Dodge began his employment with the City of Fostoria on October 21, 1974, as a laborer in the water distribution facility. He served under the leadership of Mayor Ken Beier and was appointed Superintendent of Utilities on January 1, 1980.

Charles' career with the City of Fostoria grew rapidly. He was a very dedicated, knowledgeable employee who aspired to do his best, no matter what was asked of him. Under the leadership of Mayor James Bailey, Charlie was named to the position of Assistant to the Mayor on June 1, 1996.

Mr. Speaker, Charlie's position advanced once again because of his experience and knowledge. He was named the Compliance, Records, Economic Development & Infrastructure Administrator, thus working with managed compliance issues, i.e. OSHA, EPA, ADA, Enterprise Zone Manager, State Issue II (infrastructure) and Project Manager.

During his employment with the City of Fostoria, Charles also had a very dedicated military career with the United States Army. Mr. Dodge served in the Army from 1970–1973 in the Clerk General Course, taking him to the Republic of Vietnam and many other areas. His military career ended in 1993; he retired as the First Sergeant in his Army National Guard Medical Corps unit.

Charles L. Dodge is a devoted father of three children: Laura, Kevin and Matthew. A man committed to his country and community; Charlie was an outstanding employee and contributor to the City of Fostoria.

Mr. Speaker, Charles Dodge will leave big shoes to fill as he enters into retirement. His wisdom, honesty and forthrightness are attributes to which all public servants should aspire. He has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Charles L. Dodge. Our communities are served well by having such honorable and giving citizens, like Charlie, who care about their well being and stability. We wish Charles, his wife, Deborah, and their family all the best as we pay tribute to one of our state's finest citizens.

## HONORING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE NILES LIBRARY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the historic Niles Library, located in Fremont, California, on its 75th anniversary.

Although the library as we know it today was officially dedicated in 1928, the first Niles Library actually opened its doors 38 years earlier in the back of Mr. Dickey's general store. In 1900, the growing book collection became incorporated as the Niles Free Public Library Association and was given a permanent home in Niles' former Southern Pacific Railway station.

In 1927, Mr. and Mrs. William H. Ford donated $30,000 to construct a new building for the library. On January 14, 1928, the library was dedicated in honor of Mrs. Ford's mother, Jane R. Clough. Future Supreme Court Chief Justice Earl Warren, who was then Alameda County District Attorney, was present at the dedication. In 1936, the Niles Free Public Library Association transferred ownership of the Jane R. Clough Memorial Library to the Alameda County Library system.

In recent years, the library's collection has grown, but it remains a small and friendly neighborhood library. Today, the library's collection boasts over 11,000 items, including books, magazines, newspapers, videos, CDs, audiocassettes, and several important pieces of artwork. In 1970, John E. Kimber donated Poppy Nymph, a statue by renowned California artist Jo Mora. For the library's 50th anniversary, the Fremont Friends of the Library commissioned Fremont artist Hal Booth to create a commemorative painting, which is still on display at the library.

This year marks the 75th anniversary of the historic library's dedication. A ceremony featuring a speech by California State Librarian Kevin Starr and entertainment from Niles Elementary School students will be held on February 8, 2003 in celebration of this significant milestone.

## TRIBUTE TO DUANE NOLAND

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Senator N. Duane Noland. He has served in the Illinois General Assembly since 1990, serving eight years in the House of Representatives and four years in the Senate.

He served with distinction and honor in both chambers, most recently being selected as Assistant Majority Leader in the Senate.

He graduated from Blue Mound public schools and the University of Illinois where he earned a Bachelor of Science degree in Agriculture Education/Economics.

In his non-legislative life, Senator Noland spends many hours helping farm his family's seventh generation centennial farm.

Senator Noland also works as assistant vice president/marketing specialist with Hickory Point Bank & Trust in Decatur.

Senator Noland has worked to ensure state government lives within its means, promote a strong agricultural economy while balancing the needs of rural and urban residents, and preserve quality of life through safe schools legislation, tough anti-crime measures and bills to help senior citizens remain independent.

He has helped pass such significant legislation for our rural communities as the ban on MTBE, the establishment of drummer silty clay loam as our state soil, the AgriFIRST value-added agriculture incentives, and Route 51 expansion.

He is a board member for the American Red Cross, a former board member of the Illinois Farm Bureau, the Illinois Corn Growers Association, and the Lincoln Trails Council of the Boy Scouts of America, and a member of the Millikin University Board of Trustees.

He has been honored by numerous organizations including the Illinois Health Care Association, Baby Talk, Illinois Farm Bureau, ABATE, Jaycees, Chamber of Commerce for Decatur and Macon County, and the American Soybean Association.

Senator Noland was born and raised in Blue Mound, Illinois where he met his wife, Tina Beckett Noland, and where they now raise their sons Grant and Blake.

N. Duane Noland will be sorely missed and we wish him all the best in his future endeavors.

## SMALL BUSINESS AND THE PRESIDENT'S ECONOMIC GROWTH PACKAGE

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. MANZULLO. Mr. Speaker, yesterday the House Small Business Committee held a roundtable with sixteen small business owners and representatives on the President's Economic Growth Package. The small business groups were unanimous in their support for the small business provisions of the President's proposal.

Specifically, the small business groups cited the acceleration of the tax rate reductions enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the expansion of the small business expensing provisions for new investment as vital. According to the participants, the President's proposal would enable them to purchase more equipment immediately. In addition, the capital freed up by the acceleration of the tax rate reductions would permit the vast majority of small businesses to reinvest that money into their businesses.

At the roundtable, we were honored to have the Honorable Hector V. Barreto, Administrator of the U.S. Small Business Administration, present the President's Economic Growth Package. In my opinion, Administrator Barreto's statement was an exemplary testament on the state of small business in our economy today and a compelling account of why small businesses need economic growth assistance. Small business creates jobs. The President's proposal will ensure short-term and long-term growth for small business and ensure sustained growth for our economy.

The Administrator's statement was so compelling that I wish to share it with my colleagues.

STATEMENT OF HECTOR V. BARRETO, ADMINISTRATOR U.S. SMALL BUSINESS ADMINISTRATION

Good Morning, Chairman Manzullo and distinguished Members of the Committee. I am pleased to be here this morning to participate with all of you in this roundtable discussion on the small business provisions of the President''s economic growth package. It's good to be among so many friends who share the President's views on these important changes.

Small businesses are the backbone of our economy—they employ more than half the private work force, generate about 50% of the nation's gross domestic product, and create two-thirds to three-fourths of the net new jobs. And research shows that the vast majority of these new jobs are established in the first two years of the business. Small business entrepreneurs are key to our economic vitality, and the President's plan offers specific relief and the opportunity for them to grow and create more jobs for American workers.

This roundtable is a perfect way to talk about the President's plan and narrow in on making sure government policy helps small business. This format is one that the President personally believes in. I have been with the President quite a few times over the past year at roundtables where the President solicits feedback and support from the small employer community. From the economic summit in Waco, TX, to Louisville, KY, to St. Louis, MO, to Alexandria, VA—the President's purpose is clear—to hear from the employer community about what will work best for this country.

The President has called on Congress to act swiftly to pass his economic growth package. Your voice will be critical to this effort and we thank you for your commitment and active participation in these deliberations.

Through a combination of income tax rate reductions, an increase in allowable deductions for expenses and the permanent repeal of the estate tax, American small business owners and their families will get to keep more of what they earn. The President has pointed out that under his plan, ''a family of four with an income of $40,000 will receive a 96 percent reduction in federal income taxes.''

That's nearly a complete elimination of that family's federal income tax burden and translates to more disposable income to be invested, saved or spent.

For small business owners, many of whom are subject to personal income tax rates on their business, the reduction in rates will mean an increase in capital to expand their business, hire new workers and provide new or improved products. As proposed, the reduction in the top marginal rate scheduled to take effect in 2006 (to 35 percent) would take place retroactively in 2003, resulting in tax cuts averaging $2,042 for some 23 million small business owners. These hardworking entrepreneurs would receive 79 percent (about $10.4 billion) of the $13.3 billion in tax relief from accelerating the reduction in the top tax bracket. Since small business owners are so closely tied to the personal tax rates, lowering individual marginal rates will have a positive affect on the ability of many entrepreneurs to expand. As Princeton University Economist Harvey Rosen stated in a May 2001 report to the SBA, ''Taxes matter. As tax rates go up, entrepreneurial enterprises grow at a slower rate, they buy less capital, and they are less likely to hire workers.''

Additionally, a proposed 200% increase in year one expensing deduction for new investments—''Section 179 expensing''—would encourage small business owners to purchase the technology, machinery and—other capital equipment they need to expand. The amount of investments that may be immediately deducted—beginning in 2003—by small businesses would increase from $25,000 to $75,000. This new amount is permanent and indexed to inflation.

Expanding the eligible write-offs for small business investments has strong support in the small business community. All White House Conferences on Small Business have recommended increases in direct expensing. Moreover, SBA's Office of Advocacy has long supported proposals to increase such write-offs and testified in support of this change before the Senate Finance Committee in March of 2001.

From an economic development perspective, this is more than a simple tax code change. There have been several studies that have found links between taxation and investment. A 1998 Bureau of Economic Research paper concluded that marginal tax rate changes significantly change investment spending patterns. The study suggested that tax rate changes would alter the cost of capital for new investment decisions, and that the lower tax rates would make more projects viable. And by making this change permanent and predictable for small businesses, it will yield greater results as capital spending patterns rise from year to year.

According to SBA's Office of Advocacy, there are over 22 million small businesses in the United States. [Note that of these about 16 million have no employees.]

If, with the President's plan, on average, they increased their equipment purchases by only $10,000, almost $230 billion would be pumped into the economy annually, creating jobs and expanding the tax base. As the President stated in his recent visit with me to a flag manufacturing company in Alexandria, VA, ''this is a plan that says if you're willing to take risk and invest more, that there's a benefit for doing so. It's an incentive for small business to increase.''

The President has also proposed the permanent repeal of the estate tax so small business owners will no longer be faced with the prospect of leaving their family an insurmountable tax bill along with the family business—and the difficult decision of whether or not to sell the business to pay the tax. Instead of forcing their heirs to sell the business to pay the government, the repeal will provide certainty for family-owned small businesses that want to transfer the business to the next generation of entrepreneurs.

And finally, the President's plan to abolish the double tax on dividends will help businesses to grow and create jobs by reducing the cost of capital. Most dividends received by shareholders will be tax free. Small businesses that retain corporate earnings will not face capital gains taxes on the increase in the value of the firm from retained earnings that could have been distributed as dividends. This will benefit the owners of 2 million ''C'' corporations, including many small corporations.

Our President and Administration are strongly committed to helping small business by removing or reducing barriers that

stand in the way of faster economic growth. Besides the significant changes outlined in the plan, let me take this opportunity to mention a couple of other items the President talks about in his agenda for small business—streamlining small business regulations and the need for tort reform to curtail frivolous lawsuits.

We know that small businesses are hardest hit by regulations. Firms employing fewer than 20 employees face an annual regulatory burden of $6,975 per worker—60 percent more than a firm employing 500 or more people. And tax compliance costs are twice as burdensome on small businesses compared with their larger counterparts. The Federal government has a new web site—www.regulations.gov that makes it easier to participate in Federal rulemaking. Small businesses can review and submit comments on proposed regulations that are published in the Federal Register. Americans spend nearly a trillion dollars a year complying with state and federal regulations, so having this website provides an opportunity to hear from those unfairly burdened.

Tomorrow, I will be testifying before the Senate Committee on Small Business and Entrepreneurship on another Administration priority—the need for Congress to pass Association Health Plan (AHP) legislation to help small business have access to affordable health care for their employees. Another issue that the community has been very proactive in pursuing.

Taken together, these changes send a strong signal that this Administration understands that our economy can thrive only if our small businesses thrive. As the economy continues to trend upward, America's small businesses can be counted on to continue to provide strength, resilience and optimism. Thanks to the President's aggressive agenda, small business owners can count on an environment in which their efforts will be encouraged and their success will be sustained.

Thank you again for including me in today's discussion, and I look forward to working with you in the months ahead to achieve passage of the President's economic growth plan.

## PERSONAL EXPLANATION

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to submit for the RECORD how I would have voted on those measures from the week of January 27, 2003. I was in Albuquerque, NM, last week as a family member underwent surgery and unable to make it to Washington, DC.

On rollcall 13, with regard to H.J. Res. 26, Honoring the contributions of Catholic schools, offered on January 27, 2002, had I been present I would have voted in favor of the motion to suspend the rules and pass the bill.

On rollcall 14, with regard to H.J. Res. 25, Supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring, offered on January 27, 2002, had I been present I would have voted in favor of the motion to suspend the rules and pass the bill.

On rollcall 15, with regard to H.J. Res. 13, , Making further continuing appropriations for the fiscal year 2003, and for other purposes, offered on January 28, 2002, had I been present I would have voted in favor of the motion to table the appeal of the ruling of the chair.

On rollcall 16, with regard to H.J. Res. 13, Making further continuing appropriations for the fiscal year 2003, and for other purposes, offered on January 28, 2002, had I been present I would have voted for the motion to recommit with instructions.

On rollcall 17, with regard to H.J. Res. 2, Making further continuing appropriations for the fiscal year 2003, and for other purposes, offered on January 29, 2002, had I been present I would have voted for the motion to instruct conferees.

## IN HONOR OF THE SISTERS OF THE HOLY SPIRIT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Sisters of the Holy Spirit, as they celebrate their 70th anniversary in holy ministry and service to others.

Founded in 1932 by Mother Josephine Finatowicz, the Sisters of the Holy Spirit began their legacy of caring for our most vulnerable citizens in two humble homes. Within those walls, the Sisters lovingly cared for the parentless children of our community. Later, the Catholic Diocese of Cleveland approached the Sisters with a request to provide a home for older adults who could not afford adequate housing.

This vision was the dream of Monsignor Gilbert Jennings, who left his specific request on the pages of his last will and testament. After his death, the Sisters agreed to fulfill his vision of the creation of a caring home for seniors. The 13 dedicated women of the Sisters of the Holy Spirit moved from their Cleveland neighborhood to their new convent built on the rolling farmland of Granger Road in Garfield Heights.

The Jennings Center for Older adults has evolved from a single story wood frame building to an extensive senior housing campus. From the beginning, the Sisters ran everything from the cooking to the nursing, to the administrative work. As in years past, the Sisters of the Holy Spirit continue to heal the hearts and souls of the residents of the Jennings Center.

Mr. Speaker and Colleagues, please join me in honor of the Sisters of the Holy Spirit. Their commitment, kindness and caring for our children and our elderly have served to lift the spirits of countless individuals, families, and our entire community. We are blessed to have these angels—the Sisters of the Holy Spirit, bringing us light and hope, and asking nothing in return.

## IN REMEMBRANCE OF JULIAN FRANCIS DEPREE, JR.

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KIRK. Mr. Speaker, it is with great sadness that I rise today to say a few words about the life of Julian Francis DePree, Jr. (Jeff) who died suddenly over the weekend from natural causes. He proudly served his country, was a successful and ethical businessman, a loyal husband, and a devoted father.

Jeff DePree, in the eyes of his family and friends, had a ''larger than life'' personality, but, first and foremost, he was a caring father to his four children and a devoted husband to his wife Joan. Jeff was born on March 9, 1944, in Mt. Kisco, New York. He later graduated from Trinity College in Hartford, Connecticut, and received his Masters degree from Columbia University in New York City.

Jeff served his country in Vietnam as an Intelligence Officer in the 199th Infantry Brigade. He survived two tours of duty and was awarded two Bronze Stars for his service as well as an Air Medal. Jeff was also an avid sportsman and conservationist enjoying golf, boating, fishing, and racquet sports, a love for which he passed onto his children.

Jeff was also a keen businessman. He was co-founder of a financial services company that specialized in leasing and equity financing for major industrial projects. He became an industry leader among structured finance specialists and advised many of the nations largest finance companies on their investments. Jeff was very active in local community affairs, having served on the Lake Forest Hospital Board, as well as the City's Cemetery Commission.

Most of all, Jeff brought great fun to everyone. He was an excellent storyteller, singer, guitar player and dancer. When in the company of Jeff, his engaging and entertaining personality was infectious. Jeff was indicative of thousands of Americans who quietly go about their daily lives contributing to the greatness of our nation through their personal character and conduct.

Jeff's passing is an immense loss to his family and his community. His life was cut short, but I am certain his children will carry on his legacy in a way that would make their father very proud. I offer my condolences to his wife Joan, and his children Katie (Jess), Austin, Randy, Spencer and his grandson, William. May they take comfort in knowing they have been blessed to have had such a wonderful person in their lives. He will be greatly missed.

## TRIBUTE TO WILLIAM L. ''BILL'' O'DANIEL

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to honor William L. ''Bill'' O'Daniel of Mt. Vernon was appointed to the Illinois Senate in 1985 and was elected by an overwhelming margin in 1986 and has served this body with distinction throughout his eighteen years as a member.

During his five terms in the Senate, Senator O'Daniel, served as chairman of the Senate Agriculture and Conservation Committee, as Democratic Caucus Chair, and most recently as Democratic spokesperson of the Senate Agriculture and Conservation Committee.

Senator O'Daniel has also served on the Committees on Appropriations I, Elections and

Reapportionment, Revenue, Transportation, and State Government Operations, the Joint Committee on Administrative Rules, the Illinois Forestry Development Council, the Swine Disease Control Advisory Committee, the Agricultural Export Advisory Committee, the Interagency Rail Passenger Advisory Council, and the Board of State Fair Advisors.

Senator O'Daniel has amassed numerous legislative accomplishments which have enhanced the quality of life for the people of his southern Illinois district and all of the people of the State of Illinois, including State sales tax exemptions for farm machinery and oil field equipment, creating tax increment financing and enterprise zone designations to spur job creation and economic development, promoting sustainable agriculture and ethanol as an alternative energy source, and enacting tough penalties against persons who sell drugs on or near the grounds of places of worship.

Senator O'Daniel built a solid reputation as one of Illinois' foremost authorities on agricultural issues, he was appointed in 1977 by President Jimmy Carter to serve as state executive director of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

Prior to his appointment by President Carter, Senator O'Daniel served as a member of the Illinois House from 1974–77.

As a longtime farmer and businessman, a decorated World War II veteran and devoted family man, Senator O'Daniel brought to the Senate a common sense, bi-partisan approach to the business of the body that shall be remembered fondly by those who served with him.

We offer our best wishes to Senator William L. ''Bill'' O'Daniel upon his retirement from the Senate; we offer hope for a rewarding future with his wife, Norma, their five children and eight grandchildren, and one great-grand child.

## TRIBUTE TO GEORGE DODSON

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. DUNCAN. Mr. Speaker, I rise to pay tribute to George Dodson, a good friend and beloved retired Capitol Police officer, who passed away last summer.

George was one of the finest men I ever knew. He was on the Capitol Police force for over 30 years. Most of that time he worked as a plain-clothed detective. He was known all over the Capitol because of his professionalism, courtesy and friendliness. He later went on to help organize the Retired Capitol Police Officers Association.

George was close friends with many Members, including Bill Natcher of Kentucky and Speaker Jim Wright. He was always friendly to all Members and the many visitors who traveled to the Capitol each year.

George spent many years in the military prior to joining the Capitol Police force. He spent three years in the Air Force and five years in the Air National Guard. He was honorably discharged in 1967 at the rank of Master Sergeant.

George Dodson was a family man. He was married to his beloved wife Pat and enjoyed spending time with her whenever possible.

George was a life-long resident of Washington, D.C. and graduated from Armstrong High School in 1947. He was also very active in his church.

Over the years, George developed a love of trains and spent a great deal of time with his grandchildren sharing that love and interest.

He also was very interested in the new convention center being built downtown. He would spend a great deal of time downtown observing the progress of the convention center. In fact, many of the workers at the site got together and gave George his own hard hat.

George passed away on June 8, 2002. He was a great American who loved his family and Country very much. Mr. Speaker, this Country would be a much better place if there were more people here like George Dodson.

## HONORING DRUG FREE WEEK ESSAY WINNER

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a special student from Gladewater, TX, Brittany Linder, who was a grand prize winner in the Red Ribbon Week ''I am drug-free because . . .'' essay contest sponsored last fall by the city of Longview Partners in Prevention. Brittany represents Weldon Intermediate school in the Gladewater independent school district and is a fourth-grade student of Mrs. Cathy Bedair. She is the daughter of John and Blane Linder and the granddaughter of my longtime friend, Carolyn Linder.

According to the White House Office of National Drug Control Policy, although recent trends in youth drug use have stabilized, the rates of use remain at high levels. Youth substance abuse, as we know, can lead to many other problems, including the development of delinquent behavior, anti-social attitudes and numerous health risks. These problems not only impact the child but also the child's family, friends, community and ultimately society as a whole.

Brittany speaks to this issue in her essay: ''I am drug free because if I take drugs, I would not be able to realize my dreams. I would not be able to be a good teacher, or mother. If I take drugs, I would hurt valuable brain cells and when I found my dreams, I would not be able to do it.''

The essay entries from area fourth-graders were judged by LeTourneau University students. Throughout our Nation, dedicated teachers, parents, clergy, law enforcement officers, healthcare providers, local government officials and community volunteers are involved in various drug-prevention programs that raise awareness among our young people of the dangers of drug use. Beginning these programs at a young age is one key to their success, and I commend programs such as the Red Ribbon Week that seek to instruct and involve our young people in this issue.

Mr. Speaker, I want to congratulate Brittany on her winning essay and commend her for taking a strong stand against the use of drugs.

## HONORING THE VIETNAMESE NEW YEAR: TET, 2003

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Vietnamese New Year: Tet, 2003—Year of the Goat. In celebration of the new year, the Vietnamese Community in Greater Cleveland, Inc., will gather at St. Helena Catholic Church to rejoice with family and friends and enjoy Vietnamese culture and performances.

The Tet celebration will include recognition of volunteer leaders, Vietnamese food, and dancing and entertainment by the Vietnamese youth of Cleveland. As Tet is the time of year to pay homage to ancestors, visit with friends and family, and celebrate, it is with great honor that I pay tribute to the Vietnamese Community of Greater Cleveland.

This year marks the 27th year of the Vietnamese Community in Greater Cleveland's outstanding service to the Vietnamese community in my hometown of Cleveland, Ohio. Vietnamese heritage has long been important to Cleveland, and the Vietnamese Community in Greater Cleveland has played a vital role in ensuring that important cultural traditions continue to be embraced.

Mr. Speaker, I would also like to take this opportunity to honor and thank Le Nguyen, President of the Vietnamese Community in Greater Cleveland, for coordinating this wonderful evening of festivities. I would also like to honor the members of the Vietnamese Community in Greater Cleveland for their dedication to the Cleveland area.

Best wishes to all celebrating the Vietnamese Lunar New Year: Tet, 2003—Year of the Goat. I wish everyone a joyous and prosperous new year.

## TRIBUTE TO REAR ADMIRAL JOHN P. DAVIS

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor Rear Admiral (Upper Half) John P. Davis, a native of Shelter Island, New York, who will retire from the U.S. Navy on February 1, 2003 after 35 years of distinguished service to the U.S. Navy and to our nation.

Rear Admiral Davis is well known to many members of this body. He has been the Program Executive Officer for Submarines since 1997. In 1998 he also becomes the Deputy Commander, Submarines, helping launch Team Submarine, an innovative organizational structure that unified many submarine-related acquisition and life cycle support entities into a single ''submarine-centric'' organization. The Team Submarine concept of operations is dedicated to eliminating the traditional ''stovepipe'' structures and processes that create impediments and inefficiencies in submarine research, development and acquisition, ensuring that the operational needs of the fleet are met, today and in the decades to come, in an effective and affordable way.

Under Admiral Davis' watch, Team Submarine has delivered two *Seawolf* class submarines and redesigned a third to expand its mission capabilities; started construction of four *Virginia* class submarines; and brought the transformational SSGN program from concept to full up-and-running program in two years time. He has also overseen the overhaul of over one-third of our submarine fleet, and directed the modernization of submarine warfare systems with economical and easily upgradeable commercial-off-the-shelf (COTS)-based units. Additionally, Admiral Davis has acted as an emissary to allied nations, most notably Australia, and he has helped forge strong relationships with friendly navies to enhance U.S. national security.

Admiral Davis began his Navy career in 1964 when he entered the U.S. Naval Academy. Upon his graduation from Annapolis in 1968, Admiral Davis entered the Naval Postgraduate School, where he earned a Master of Science degree in 1969.

Following nuclear power training, Admiral Davis held many critical assignments. He served on the USS *Pogy* (SSN 647) and the USS *Daniel Webster* (SSBN 626). He also served as the department head and post department head detailer in the Submarine Officer Assignment Office of the Bureau of Naval Personnel. He subsequently returned to sea duty as Executive Officer of the USS *Memphis* (SSN 691) and later, as Commanding Officer of the USS *Jacksonville* (SSN 699), which deployed to the Atlantic, Mediterranean, and Indian Oceans. He went on to serve as Deputy Commander of Submarine Squadron Six, during which he also served as Commanding Officer of the USS *Glendard P. Lipscomb* (SSN 685) for three months during a Mediterranean deployment.

From 1989 to 1991, Admiral Davis served as Head, Undersea, and Arctic Warfare Branch in the Office of the Chief of Naval Operations. Following completion of the Program Managers Course at the Defense Systems Management College in 1991, he became the Director of Advanced Submarine Research and Development. In September 1992, Admiral Davis became Program Manager of the MK48 ADCAP Advanced Capability Torpedo Program. In July 1996, Admiral Davis became Program Manager for the Undersea Weapons Program Office.

Admiral Davis was selected to Flag rank in 1996. In December 1996 he became the Director, Submarine Technology at Naval Sea Systems Command. In August 1997 he was assigned to his current post of Program Executive Office, Submarines. In October 1998 he assumed additional duties as Deputy Commander, Submarines.

Admiral Davis was promoted to Rear Admiral (Upper Half) in 1999. He has received numerous military awards including the Legion of Merit with two Gold Stars and the Meritorious Service Medal with one Gold Star.

Mr. Speaker, for 35 years the Department of the Navy, the Congress, and the American people have been well served by this dedicated naval officer. Admiral Davis has been instrumental in ensuring that the U.S. submarine force is, and will remain, the world's most preeminent submarine force in the 21st Century. Thus, he leaves an enduring legacy.

I am honored to rise today to express appreciation to Admiral Davis for his outstanding service to the nation. I also want to recognize his wife Nancy and his daughters Kate and Tricia for their loyalty and support, which are so necessary in the life of a career naval officer.

Mr. Speaker, I know my colleagues join me in wishing Rear Admiral Davis ''fair winds and following seas'' as he concludes a most honorable and distinguished career.

## TRIBUTE TO GARY WHYTE ON BEHALF OF WHITNEY WELDON

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. ROTHMAN. Mr. Speaker, I rise today on behalf of 10-year-old Whitney Weldon of Westfield, New Jersey. Whitney is a wonderful, happy, and active child who was diagnosed in April 2001 with a disease called Fibrodysplasia Ossificans Progressiva (FOP).

FOP is a rare genetic disorder in which bone forms in muscles, tendons, ligaments and other connective tissues forming a second skeleton that immobilizes the joints of the body. With so few people afflicted by the disease, there is little attention being paid to this illness.

For the past fifteen months, Gary Whyte, of Mountainside, New Jersey, has been going non-stop, doing everything he can, to raise awareness and help spread news about FOP through countless efforts speaking before clubs, churches, synagogues and organizations and hosting events to raise money for the Weldon FOP Research Fund.

Mr. Speaker, I stand before you on behalf of Whitney Weldon and the 200 other Americans suffering from FOP to praise the efforts of these dedicated people who are staging a campaign to increase awareness of and find a cure for a disease that few people know about. Gary has shown that education about FOP is the first step toward working to get a cure. Little by little, with more awareness comes more action.

## INTRODUCTION OF LEGISLATION TO BAN HOUSING DISCRIMINATION AGAINST MEMBERS OF THE MILITARY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues a bill I have introduced today to prohibit discrimination in the rental of housing to members of the armed forces.

It has been reported in the press that managers of certain apartment properties in my home state of New York have required renters to sign an affidavit stating that they are not in the military. This practice, aimed at members of the armed forces who might be called off to war, is an outrageous form of discrimination, particularly at a time when young Americans are on their way overseas to defend our country.

This legislation is meant as a deterrent to this kind of practice by any landlord or property management company anywhere in the country. The bill would make it a federal crime to discriminate in rentals to members of the armed forces with a penalty of up to a year imprisonment.

The reason mentioned for requiring the affidavit is to relieve landlords of the potential need to seek court orders to evict military families who may have defaulted on their rent.

I have never before heard this concern raised by a landlord. But the bottom line is that discrimination against individuals or an entire class of people cannot be defended under any circumstance. In New York City, this practice is already outlawed under local anti-discrimination laws. However, there remains a glaring absence in federal and state law of the protections provided for in my bill, thus leaving members of the military in most of New York State and the rest of the country vulnerable.

At this time of crisis in our country, in which we are asking so much of our military, the governing principle should be one of shared sacrifice—and certainly not discrimination.

## TRIBUTE TO LAURA KENT DONAHUE

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Laura Kent Donahue who has dedicated her life to serving the people of western Illinois.

Laura had the privilege of serving in the same area her mother, Mary Lou Kent, represented. She began her legislative service in the State Senate in 1981.

She was appointed an Assistant Majority Leader in the Illinois State Senate in 1997 after serving as Majority Caucus Chairman for four years.

As a lawmaker, Laura secured nearly $1 billion for road and bridge improvements in her district since 1981.

Her dedication to improving the funding process for downstate nursing homes and hospitals has earned her numerous legislative awards from the Illinois Association of Homes for the Aging, the Illinois Hospital Association, the Illinois Association of Rehabilitation Facilities and the Illinois Healthcare Association.

She has devoted much of her time and energy toward finding a resolution to the education funding issue in Illinois.

Laura was instrumental in bringing a juvenile prison facility to Rushville, adult prison facilities to Mt. Sterling and Canton and work camps to Clayton and Pittsfield.

She is a member of the Vermont Street Methodist Church in Quincy.

She is a member of the Daughters of the American Revolution, the Lincoln Club of Adams County and the PEO Chapter MK.

She graduated with a bachelor's degree from Stephens College in Columbia, Missouri.

She is respected by her colleagues from both political parties for her honesty and integrity.

Laura will be remembered as a Senator who took her responsibility as an advocate for her district seriously.

Therefore we recognize Laura Kent Donahue for her accomplishments as she

leaves the Illinois Senate and wish her success in her future endeavors.

## IN HONOR AND REMEMBRANCE OF LIBERA PILLA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Libera Pilla—beloved mother, grandmother, great-grandmother, and friend to many.

For forty-nine years, Mrs. Pilla was the devoted wife of George Pilla, who died in 1978. Together they raised their two sons, Bishop Anthony Pilla and Joe Pilla. As immigrants from Italy, Mr. and Mrs. Pilla understood the importance of family, faith, and hard work. Although they were not formally educated, Mr. and Mrs. Pilla coveted the educational opportunities for their sons, and ensured that they both received an excellent education. Moreover, they instilled in their sons the value of service and compassion toward others—clearly evidenced in their sons' chosen vocations—Bishop Anthony Pilla's vocation of spiritual leader; and Joe Pilla's commitment to public service in law enforcement.

Mrs. Pilla was the light, warmth and center of the Pilla family. Mrs. Pilla was known for her deep sense of compassion and concern for others, and she consistently reached out to others with grace, kindness and dignity. Mrs. Pilla took great pride and joy in caring for her family and friends, especially through her culinary talents. She delighted many with her wonderful recipes from her Italian homeland, and enjoyed planning and preparing for family and friends during the holiday season.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Libera Pilla—a remarkable woman who, along with her dear husband George, rose above the hardships of assimilating into American culture, sculpting a wonderful life for herself and her family, filled with love, warmth, encouragement and support. Although Mrs. Pilla will be deeply missed, her life was joyously lived—and is a life worthy of celebration. I offer my deepest condolences to Mrs. Pilla's sons, Bishop Anthony Pilla and Joe Pilla; to her grandchildren and great-grandchildren; and to her extended family and many friends. The light and love that Mrs. Pilla so freely gave to others, especially to her family, will live on forever in the hearts of those who knew and loved her well.

## HONORING GLORIA STRAIT FOR 50 YEARS OF SERVICE TO THE CAPITOL HILL CLUB

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Gloria Strait for the fifty years of service, dedication, and loyalty she has given to the Capitol Hill Club.

Gloria moved from Syracuse, New York to Capitol Hill in 1952. She began her tenure at the Capitol Hill Club on February 5, 1953, when it was located at 214 First Street. Although she was hired as a cook, she worked as a dishwasher when business was slow. For close to twenty years, Gloria cooked breakfast, lunch, and dinner for the numerous Members of Congress and guests of the Club. During this time, the majority of which was spent in the Club's second home at 75 C Street, she also supervised the kitchen, managed menus, and handled orders. When the Club moved to its current location at 300 First Street in 1972, Gloria was promoted to Purchasing Manager and took on responsibility for handling inventory and vendor relations.

Since a child in New York, Gloria has had the opportunity to meet innumerable celebrities through her involvement in the restaurant industry. And in the fifty years of her employment at Capitol Hill Club, she has met six United States presidents, one dozen governors, countless Congressmen and women, and renown business leaders. She keeps a scrapbook to remember her many friends.

Gloria has helped countless Members of Congress who were far from home to feel at home by cooking favorite meals or baking birthday cakes. It is that type of personal attention and commitment to her job that makes Gloria a vital and welcomed part of the Capitol Hill Club family. For fifty years, Gloria has brightened the Club with her youthful vigor and soaring spirit. As a member of the Club, I thank her for being a part of our extended family and look forward to seeing her in the many years to come.

## BEST WISHES TO SALT RIVER PROJECT

### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KOLBE. Mr. Speaker, I would like to congratulate a venerable Arizona institution that celebrates this month its 100th anniversary as the nation's oldest multi-purpose reclamation project. I speak of the Salt River Project, an organization with nearly 800,000 electric customers and responsibilities for supplying water to some 1.5 million people in the Phoenix metro area.

While my own Congressional District 8 spans areas outside of SRP's service territory, one cannot live long in Arizona without learning something of the history of this unique public power and water utility. Founded on February 7, 1903, SRP marked the formalization of hopes for transforming a fierce desert into a productive agricultural area.

Eight months earlier, the Reclamation Act of 1902 had been signed into law by President Theodore Roosevelt. Critics maintained the act would be a boondoggle, saddling the federal government with useless burdens. But Roosevelt and his supporters were optimists and had faith in the American spirit of determination.

The fruits of their convictions were borne out.

A federal reclamation loan was approved to help SRP and central Arizona's landowners build a great water storage system to supplement the area's small and unreliable system of ditches and canals. By 1911, using horses, hawsers and hand-tools, workers had completed Roosevelt Dam—then the largest masonry dam in the world.

With new and dependable sources of water, farms flourished. Local towns and cities grew. More dams were built. And, by the 1930s, SRP with state enabling legislation entered into the power business to ensure repayment of its federal loan obligations.

Today, SRP ranks among the largest public power providers in the nation and an authority on water management. And, at the core of the company's culture is the same durable spirit of community partnership and involvement that was there a century ago.

Mr. Speaker, I offer best wishes to the Salt River Project as it moves ahead in its second hundred years of service—a century certain to bring many new benefits and progress.

## FIREFIGHTING RESEARCH AND COORDINATION ACT

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. CAMP. Mr. Speaker, I rise today to introduce the Firefighting Research and Coordination Act. I am proud of this legislation for what it seeks to accomplish on behalf of our Nation's firefighters. This bill has three primary objectives: support the development of voluntary consensus standards for firefighting equipment and technology, establish nationwide and State mutual aid systems for dealing with national emergencies, and authorize the National Fire Academy to train firefighters to respond to acts of terrorism and other national emergencies.

In large part, the genesis of the Firefighting Research and Coordination Act came after the September 11th attacks. After the tragic events of that day, fire departments throughout America began to grapple with new concerns over how to best train for and respond to terrorist acts. The needs of the fire service continue to grow as new threats emerge. As a result, Congress has a responsibility to assist and protect our firefighters. That is the goal of the Firefighting Research and Coordination Act.

The first objective of the bill focuses on equipment and technology standards. The bill would allow the U.S. Fire Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties to develop measurement techniques and testing methodologies, and support development of voluntary consensus standards through national standards development organizations, for evaluating the performance and compatibility of new fire fighting technology. Examples of new technologies include: personal protection equipment, devices for advance warning of extreme hazard, equipment for enhanced vision, and robotics and other remote-controlled devices, among others. Equipment purchased under the Assistance to Firefighters grant program must meet or exceed voluntary consensus standards.

Establishing standards for firefighting equipment and technologies will help safeguard the

lives of firefighters. At present, manufacturers of emergency equipment can sell their products with no government testing or certification requirements to ensure their product meets the needs of firefighters. A January 2003 Consumer Reports article, ''Safeguards Lacking for Emergency Equipment,'' highlights the lack of standards problem. The article reports ''Firefighter organizations, which also represent most of the Nation's emergency medical technicians, say they worry that no law requires fire departments to buy equipment certified for use against chemical or biological agents.'' In a September 10, 2002 story in The, Washington Post Arlington County, Virginia Chief raised concerns about the lack of equipment standards, as well as the lack of guidelines for training the workers charged with responding to future terrorist attacks. Plaugher stated, ''Without clear goals, we risk undermining ourselves while wasting precious resources.''

The second objective of the bill addresses mutual aid systems. The Firefighting Research and Coordination Act directs the Administrator of the U.S. Fire Administration, in consultation with the Federal Emergency Management Agency (FEMA) Director, to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for responding to national emergencies. The Administrator, in consultation with the FEMA Director, will also, develop model mutual aid plans for both intrastate and interstate assistance. An important example of why model mutual aid systems are important to establish comes in part, as a response to the September 11th attacks and to wildfires that have raged in the west.

On July 23, 2002, Titan Systems Corporation issued a report on behalf of the Arlington County, Virginia fire department. The report found that self-dispatching fire and emergency crews were favorable in some respects, but were also detrimental. For example, the report states that the Arlington County fire department ''faced the monumental challenge of gaining control of the resources already onsite and those arriving minute-by-minute.'' The report goes on to say that, ''firefighters and other personnel came and went from other Pentagon entrances with little or no control. Thus, had there been a second attack, as occurred at the World Trade Center, it would have been virtually impossible for the Incident Commander to determine quickly who might have been lost.''

The third objective of the legislation permits the Superintendent of the National Fire Academy to coordinate with other Federal, State, and local officials in developing curricula for classes offered by the Academy. This section of the bill illustrates what new classes and training opportunities the Academy is authorized to offer its students. For example, the Academy will now be able to train fire personnel in: strategies for building collapse rescue, the use of technology in response to fires; including terrorist incidents and other national emergencies; response, tactics, and strategies for dealing with terrorist-caused national catastrophes; applying new technology and developing strategies and tactics for fighting forest fires, and other important response strategies.

Over one million students have received training at the National Fire Academy. Since its inception in 1975, the Academy has helped firefighters gain vital education and training to the benefit of the American public. The Academy's courses are taught at a facility in Emmitsburg, Maryland. Its online courses and cooperation with local colleges and universities expand the reach of the Academy to thousands of firefighters across the Nation.

With the Nation recovering from acts of terrorism, mammoth wildfires, and the possibility that other national emergencies may arise in the future, America's firefighters deserve nothing less than quality educational opportunities and training to prepare for these, and other types of disasters. We saw with the World Trade Center that building collapse rescue is a critical component of a firefighters job. In a December 1, 2001 article that appeared in Fire Chief magazine, a member of the Michigan Urban Search and Rescue team stated that while the Federal government has spent millions of dollars to train local first responders with weapons of mass destruction, little if any focus has been placed on building collapse rescue. ''For some time now, I have advocated that every State should have a structural-collapse response that includes an Urban Search and Rescue (US &R) task force system,'' stated the Michigan firefighter. The firefighter went on to say that, ''The FEMA US&R system does little to help with the initial response to structural collapse incidents.'' This example offers another reason why the curricula at the National Fire Academy should be expanded to include courses on building-collapse rescue and other strategies.

Mr. Speaker, my legislation enjoys wide support among many of this Nation's fire groups and bipartisan support here in the House of Representatives. My colleague in the Senate, Senator MCCAIN will introduce companion legislation today in the United States Senate. I am hopeful that this important bill will be swiftly enacted in the 108th Congress.

## TRIBUTE TO EVELYN BOWLES

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Evelyn Bowles of Ewardsville who was appointed to the Illinois State Senate in May of 1994 and was elected by an overwhelming margin in November of 1994; she has served this body with distinction throughout her 8½ years as a member.

During her terms in the Senate, Senator Bowles served as the Democratic spokesperson of the Senate Environment and Energy Committee, the Local Government and Elections Committee, the Licensed Activities Committee and the State Government Operations Committee.

Senator Bowles has also served on the Committees on Agriculture and Conservation, Executive, Transportation, the Legislative Information System, the Legislative Printing Unit, and the Legislative Research Unit.

Senator Bowles has amassed numerous legislative accomplishments which have enhanced the quality of life for the people of her Metro East district and all of the people of the State of Illinois, including new penalties for individuals convicted of illegally possessing the chemicals used to manufacture methamphetamine, the regulation of reprocessing certain single-use surgical devices, more funds for the Spinal Cord Injury Paralysis Research Fund, and the requirement of coverage for the replacement of child safety seats if those seats were in use at the time of an accident.

Senator Bowles will long be remembered for her commitment to the success of Illinois' agriculture community; in an effort to find a ''third crop'' to insert into our traditional corn and soybean rotation, she sponsored legislation directing the University of Illinois to study the reintroduction of industrial hemp in Illinois, a once important crop in Illinois because of its versatility.

Senator Bowles was elected to five consecutive terms as the Madison County Clerk and brought to the Senate knowledge and expertise that was often called upon when questions arose concerning local government and election laws in Illinois. It was in that office which I worked with her closely. Her countless appearances at the office counter gave constituents a real glimpse of personal service by their elected officials. In her dealings with me, a member of the opposition party, she was always professional, courteous, and determined to place the best interests of the citizens first.

Senator Bowles served her nation as a member of the United States Coast Guard Women's Reserve Intelligence Division during the Second World War and is a member of the American Legion Post #199 and The Auxiliary. She was also a former teacher.

We offer our best wishes to Senator Evelyn Bowles upon her retirement from the Senate and we offer her hope for a rewarding future.

## INTRODUCTION OF LEGISLATION TO FACILITATE LAND EXCHANGES IN ARIZONA'S FIRST CONGRESSIONAL DISTRICT

### HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. RENZI. Mr. Speaker, on behalf of Congressman J.D. HAYWORTH and myself, I rise today to introduce legislation to facilitate two land exchanges in the Tonto and Coconino National Forests in Arizona's First Congressional District. Congressman J.D. HAYWORTH sponsored similar legislation in the 107th Congress that unanimously passed the House.

The legislation authorizes the Montezuma Castle land exchange and the Diamond Point land exchange. In the Montezuma Castle land exchange, the Forest Service will acquire a 157-acre parcel of private land adjacent to Montezuma Castle National Monument and the 108-acre Double Cabin Park parcel, both in the Coconino National Forest.

An Arizona partnership, the Montezuma Castle Land Exchange Joint Venture, will acquire approximately 122 acres of National Forest System land adjacent to the town of Payson's municipal airport. The town of Payson has entered into an agreement to purchase a portion of this land to create private sector business development and job opportunities.

Mr. Speaker, this exchange will protect riparian areas along Beaver Creek, the viewshed for the Montezuma Castle National Monument, and it will transfer Double Cabin Park to Federal ownership.

In addition to the Payson land, this legislation facilitates the Diamond Point land exchange. The Forest Service will acquire a 495-acre parcel, known as the Q Ranch, in an area where previous acquisitions have been completed and Federal land has been consolidated.

In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of Federal land that have been occupied since the 1950's by the association's 45 residential cabins.

The land exchanges in this legislation are supported by the town of Payson, the Gila County Board of Supervisors, the Rim County Regional Chamber of Commerce, the Payson Regional Economic Development Corporation and the National Park Service.

Mr. Speaker, this legislation benefits local communities, the Federal Government and the American taxpayer. I urge my colleagues to support this important legislation for the First District of Arizona.

## RIGHT TO LIFE ACT

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. HUNTER. Mr. Speaker, today I am introducing legislation that, if passed, will once and for all protect our unborn children from harm. Over 1.3 million abortions are performed in the United States each year and over 38 million have been performed since abortion was legalized in 1973. This is a national tragedy. It is the duty of all Americans to protect our children—born and unborn. This bill, the Right to Life Act, would provide blanket protection to all unborn children from the moment of conception.

In 1973, the United States Supreme Court, in the landmark case of Roe v. Wade, refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, ''If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment.'' Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

The Right to Life Act does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. 1 of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provision of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the federal government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

This legislation will protect millions of future children by prohibiting any state or federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I firmly believe that life begins at conception and that the preborn child deserves all the rights and protections afforded an American citizen. This measure will recognize the unborn child as a human being and protect the fetus from harm. The Right to Life Act will finally put our unborn children on the same legal footing as all other persons. I hope my colleagues will join me in support of this important effort.

## CONGRATULATING COLONEL FRANK STEER

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. ABERCROMBIE. Mr. Speaker, it is a pleasure to extend my heartfelt aloha and congratulations to Colonel Frank Steer, United States Army, retired.

Colonel Steer, 102 years young, is a member of the United States Military Academy Class of 1925 and holds the distinction of being the oldest living graduate of West Point.

Frank Steer has a long record of outstanding service to the United States. He enlisted in the Army in World War 1, attained a commission after the war, and served as Provost Marshal of the Army's Hawaiian Department during World War II. Having responsibility for enforcing martial law in Hawaii, he is widely credited with a human touch and sense of fairness during that difficult time.

Having been commissioned an honorary major general in the Association of Washington Generals, Frank Steer is eminently qualified for honorary promotion to provost marshal of the United States Army and United States Air Force, and I am delighted to extend such recognition to him.

Frank Steer is one of Hawaii's living treasures. He is part of our island history and played a major role in making our state a unique and special place. I join Frank Steer's legion of friends and admirers in congratulating him on a life well lived and for his unparalleled service to our nation.

## KEEPING SADDAM HUSSEIN IN A BOX

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. FRANK of Massachusetts. Mr. Speaker, I have a great deal of respect for the intellectual capacity of those making policy in the Bush administration—so much respect that I find it very hard to believe that they themselves really believe the rationales they have put forward for their two current major policy initiatives: a major tax cut, including an abolition of the tax on some dividends, and a war in Iraq.

Specifically, I do not believe that the top economists in the Bush administration really think that enactment of his latest tax relief package will have any significant near term stimulus effect on our sputtering economy. Similarly, I do not think that the administration's foreign policy and defense experts really believe that Iraq is a significant threat to the United States. There are broader, philosophical, ideological and political reasons behind both proposals.

In an extremely well argued, comprehensive essay published in the New York Times for February 2, John Mearsheimer and Stephen Walt very forcefully refute the argument that we must to war with Iraq because it is a threat to our security, and point our cogently what the negative effects of such a war will be on us.

Because Mr. Mearsheimer and Mr. Walt do a very good job of making clear a case against going to war in Iraq, and because that is the single most important question now facing this country and this Congress, I ask that this essay be printed here.

[From the New York Times, Feb. 2, 2003]

KEEPING SADDAM HUSSEIN IN A BOX

(By John J. Mearsheimer and Stephen M. Walt)

The United States faces a clear choice on Iraq: containment or preventive war. President Bush insists that containment has failed and we must prepare for war. In fact, war is not necessary. Containment has worked in the past and can work in the future, even when dealing with Saddam Hussein.

The case for preventive war rests on the claim that Mr. Hussein is a reckless expansionist bent on dominating the Middle East. Indeed, he is often compared to Adolf Hitler, modern history's exemplar of serial aggression. The facts, however, tell a different story.

During the 30 years that Mr. Hussein has dominated Iraq, he has initiated two wars. Iraq invaded Iran in 1980, but only after Iran's revolutionary government tried to assassinate Iraqi officials, conducted repeated border raids and tried to topple Mr. Hussein by fomenting unrest within Iraq. His decision to attack was not reckless, because Iran was isolated and widely seen as militarily weak. The war proved costly, but it ended Iran's regional ambitions and kept Mr. Hussein in power.

Iraq's invasion of Kuwait in 1990 arose from a serious dispute over oil prices and war debts and occurred only after efforts to court Mr. Hussein led the first Bush administration unwittingly to signal that Washington would not oppose an attack. Containment did not fail the first time around—it was never tired.

Thus, Mr. Hussein has gone to war when he was threatened and when he thought he had a window of opportunity. These considerations do not justify Iraq's actions, but they show that Mr. Hussein is hardly a reckless aggressor who cannot be contained. In fact, Iraq has never gone to war in the face of a clear deterrent threat.

But what about the Iraqi regime's weapons of mass destruction? Those who reject containment point to Iraq's past use of chemical weapons against the Kurds and Iran. They also warn that he will eventually get nuclear weapons. According to President Bush, a nuclear arsenal would enable Mr. Hussein to ''blackmail the world.'' And the real nightmare is that he will give chemical, biological or nuclear weapons to Al Qaeda.

These possibilities sound alarming, but the dangers they pose do not justify war.

Mr. Hussein's use of poison gas was despicable, but it tells us nothing about what he might do against the United States or its allies. He could use chemical weapons against the Kurds and Iranians because they could

not retaliate in kind. The United States, by contrast, can retaliate with overwhelming force, including weapons of mass destruction. This is why Mr. Hussein did not use chemical or biological weapons against American forces or Israel during the 1991 Persian Gulf War. Nor has he used such weapons since, even though the United States has bombed Iraq repeatedly over the past decade.

The same logic explains why Mr. Hussein cannot blackmail us. Nuclear blackmail works only if the blackmailer's threat might actually be carried out. But if the intended target can retaliate in kind, carrying out the threat causes the blackmailer's own destruction. This is why the Soviet Union, which was far stronger than Iraq and led by men of equal ruthlessness, never tried blackmailing the United States.

Oddly enough, the Bush administration seems to understand that America is not vulnerable to nuclear blackmail. For example, Condoleezza Rice, the national security adviser, has written that Iraqi weapons of mass destruction ''will be unusable because any attempt to use them will bring national obliteration.'' Similarly, President Bush declared last week in his State of the Union Address that the United States ''would not be blackmailed'' by North Korea, which administration officials believe has nuclear weapons. If Iraq's chemical, biological and nuclear arsenal is ''unusable'' and North Korea's weapons cannot be used for blackmail, why do the President and Ms. Rice favor war?

But isn't the possibility that the Iraqi regime would give weapons of mass destruction to Al Qaeda reason enough to topple it? No—unless the administration isn't telling us something. Advocates of preventive war have made Herculean efforts to uncover evidence of active cooperation between Iraq and Al Qaeda, and senior administration officials have put great pressure on American intelligence agencies to find convincing evidence. But these efforts have borne little fruit, and we should view the latest reports of alleged links with skepticism. No country should weave a case for war with such slender threads.

Given the deep antipathy between fundamentalists like Osama bin Laden and secular rulers like Saddam Hussein, the lack of evidence linking them is not surprising. But even if American pressure brings these unlikely bedfellows together, Mr. Hussein is not going to give Al Qaeda weapons of mass destruction. He would have little to gain and everything to lose since he could never be sure that American surveillance would not detect the handoff. If it did, the United States response would be swift and devastating.

The Iraqi dictator might believe he could slip Al Qaeda dangerous weapons covertly, but he would still have to worry that we would destroy him if we merely suspected that he had aided an attack on the United States. He need not be certain we would retaliate, he merely has to think that we might.

Thus, logic and evidence suggest that Iraq can be contained, even if it possesses weapons of mass destruction. Moreover, Mr. Hussein's nuclear ambitions—the ones that concern us most—are unlikely to be realized in his lifetime, especially with inspections under way. Iraq has pursued nuclear weapons since the 1970's, but it has never produced a bomb, United Nations inspectors destroyed Iraq's nuclear program between 1991 and 1998, and Iraq has not rebuilt it. With an embargo in place and inspectors at work, Iraq is further from a nuclear capacity than at any time in recent memory. Again, why the rush to war?

War may not be necessary to deny Iraq nuclear weapons, but it is likely to spur proliferation elsewhere. The Bush administration's contrasting approaches to Iraq and North Korea send a clear signal: we negotiate with states that have nuclear weapons, but we threaten states that don't. Iran and North Korea will be even more committed to having a nuclear deterrent after watching the American military conquer Iraq. Countries like Japan, South Korea and Saudi Arabia will then think about following suit. Stopping the spread of nuclear weapons will be difficult in any case, but overthrowing Mr. Hussein would make it harder.

Preventive war entails other costs as well. In addition to the lives lost, toppling Saddam Hussein would cost at least $50 billion to $100 billion, at a time when our economy is sluggish and huge budget deficits are predicted for years. Because the United States would have to occupy Iraq for years, the actual cost of this war would most likely be much larger. And because most of the world thinks war is a mistake, we would get little help from other countries.

Finally, attacking Iraq would undermine the war on terrorism, diverting manpower, money and attention from the fight against Al Qaeda. Every dollar spent occupying Iraq is a dollar not spent dismantling terrorist networks abroad or improving security at home. Invasion and occupation would increase anti-Americanism in the Islamic world and help Osama bin Laden win more followers. Preventive war would also reinforce the growing perception that the United States is a bully, thereby jeopardizing the international unity necessary to defeat global terrorism.

Although the Bush administration maintains that war is necessary, there is a better option. Today, Iraq is weakened, its pursuit of nuclear weapons has been frustrated, and any regional ambitions it may once have cherished have been thwarted. We should perpetuate this state of affairs by maintaining vigilant containment, a policy the rest of the world regards as preferable and effective. Saddam Hussein needs to remain in his box—but we don't need a war to keep him there.

## PAYING TRIBUTE TO JAY DIX

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the memory of one of Colorado's accomplished sons, Dr. Jay D. Dix. A former resident of Pueblo, Colorado, Jay Dix recently passed away, leaving behind a legacy as one of our country's leading pathologists. As his family mourns their loss, I would like to take this time to highlight his life before this body of Congress and this nation.

Born in Germany to Harold Leon and Faith Louise Pfeffer Dix, Jay was raised in Pueblo, Colorado, where he graduated from Centennial High School in 1966. In 1969, he married Mary Jay Stewart and started a two-year stint in the U.S. Army. After his service, Jay went on to graduate from Ohio Wesleyan University in 1973 and then, in 1977, from the University of Missouri School of Medicine. In 1980, Jay received his certification from the American Board of Pathology and started working as the medical examiner of Missouri's Boone and Callaway counties. He also taught at the University of Missouri as an assistant professor of pathology and, in 1990, spent a year in New York City as its chief deputy medical examiner.

Beyond the recognition, education, and experience, Jay stood out for his professionalism and expertise. Investigators and law enforcement professionals credit him as a great team member, one who contributed objectively to investigations. Perhaps it was his reputation for solid work that helped make him a key player in Missouri's first criminal investigation that relied almost entirely on DNA evidence.

Mr. Speaker, I stand today to honor Dr. Jay D. Dix's memory before this body of Congress and this nation. Jay has made many contributions to our community. His work as an instructor and as a medical examiner has touched thousands of lives and brought closure to many cases. I extend my sincere condolences to his wife Mary, their daughters Kelsey and Melissa, and his mother Faith. Jay's lifetime of contributions to this nation and to the communities he has served is worthy of our praise, and I am proud to honor him today.

## TRIBUTE TO DR. FLORINE RAITANO

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I rise to honor Dr. Florine Raitano for her outstanding contributions to rural Colorado. Flo will be stepping down as the Executive Director of the Colorado Rural Development Council (CRDC) at the end of January. She has been a leader in this organization for 10 years bringing new ideas and innovative solutions to Colorado's rural communities.

At this position, Flo has been a tireless advocate as working on such diverse issues as renewable energy, telecommunications, and teenage health, to name a few, in an effort to improve rural living.

Rural communities often are many miles away from urban areas and lack much of the basic infrastructure and services most of us take for granted. One of the biggest needs in these areas include access to adult education opportunities for rural citizens so that they can enhance their skills and improve the quality of their lives. Most urban residents can find classes on almost anything, from cosmetology to computer science. These opportunities are rare for rural communities whose population are spread out over wide distances. Even online computer courses can be difficult if users haven't had training on how to use computers and the Internet.

Living in Dillon, Colorado, Flo understands first hand the needs of these rural citizens and communities. Her work with the CRDC created a new volunteer program with Colorado State University Cooperative Extension to help residents learn how to use the Internet. Bringing rural areas up to speed on the information highway is critical if we are going to make sure that nobody is left behind. However, many rural areas are stuck on the information dirt road. Flo has worked with the state government to raise awareness and look for innovative solutions to ensure these communities keep pace with the rest of Colorado.

Colorado has a rich and vibrant farming and ranching history, which is also still an important part of its economy. Looking forward, Flo

has seen the possibility of how biofuels can stimulate rural economies. New fuels developed from crops could provide us with a renewable and sustainable energy supply and move our country beyond oil dependence—while also creating new markets for these crops.

Flo worked to bring ''Opening Windows,'' a unique theater and human services project that addresses adolescent health and behavior issues from a rural perspective, to Colorado. This entertaining, provocative and value-neutral program deals with such issues as substance abuse, domestic violence, teen pregnancy, eating disorders, sexually transmitted diseases and suicide, and is based on extensive interviews with rural adolescent teenagers and their families. Each performance is followed by a facilitated dialogue involving the cast, local resource personnel, and the audience. This interactive program helps communities understand some of the dilemmas today's adolescents are trying to deal with, as new ways to approach these issues.

Flo will be missed at the CRDC, but I know she will continue to be a strong force working to improve Colorado. I urge my colleagues to join me in thanking Flo for her years of dedicated service to Colorado, and to rural residents and communities throughout our nation.

## EXPAND MEDICARE MSA PROGRAM

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. PAUL. Mr. Speaker, I rise to introduce legislation which enhances senior citizens' ability to control their health care and use Medicare money to pay for prescription drugs. This legislation accomplishes these important goals by removing the numerical limitations and sunset provisions in the Medicare Medical Savings Account (MSAS) program so that all seniors can take advantage of the Medicare MSA option.

Medicare MSAs consist of a special savings account containing Medicare funds for seniors to use for their routine medical expenses, including prescription drug costs. Seniors in a Medicare MSA program are also provided with a catastrophic insurance policy to cover non-routine expenses such as major surgery. Under an MSA plan, the choice of whether to use Medicare funds for prescription drug costs, or other services not available under traditional Medicare such as mammograms, are made by the senior, not by bureaucrats and politicians.

One of the major weaknesses of the Medicare program is that seniors do not have the ability to use Medicare dollars to cover the costs of prescription medicines, even though prescription drugs represent the major health care expenditure for many seniors. Medicare MSAs give those seniors who need to use Medicare funds for prescription drugs the ability to do so without expanding the power of the federal bureaucracy or forcing those seniors who currently have prescription drug coverage into a federal one-size-fits-all program.

Medicare MSAs will also ensure seniors access to a wide variety of health care services by minimizing the role of the federal bureaucracy. As many of my colleagues know, an increasing number of health care providers have withdrawn from the Medicare program because of the paperwork burden and constant interference with their practice by bureaucrats from the Center for Medicare and Medicaid Services (previously known as the Health Care Financing Administration). The MSA program frees seniors and providers from this burden thus making it more likely that quality providers will remain in the Medicare program!

Mr. Speaker, the most important reason to enact this legislation is seniors should not be treated like children and told what health care services they can and cannot have by the federal government. We in Congress have a duty to preserve and protect the Medicare trust fund and keep the promise to America's seniors and working Americans, whose taxes finance Medicare, that they will have quality health care in their golden years.

However, we also have a duty to make sure that seniors can get the health care that suits their needs, instead of being forced into a cooking cutter program designed by Washington-DC-based bureaucrats! Medicare MSAs are a good first step toward allowing seniors the freedom to control their own health care.

In conclusion, Mr. Speaker, I urge my colleagues to provide our senior citizens greater control of their health care, including the ability to use Medicare money to purchase prescription drugs by cosponsoring my legislation to expand the Medicare MSA program.

## RECOGNIZING SERGEANT GREGORY W. VERBECK

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to acknowledge the life and career of one of the Monterey Park Police Department's finest officers, Sergeant Gregory W. Verbeck.

Sergeant Verbeck graduated from the Southern California Peace Officers Academy at Riverside City College in 1971. That same year, Sergeant Gregory W. Verbeck began his 31-year career with the Monterey Park Police Department. Sergeant Verbeck rose quickly in the force and on September 21, 1974, he was promoted to the rank of Police Agent. From 1978 to 1980, he was assigned to the Investigations Bureau working juvenile investigations and on January 24, 1980, he was promoted to Sergeant. Sergeant Verbeck also served as a K–9 Handler, a department firearms instructor, the department's fleet manager and the Monterey Park Emergency Communications Coordinator.

Outside of his official duties on the force, Sergeant Verbeck was a member and served as President of the Monterey Park Police Officers Association. He has also been active in the community as a member of the Eastside Optimist Club, as a board member of the Japanese Amateur Radio Society and Chair of the Community Relations Commission.

During his career, Sergeant Verbeck received over fifty letters and commendations for his unwavering commitment to service. These awards included Basic, Intermediate, Advanced, and Supervisory Police Certificates. In 1996, Sergeant Verbeck's excellence earned him the Public Safety Employee of the Year Award.

Sergeant Verbeck has been a true professional, mentor and a friend to our community. He will be greatly missed by his many friends at the Monterey Park Police Department and the community. Mr. Speaker, I ask you to join me in expressing my appreciation for Sergeant Verbeck's lifetime of service and commitment to our community.

## TRIBUTE TO SHERIFF BILL BLAIR

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Sheriff Bill Blair of Delta County, Colorado. Bill Blair has been the Sheriff of Delta County for the past fourteen years where he has faithfully served his constituents with the honor, courage, and integrity that Americans have come to expect from their elected officials. Recently, Sheriff Blair has announced his retirement and, as he leaves office this January, I would like to pay tribute to his career and accomplishments before this body of Congress and this nation.

Throughout his life, Sheriff Blair has proven himself to be a dedicated American, committed to the service of his community and country. At age seventeen, Bill Blair joined the United States Navy where he faithfully served his country for twenty years. During his career in the military, Bill was an aircraft firefighter while on four aircraft carriers. Bill also served in the Vietnam War, where he received the Navy's Professional Service Award for meritorious service in both 1968 and 1972.

Soon after leaving the military, Bill Blair began his career in law enforcement, where he served the Delta County Sheriff's office as a reserve deputy and later as a deputy sheriff. He was promoted again as the department's first non-uniformed investigator for the Delta County Sheriff's Office. Sheriff Blair was later appointed Undersheriff by then Sheriff Richard Miklich, a position that he held for two years. From there, Bill was appointed Sheriff in the middle of Miklich's final term of office.

As a former law enforcement officer, I am well aware of the dangers and hazards our police officers face today. These individuals work long hours, weekends, and holidays to guarantee their fellow citizens rights and protections. They work tirelessly and with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserves the recognition and thanks of this body of Congress, and that is why I am so honored to celebrate the retirement of a man who has given so much to his community and country.

Mr. Speaker, it is with sincere gratitude that I recognize Sheriff Bill Blair of Delta County, Colorado before this body of Congress and this nation. Sheriff Blair has served the citizens of Delta County with great character and integrity, and it is an honor to represent such an outstanding American in this Congress. I wish Bill all the best in his retirement.

## INTRODUCTION OF ABANDONED HARDROCK MINES RECLAMATION ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Abandoned Hardrock Mines Reclamation Act. This bill is designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the West. I introduced a similar bill in the 107th Congress. This bill contains a number of changes that were developed in consultation with interested parties, including representatives of the Western Governors' Association, the hardrock mining industry, and environmental groups. More detail regarding these changes is included at the end of this statement.

### THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other States, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by a ''bust'' when mines were no longer profitable. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

### THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams, killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous, dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

### OBSTACLES TO CLEANUP

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal. While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the Nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources. In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

### WESTERN GOVERNORS WANT ACTION

For years, the Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject. The most recent, adopted in August of 2001, was entitled ''Cleaning Up Abandoned Mines'' and was proposed by Governor Bill Owens of Colorado along with Governors Guinn of Nevada, Janklow of South Dakota, and Johnson of New Mexico. The bill I am introducing today is based directly on those recommendations by the Western Governors. It addresses both the lack of resources and the liability risks to those doing cleanups.

### OUTLINE OF THE BILL

#### TITLE I. FUNDS FOR CLEANUPS

Title I addresses the lack of resources. It would create a reclamation fund paid for by a modest fee applied to existing hardrock mining operations. The fund would be used by the Secretary of the Interior to assist projects to reclaim and restore lands and waters adversely affected by abandoned or inactive hardrock mines.

A similar method already exists to fund clean up of abandoned coal mines. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for fees on coal production.

Similarly, my bill provides for fees on mineral production from producing hardrock mines on Federal lands or lands that were Federal before issuance of a mining-law patent. Fees would be paid to the Secretary of the Interior and would be deposited in a new Abandoned Minerals Mine Reclamation Fund in the U.S. Treasury. Money in that fund would earn interest and would be available for reclamation of abandoned hardrock mines. The method of calculating fees is similar to that used by the State of Nevada, which collects production-based fees from mines in that State. Because over the years there have been proposals to establish royalties for hardrock production, in order to provide a greater return to the American people, they would require the Secretary of the Interior to reduce payments under this title so as to offset any royalties hardrock producers may pay in the future. This is intended to avoid possible inequitable treatment of a producer covered by both the royalty and Title I of this bill.

Funds in the new reclamation fund would be available for appropriation for grants to eligible States to complete inventories of abandoned hardrock mine sites, as mentioned above. A State with sites covered by the bill could receive a grant of up to $2 million annually for this purpose. In addition, money from the fund would be available for cleanup work at eligible sites. To be eligible, a site would have to be within a State subject to operation of the general mining laws that has completed its Statewide inventory. Within those States, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, remining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund. The Interior Department could use money from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new ''good Samaritan'' permits provided for in Title II of the bill.

#### TITLE II. PROTECTION FOR ''GOOD SAMARITANS''

Title II addresses the threat of long-term liability. To help encourage the efforts of ''good Samaritans,'' the bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements. The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source (''NPDES'') permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control.

Together, these two parts of the bill could help us begin to address a problem that has frustrated Federal and State agencies throughout the country and make progress in cleaning up from an unwelcome legacy of our mining history.

### DIFFERENCES BETWEEN THIS BILL AND THE PREVIOUS VERSION

Since the introduction of my original bill in the 107th Congress, I have been working with a variety of people interested in this subject. My staff joined discussions with a group that included representation of the western States through the auspices of the Western Governors' Association, the mining industry (including hardrock mining companies in Colorado and the Colorado and national mining associations), the environmental community, and relevant State and Federal agencies. The discussions were very productive, and led to much progress toward developing consensus

solutions to a variety of concerns. This revised version of the bill reflects those discussions and I wish to express my personal thanks to those who participated. The significant changes in this version of the bill include the following:

TITLE I

Use of existing administrative system to disperse fees. At the request of the States, the bill requires the Secretary of the Interior to use the existing mine cleanup fund disbursement system under the Surface Mining Control and Reclamation Act (SMCRA). This will help facilitate the administration of the fund under the bill, reduced duplication and improve efficiency. For States that do not have a program under SMCRA, the Secretary is authorized to disperse funds in those eligible States as long as those States have a State-authorized abandoned mine cleanup program.''

Allocation of funds to the States. The bill specifies that 25 percent of the funds collected by the fee shall go back to the States where such fees originated; 50 percent of the funds collected annually will be expended in eligible States in relation to the extent of mining activity that occurred in those States during the years 1900 to 1980 (that is, from the turn of the last century until enactment of Superfund (more formally, the Comprehensive Environmental Response, Compensation, and Liability Act (CRCLA)); and the balance of the fund will be used elsewhere at the discretion of the Secretary.

Fee Off-set in case a royalty is applied. During the discussions over the bill, the mining industry expressed concerns regarding the fee title provision. They indicated that, as a general matter, the industry is not opposed to helping fund the cleanup of abandoned mines, but they were concerned that in the context of any potential reform of the General Mining Law of 1872, miners may be required to pay a royalty for hardrock minerals extracted from public lands in addition to the fee imposed in this bill and thus subjecting them to paying twice. This bill addresses that concern by providing that a fee collected under this bill would be reduced by an amount equal to any royalty established in the future that is credited to the hardrock reclamation fund.

TITLE II

Delegation to the States. The bill expressly authorizes the EPA to delegate the authority to issue ''good Samaritan'' reclamation permits to eligible States. This was done at the request of the States.

Cooperating Parties. At the request of mining community representatives, the bill adds new provisions for ''cooperating parties'' that would be authorized to assist remediating parties with cleanup work under ''good Samaritan'' permits. These cooperating parties would also enjoy the liability protections afforded to full remediating parties. This will enable the mining industry to employ its expertise and capabilities to assist in the cleanups.

Long-term Protection. The bill requires that cleanup plans include an obligation that the cleanup efforts will be maintained and operated to ensure continued long-term benefits from work accomplished at each site.

Recoverable Value. At the request of many of the parties in the discussions, the bill allows remediating parties to beneficially use any materials found at the site during the cleanup. These materials could include any residual hardrock minerals that are present at the site. However, any value recouped from any sale of these materials would have to be used to defray the costs of the cleanup or to help cleanup of other abandoned hardrock mines.

I think these changes are improvements that will further facilitate the cleanup of thousands of abandoned hardrock mines in the West.

## FAMILY EDUCATION FREEDOM ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. PAUL. Mr. Speaker, I rise today to introduce the Family Education Freedom Act, a bill to empower millions of working and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to American's education system: what the great economist Ludwig von Mises called ''consumer sovereignty''. Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education ''market.'' Funding decisions are increasingly controlled by the federal government. Because ''he who pays the piper calls the tune,'' public, and even private schools, are paying greater attention to the dictates of federal ''educrats'' while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system.

According to a study by The Polling Company, over 70 percent of all Americans support education tax credits! This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children's education.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to sent it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The $3,000 tax credit will make a better education affordable for millions of parents. Mr. Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Parents of children in public schools may use this credit to help improve their local schools by helping finance the purchase of educational tools such as computers or to ensure their local schools can offer enriching extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services, such as tutoring, for their children.

Increasing parental control of education is superior to funneling more federal tax dollars, followed by greater federal control, into the schools. According to a Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests.

Clearly, enactment of the Family Education Freedom Act is the best thing this Congress could do to improve public education. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful, method of educating children. Home schooled children out-perform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Mr. Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the state has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy by supporting the Family Education Freedom Act.

## RECOGNIZING THE 40TH ANNIVERSARY OF THE MEXICAN AMERICAN OPPORTUNITY FOUNDATION AND THE DEDICATION OF THE DIONICIO MORALES MEXICAN AMERICAN HALL OF FAME

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to recognize the 40th anniversary of the Mexican American Opportunity Foundation (MAOF) and the dedication of the Dionicio Morales Mexican American Hall of Fame.

The Mexican American Opportunity Foundation is the largest Latino social-service agency in the United States, and with the leadership of Mr. Dionicio Morales has helped improve the life of thousands of people through essential services ranging from job training and childcare to naturalization services.

In 1963, the Mexican American Opportunity Foundation offered its services to the community of East Los Angeles. Forty years later, this far-reaching program serves families from our San Diego border through Central California.

In celebrating the 40th anniversary, it is appropriate that the Dionicio Morales Mexican American Hall of Fame is committed to Mr. Morales' desire to have Mexican American leaders and other pacesetters recognized for their contributions and plaace in history. The Dionicio Morales Mexican American Hall of Fame honors those individuals who made the growth of MAOF possible and other Mexican Americans whose leadership has contributed to the rich culture and history of the United States.

Today, I congratulate the Mexican American Opportunity Foundation for forty years of tireless service to our community and honor the noble efforts of Dionicio Morales.

## PAYING TRIBUTE TO JAN LEMON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, it is with deep sadness that I rise today to recognize the life and passing of Jan Lemon of Norwood, Colorado. Sadly, Jan passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the wonderful memories she has left behind.

Jan Lemon was born on November 27, 1960 in Yakima, Washington, where she grew up and graduated High School. After graduating from college in Cheyenne, Wyoming, Jan moved to Ridgway, Colorado, where she made her home and married her husband Dale in 1991. Jan was a Coloradan who loved the land and all the opportunities that our mountains had to offer. She was an avid horsewoman who became a skilled rider, rancher, and roper. She loved spending time with friends and family, and contributed greatly to the quality of life throughout the Norwood community.

Mr. Speaker, it is with earnest respect that I recognize the life and passing of Jan Lemon before this body of Congress and this nation. I extend my sincere condolences to her parents, Daniel and Marguerite, husband Dale, and daughter Cortney. Jan lived her life to the fullest and was loved and admired throughout the Norwood community. Her loss will be deeply felt and her memory will live on for years to come.

## IN MEMORY OF JOHN WELLES

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the public service of a fine Coloradan, John Welles, who passed away on December 18, 2002. Mr. Welles had a long and distinguished record of public service to Colorado and he will be dearly missed.

John Welles served as the regional administrator for the Environmental Protection Agency for six years under President Reagan. He was a principled public servant who always worked in a bipartisan manner and in a way that respected those with whom he disagreed.

I had the good fortune to know Mr. Welles when I was the executive director of the Colorado Outward Bound School. Among the many qualities that I admired in John, I will most remember his gentle, wise demeanor. He was a kind and public-spirited man whose good work for Colorado will not soon be forgotten. I ask my colleagues to join me in paying tribute to John Welles, a fine public servant and a great Coloradan.

Attached is an article which ran in the Rocky Mountain News on December 20, 2002.

[From the Rocky Mountain News, Dec. 20, 2002]

FORMER EPA AND MUSEUM OFFICIAL JOHN WELLES DIES

(By Erika Gonzalez)

Holly Welles' childhood was filled with an unusual family ritual—each night her father, John, would bring a stack of articles to the dinner table.

''We would go around the table and talk about what we did that day and then he would talk about some key event—something out of a science magazine that he thought was amazing,'' she said. ''Sometimes it was a little much. But he loved to learn and he loved to share.''

That zeal for science fueled a remarkable career, including an appointment as regional administrator for the Environmental Protection Agency and a six-year post as executive director of the Denver Museum of Natural History, now the Denver Museum of Nature & Science.

Mr. Welles died Wednesday after a long bout with various illnesses. He was 77. A memorial service will be held at 11 a.m. Jan. 3 at St. John's Cathedral.

Born in Lexington, VA., Mr. Welles attended Yale university, earning a degree in electrical engineering in 1946. After serving in the U.S. Marine Corps, he returned to the University of Pennsylvania, where he received a master's degree in business.

Mr. Welles began his career in the private sector, but in 1956, he joined the Denver Research Institute at the University of Denver, heading up the institute's Industrial Economics Division.

During a sabbatical from DU in 1971, Mr. Welles took his family to Geneva to help plan the first United Nations Conference on the Human Environment. ''He was always concerned about air pollution and population problems,'' his daughter Holly explained.

Those interests hit home locally, when Mr. Welles worked with Gov. Richard Lamm on the Front Range Project, a process to protect Colorado's quality of life in the face of rapid population growth. Later, at this EPA post. Mr. Welles helped resolve conflicts concerning the Rocky Mountain Arsenal and Rocky Flats.

Though Mr. Welles also served as vice president of planning and public affairs for the Colorado School of Mines. Holly says her father enjoyed his tenure at the museum most. Under his leadership, the Museum landed one of its most popular traveling exhibits ever, ''Ramses II: The Pharoah and His Time.'' Mr. Welles also created the permanent Prehistoric Journey exhibit before retiring in 1994.

''He enjoyed discussing scientific elements and he enjoyed engaging and challenging the scientists,'' said museum board member Chuck Hazelrigg.

Surviving, including his wife, Barbara, are children Ginny Welles of Lincoln, Mass, Deborah Welles of Denver, Barton Welles of Ross, Calif., and Holly Welles of Mill Valley, Calif.; and six grandchildren.

Contributions can be made to the Hemlock Society, P.O. Box 101810, Denver, CO. 80250; and the John Welles Memorial Fund at the Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver.

## TEACHER TAX CUT ACT AND PROFESSIONAL EDUCATORS TAX RELIEF ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. PAUL. Mr. Speaker, I am pleased to introduce two pieces of legislation that raise the pay of teachers and other educators by cutting their taxes. I am sure that all my colleagues agree that it is long past time to begin treating those who have dedicated their lives to educating America's children with the respect they deserve. Compared to other professionals, educators are underappreciated and underpaid. This must change if America is to have the finest education system in the world!

Quality education is impossible without quality teaching. If we continue to undervalue educators, it will become harder to attract, and keep, good people in the education profession. While educators' pay is primarily a local issue, Congress can, and should, help raise educators' take home pay by reducing educators' taxes.

This is why I am introducing the Teacher Tax Cut Act. This legislation provides every teacher in America with a $1,000 tax credit. I am also introducing the Professional Educators Tax Relief Act, which extends the $1,000 tax credit to counselors, librarians, and all school personnel involved in any aspect of the K–12 academic program.

The Teacher Tax Cut Act and the Professional Educators Tax Relief Act increase the salaries of teachers and other education professionals without raising federal expenditures. By raising the take-home pay of professional educators, these bills encourage highly qualified people to enter, and remain in, education. These bills also let America's professional educators know that the American people and the Congress respect their work.

I hope all my colleagues join me in supporting our nation's teachers and other professional educators by cosponsoring the Teacher Tax Cut Act and the Professional Educators Tax Relief Act.

## RECOGNIZING AMELIA M. ORTIZ

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Ms. SOLIS. Mr. Speaker, on January 13, 2003, a woman whom I was personally very close to, Amelia Martinez Ortiz passed away, leaving behind a legacy of service to the community. I rise today to honor the impressive contributions Amelia Martinez Ortiz made to her community and to this nation.

Amelia M. Ortiz was born in Mason City, Arizona, on February 9, 1929. She lived for over 48 years at the same house on Shadydale Avenue in the City of La Puente, in the San Gabriel Valley of California.

With the passing of her beloved husband, Jesus Ortiz, 27 years ago, Amelia became the sole provider for her family. Armed with only a second grade education, she was able to provide for her children—Martha, Andres, Diana, and Gloria—through her gift with the needle and thread. As a seamstress, Amelia created many wonderful designs, bringing joy to her clients, including myself. She helped them prepare for some of the most important days of their lives, like their weddings and quinceañeras. With her tenacity and talent, Amelia's success as an entrepreneur helped open doors for other Latinas throughout the community during a time when very few role models existed.

In addition, Amelia was a long-standing, dedicated parishioner of the St. Louis of France Catholic Church in La Puente. She was a member of the Legion of Mary, participating and organizing events that recognized the contributions of Mary, the mother of Jesus. Amelia also helped the parish raise funds for community events and assisted in organizing the traveling Virgin Mary for all in the community to enjoy.

Although Amelia has passed, her spirit remains in my heart and in many others. Through her dedication, hard work, and commitment to overcoming overwhelming obstacles in the hopes of providing for her family and community, Amelia Ortiz exemplified all that is possible in our country. A wife, a mother to four, a grandmother to 13, a great-grandmother to one, a friend to many, and my madrina (godmother), Amelia M. Ortiz will be greatly missed.

## PAYING TRIBUTE TO SHERIFF JOHN EBERLY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize John Eberly of La Junta, Colorado. Mr. Eberly has been the Sheriff of Otero County for the past 31 years, where he has served his fellow citizens with the honesty, courage, and integrity that Coloradans have come to expect from their law enforcement officers. Sheriff Eberly has recently retired, so I would like to reflect upon his extraordinary career and accomplishments.

Growing up in La Junta offered Sheriff Eberly the opportunity to know and understand the community in which he served. Throughout his eight terms in office, Sheriff Eberly has received broad support from the residents of Otero County who have reelected him repeatedly since 1970. Over the years, Sheriff Eberly has gained a reputation as a working sheriff who holds himself to the same standards as his deputies, never asking anything of anyone that he wouldn't ask of himself. Eberly has always led by example and has worked hard to protect his fellow citizens.

As a former law enforcement officer, I am well aware of the dangers and hazards our police officers face today. These individuals work long hours, weekends, and holidays to guarantee the safety of their fellow citizens. They work tirelessly, with great sacrifice to their personal and family lives, to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserve the recognition and thanks of this body of Congress, and that is why I bring the name of Sheriff John Eberly to light today.

Mr. Speaker, it is with earnest respect that I recognize Sheriff John Eberly before this body of Congress and this nation. Sheriff Eberly has served his constituents with honor and integrity, qualities that will be his legacy. I commend John for his service and dedication, and I wish him all the best in his retirement.

## GUEST CHAPLAIN FROM 19TH DISTRICT OF PENNSYLVANIA

### HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. PLATTS. Mr. Speaker, I rise today to welcome as Guest Chaplain on the floor of the House of Representatives an outstanding constituent and religious leader in my 19th Congressional District of Pennsylvania. The Reverend Sara ''Sally'' Gausmann. ''Pastor Sally,'' joined by her husband, Reverend Paul Gausmann, represent a thriving religious community, Saint Paul Lutheran Church in York, Pennsylvania. Together, pastor Sally and Pastor Paul successfully aid in the needs of their congregation and I am pleased to thank them for their exemplary status as role models in my district.

Pastor Sally received her bachelor's degree from Indiana University of Pennsylvania in 1981, before attending the Lutheran Theological Seminary at Gettysburg in 1991. She then served at several churches including Grade Lutheran Church in Rochester, Pennsylvania from 1991–1993 and Faith Lutheran Church in Shell Rock, Iowa from 1993–1999 before serving as co-pastor of Saint Paul Lutheran Church. During her time at the Saint Paul Lutheran Church, Pastor Sally was the chaplain at the Pennsylvania State Sheriff's Convention in 2001 and is currently a member of the Global Mission Task Force for the Lower Susquehanna Synod of the Evangelical Lutheran Church of America. As a husband and wife team, Sally and Paul Gausmann offer a united approach to their religious teachings that has flourished within this congregation. They have two children, a son, William, who is age 17 and a daughter, Laura, who is age 15.

I am pleased to welcome Pastor Sally to the House Floor and would like to thank her for the inspirational prayer she presented this afternoon that reinforces the importance that our great nation exists as one ''under God.''

## INTRODUCING THE COMMERCIAL AIRLINE MISSILE DEFENSE ACT

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. ISRAEL. Mr. Speaker, I rise today to introduce a bill that will correct a glaring vulnerability in our homeland defense. The ''Commercial Airline Missile Defense Act'' will fully fund the addition of electronic surface-to-air missile defense systems on all commercially scheduled flights on United States aircrafts.

Protecting American lives is the most fundamental job of the Federal Government. We must therefore eliminate every weakness that we see in our country's homeland defense. The vulnerability of our commercial air fleet to terrorist missile attack is not a hysterical hypothetical. It is a real and present danger.

Last November there was attempted missile attack on an Israeli airliner taking off from an airport in Kenya. Two surface-to-air missiles, also known SAMs, which can bring down large airplanes—commercial as well as military—from up to 30 miles from an airport were launched against an Israeli chartered jet airliner. It was only profound good luck—likely a flawed missile batch—that saved the plane and its hundreds of innocent passengers. Thankfully, last November's attack on the Israeli jetliner failed. We need to keep in mind, however, that the missile used in the Israeli attack one of the least sophisticated of the several types of SAMs that exist in the world today. It was a Soviet-era SA7, which was been sold globally since the end of the cold war. The other types of SAMs are much more advanced and much more effective.

SAMs were designed to be highly portable and are easily disassembled. As such, they are relatively easy to transport and smuggle. Terrorist could launch this five-foot long missile from near an airport and flee before anyone can detect them. Airplanes taking off with full and highly combustible fuel tanks are the most likely and deadly targets. The U.S. government must equip all its aircrafts with a defense system to protect and defend against this threat.

The United States provided Stingers—a type of SAM—to the Mujahadeen in the 1980s in Afghanistan. They were used with devastating affect against the Soviets. The Mujahadeen, who subsequently splintered into the Taliban and Al Qaeda, possessed at least a thousand Stingers that were never accounted for after the war ended in 1989. Soviet shoulder armed missiles, like the ones used in Kenya against the Israeli jetliner, are even far more abundant.

Tens of thousands of these missiles are out there. Although most are in state arsenals, thousands—including U.S. Stingers and Russian SA7s—are unaccounted for and feared to be in the hands of terrorists.

Few doubt that Al Qaeda does not possess large quantities of Russian SA7s and even more effective U.S. Stingers. A successful attack against a Boeing 747–400 with full capacity could cost almost five hundred lives. Aside from large-scale casualties, such a successful attack would have a devastating impact on the U.S. Aircraft industry, on travel and tourism, and on the entire economy. It would be a multifaceted catastrophe.

Now that we understand that pleas are vulnerable, the United States Government must take every step to protect and defend American citizens. The advanced technology needed to protect American commercial airplanes exists and is operation on U.S. military transports. The new system are advanced and are much more successful than the previous system of diversionary flares. The most modern systems, such as those installed on U.S. C17s and C5As, identify when a plane is threatened, detect the source of the threat, jam the guidance system of the incoming missiles and steer it off its flight path. Similar systems are currently used on low-altitude military aircrafts.

The rapid deployment of this system is essential for the safety of U.S. commercial flyers and is the clear responsibility of the U.S. Government to implement. I propose fully funding the retrofitting of SAM defensive systems and beginning that process this year.

No one in this body would question that preserving and protecting the people of the United States is our most important and sacred constitutional responsibility. At this critical time in our Nation's history we have two simultaneous crises and concerns: national security and economic security. The bill I introduce today addresses both of these issues. This legislation would take the preventive step of reducing risk to millions of travelers and create thousands of jobs through the retrofitting of the defensive technologies.

Additionally, this bill will boost our airline industry. Recent surveys have shown that between one-fifth to one-third of Americans are restricting their flying because of fears of terrorism. Our government and the airline industry are working closely together to restore full consumer confidence in the safety of our commercial air system. Implementing a robust and effective defense system for our commercial jet fleet would further accelerate the process of making Americans feel safer when they fly, and help the economic recovery of U.S. air carriers. The estimated cost of $10.2 billion for a system of 6,800 commercial jets at a unit price of $1.5 million will be offset by these economic benefits. The unit cost could drop even lower in mass production.

Mr. Speaker, I fully realize that a ten billion expenditure is significant. But it is not prohibitive. The only thing that would be prohibitive would be for this Congress to be negligent in our responsibility to protect the people of our great Nation. Let us not gather together in grief the morning after a catastrophe and wonder what we could have done to prevent it. We know what can be done. Let's do it.

## HOPE PLUS SCHOLARSHIP ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. PAUL. Mr. Speaker, I rise to introduce the Hope Plus Scholarship Act, which extends the HOPE scholarship tax credit to K–12 education expenses. Under this bill, parents could use the HOPE Scholarship to pay for private or religious school tuition or to offset the cost of home schooling. In addition, under the bill, all Americans could use the Hope Scholarship to make cash or in-kind donations to public schools. Thus, the Hope Scholarship could help working parents finally afford to send their child to a private school, while other parents could take advantage of the Hope credit to help purchase new computers for their children's school. I urge my colleagues to join with me in returning education resources to the American people by cosponsoring my Hope Plus Scholarship Act.

## INTRODUCTION OF INTERNATIONAL ENVIRONMENTAL DEFENSE ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the International Environmental Defense Act of 2003.

The purpose of this bill is to clarify the authority of the Secretary of Defense to respond to environmental emergencies. It is cosponsored by my colleagues from Colorado, Representative Joel Hafley. I greatly appreciate his support.

In times of natural disaster or other emergencies, the United States for decades has come to the aid of those in need—whether the crisis is the result of an earthquake in Turkey, an erupting volcano in South America, or deadly floods in some other part of the world.

When the need arises, the U.S. Government provides humanitarian assistance through the U.S. Agency for International Development, the State Department, the Defense Department, and other federal agencies. It also contracts with private voluntary agencies to provide such assistance and coordinates the U.S. response with that of other countries.

The American military has an outstanding record of participation in these activities. All Americans take pride in the humanitarian assistance provided by the men and women of our armed services.

I strongly support this policy. It is the right thing to do, and in the best interests of our country as well as of people everywhere. Humanitarian assistance is critical to help communities or regions or whole countries recover from devastating natural or man-made events.

But global emergencies come in other forms as well—including environmental emergencies such as oil or chemical spills or other similar occurrences. They may not have the immediate impact on people of homes destroyed in an earthquake or of crops lost to drought. But by polluting waterways, killing fish or other species, or contaminating the air, water, or land, environmental disasters can have devastating effects on the health and well-being of people, wildlife, and ecosystems.

So, wherever they occur, environmental emergencies have the potential to affect the national interest of the United States. And our government—including our military forces—should have the same ability to respond as in the case of other emergencies.

Current law authorizes the Department of Defense to use it funds for the transport of humanitarian relief, allowing U.S. military personnel to help provide foreign countries with emergency assistance such as helicopter transport, temporary water supplies, and road and bridge repair. For example, U.S. military personnel were part of the U.S. response to Hurricane Mitch in Central America and recent earthquakes in El Salvador and India.

But when it comes to environmental emergencies, under current law the military now has less ability to help. Those are the situations that are addressed by the bill I am introducing today.

The International Environmental Defense Act would fill a gap in current law so U.S. military transport could be used not only for humanitarian, but also for environmental emergencies. The bill does not require that this be done—but it would authorize the Defense Department to do so, just as current law authorizes but does not require the transport of humanitarian assistance to respond to other emergencies.

As an illustration of the limitations of the current law, consider a recent case about which I have first-hand knowledge.

In 2001, there was a very serious oil spill in the Pacific Ocean that threatened to contaminate the Galapagos Islands. The government of Ecuador and people everywhere were very concerned that this could imperil the world-famous wildlife of the islands and the rest of that unique ecosystem. They hastened to organize a response.

As part of that response, the Ecuadoran Government was in contact with a company in Colorado that makes a product to absorb oil from sea water. But complications arose, and the company contacted my office to see if we could help resolve them.

As we explored the situation, we learned that while the government of Ecuador was interested in acquiring the Colorado company's product, they also wanted to arrange for the United States to transport it to Ecuador by military aircraft, because that would be quicker and cheaper than other alternatives. But when we contacted the Defense Department to see if there was a possibility that could be arranged, we learned about the limitations of current law. In short, we learned that while military transport might be possible to provide humanitarian relief, that option was not available to respond to an environmental emergency.

The bill I am introducing today would change that—not by requiring the military to provide transport in such a case, but by providing that option in case the U.S. Government should decide it would be appropriate. Perhaps this would have been useful authority for the military to have when the Prestige broke up off the northwest coast of Spain in November 2002.

Mr. Speaker, this is not a far-reaching bill. But I think it would provide useful authority for our country to respond to environmental problems that, ultimately, can affect us and the rest of the world.

## PAYING TRIBUTE TO JANET IRVINE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Janet Irvine of Fruita, Colorado. Through a program called Adopt-a-Platoon, Janet has adopted three platoons of our nation's soldiers in Afganistan that she corresponds with on a regular basis. Today, I would like to pay tribute to Janet's efforts and goodwill before this body of Congress and this nation.

The Adopt-a-Platoon program was first established in 1998 as a way for citizens to boost moral and show encouragement for American soldiers serving in Bosnia. Today, Adopt-a-Platoon is playing an integral role in boosting the morale of over 12,000 soldiers that are currently fighting the war on terrorism in Afganistan. Over the past year, Janet has become one of the organizations most loyal volunteers, mailing countless letters and baking innumerable batches of cookies to show her grateful appreciation for our soldiers serving abroad.

Although Janet dedicates much of her own personal time and energy toward supporting our nation's military, she has also encouraged others to assist in her efforts. The Fruita Monument High School's Interact Club and the students of Sue Chamberlain's and Marty Hardrick's classes at Shelby Elementary have also assisted in the effort, writing scores of letters showing their support and appreciation. The significance of her efforts have not gone unnoticed by the soldiers she writes to, and many have written back to express their personal gratitude.

Mr. Speaker, it is with great appreciation that I recognize Janet Irvine before this body of Congress and this nation. Janet's selfless support and encouragement of the men and women serving overseas in our nation's military is making a very personal contribution to our effort to rid the world of terrorism. Her commitment and dedication has served as an inspiration to us all, and it is and honor to represent such an outstanding American in this Congress. Keep up the good work, Janet.

## INTRODUCING A RESOLUTION CONCERNING NATIONAL RUNAWAY PREVENTION MONTH

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. ISRAEL. Mr. Speaker, I rise today to reintroduce a resolution that recognizes the goals and ideals of National Runaway Prevention Month, which is sponsored by two organizations that work with runaway youth: the National Network for Youth and the National Runaway Switchboard.

This resolution will bring national attention to the important issue of runaway kids and remind parents of the importance of effectively communicating with their children. All of the conditions that lead young people to leave their homes are preventable when families are strong and when young people can find the support they need.

Runaway situations among our nation's young people are a widespread problem. One out of every seven children and youth in the United States runs away from home at some time before the age of 18. Although some return home after a short time, others remain on the streets and never go home. Studies have shown that 1.3 million runaway youth are on the streets each day.

Because today's young people are tomorrow's adults, preventing youth from running away is a family, community and national priority. Our country needs an educated workforce, charismatic leaders and a stable society.

Each November, nationwide activities take place to increase public awareness of the life circumstances of at risk youth. This resolution will show that Congress supports those educational activities aimed at ensuring safe, healthy and productive youth. I am hopeful that recognition of this issue will prevent other young people from running away and stress the importance of families and communities.

## EDUCATION IMPROVEMENT TAX CUT ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. PAUL. Mr. Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a $3,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a $3,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

I need not remind my colleagues that education is one of the top priorities of the American people. After all, many members of Congress have proposed education reforms and a great deal of time is spent debating these proposals. However, most of these proposals either expand federal control over education or engage in the pseudo-federalism of block grants. Many proposals that claim to increase local control over education actually extend federal power by holding schools ''accountable'' to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private, parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children. Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, ''who should control the education dollar—politicians and bureaucrats or the American people?'' Mr. Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

## INTRODUCTION OF FEDERAL LABORATORY EDUCATIONAL PARTNERS ACT OF 2003

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Federal Laboratory Educational Partners Act of 2003, a bill that would permit the National Renewable Energy Laboratory (NREL) and other Department of Energy laboratories to use revenue from their inventions to support science education activities. The bill is cosponsored by my colleague from Colorado, Representative BOB BEAUPREZ. I greatly appreciate his support.

The Federal Laboratory Educational Partners Act would amend the Stevenson-Wydler Technology Innovation Act of 1980. Under the Stevenson-Wydler Act, federal labs can use licensing royalties, sometimes called Bayh-Dole revenues, for five purposes. These include rewarding laboratories' scientific employees; furthering scientific exchange among laboratories; educating and training laboratories' employees consistent with the labs' research and development missions; covering expenses incidental to the laboratories' administration and licensing of intellectual property; and conducting scientific research and development, again consistent with the labs' research and development missions.

My bill would amend the fifth purpose to add educational assistance as another permitted use of licensing royalties.

Federal laboratories, especially the Department of Energy's national laboratories, with their high concentrations of scientists and engineers, are uniquely positioned to aid surrounding communities in improving the learning experience of their students. Currently, NREL conducts some science education activities using funds provided by private sources, including funds from companies that operate the lab—the midwest Research Institute, Battelle, and Bechtel. But enabling NREL to use licensing revenues would give the lab greater flexibility.

Even without the expansion of permitted uses of licensing revenues that this bill would enable, NREL has conducted a number of science education programs with private funds and some funds from the Department of Energy and other federal agencies.

For instance, NREL initiated the Coalition for Learning Opportunities and United Tutors (CLOUT) program in 1998. CLOUT began as a pilot program matching 200 volunteers with fourth graders in 17 Denver public schools who needed help with reading. The program has grown to be a great success.

Another example is NREL's Junior Solar Sprint, which celebrated its twelfth year in 2002. This annual event gives students the chance to design, build, and race vehicles whose only energy source is sunlight. Each team starts with a motor and a silicon solar cell, and teams are awarded design trophies based on technology, craftsmanship, and innovation.

A third example is NREL's Columbine Spirit Scholarship at the Colorado School of Mines. It was established in 1999 by the contractors that operate NREL, MRI, Battelle and Bechtel. The three companies gave an initial $25,000 to endow the fund, which is used to award scholarships to graduates of Columbine and other Jefferson County high schools through the Colorado School of Mines Foundation. The scholarship is offered first to Columbine graduates who are pursuing degrees in disciplines related to the laboratory's research and development mission.

These three examples help us understand the importance of science education activities associated with federal laboratories and what they can mean for their surrounding communities. But because of the narrowness of current provisions in law, NREL and other labs are not able to utilize licensing revenues to support any of the activities outlined above or any other science education programs. As a result, NREL and other labs must depend on private funds for the bulk of its science education activities, which unnecessarily restricts what these labs can do in this area. My bill would expand the law to allow greater flexibility.

Licensing revenues have grown markedly over the years as the technologies NREL has created have gained wide acceptance. It makes sense to me that we should give the labs a bit more freedom to spend these funds, especially on pursuits as worthwhile as science education which can expose young people to the excitement and relevance of careers in science and technology.

Research is an investment in the future. I believe the integration of research and science education to take advantage of the unique resources and facilities of the Department of Energy's national laboratories and research facilities should be a high priority.

## PAYING TRIBUTE TO WILLIAM PRESCOTT ALLEN, JR.

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the memory of an accomplished Colorado publisher, William Prescott Allen, Jr., of Montrose. Mr. Allen recently passed away, leaving behind a legacy of business and community leadership. As his family mourns his loss, I would like to take this time to highlight his life before this body of Congress and this nation.

Raised in Texas, William and his wife, Grace, relocated to Montrose, Colorado after he returned home from the Army during World War II. In 1944, the Allen family bought the local paper, the Montrose Daily Press. After gaining experience as a reporter and working at other family-owned newspapers, William became publisher of the Daily Press in 1948, a position he would hold for 38 years. Then, in 1997, William sold the paper after 53 years of Allen family ownership.

William remained active in the community during his lifetime. He served as a charter member in several local organizations, including the Montrose Industrial Development Corporation, the Montrose Kiwanis Club, the Ute Indian Museum, and the Uncompahgre Knife and Fork Club. William will be remembered for his contributions in the community and his leadership of the Daily Press.

Mr. Speaker, I stand today to honor William Allen Jr.'s memory before this body of Congress and this nation. I extend my sincere condolences to his wife and family. William Allen was a great contributor to the state of Colorado and the community of Montrose and he will be greatly missed.

## HONORING BOB DURAND, FORMER MASSACHUSETTS SECRETARY OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. MCGOVERN. Mr. Speaker, I rise today to join the citizens of Massachusetts in honoring Mr. Bob Durand, former Secretary of the Executive Office of Environmental Affairs for the Commonwealth of Massachusetts.

Mr. Durand has been an environment lover his entire life. He has proven his love of the environment as a member of the Massachusetts Legislature and as the Secretary of Environmental Affairs. Before, during, and after his appointment to the Executive Office of Environmental Affairs by long time friend and former Governor Paul Cellucci, Mr. Durand worked on a myriad of environmental improvements solutions.

Mr. Durand has worked closely with groups like MassPIRG, the Audubon Society, and the Environmental League of Massachusetts. He was a powerful environmental advocate during his tenure as a member of the Massachusetts State Senate. His accomplishments are vast in number. The two that I find most important are the ''open space bond bill'' and the ''brownfields bill.'' Mr. Durand was also the author of the Community Preservation Act. After only two years as Secretary of Environmental Affairs, Mr. Durand used the limited financial resources at hand with unprecedented innovation to protect more than 100,000 acres of open space. He introduced a biodiversity program to help protect both open space and the Commonwealth's animal and plant species. Mr. Durand also initiated an environmental education program in elementary and secondary schools throughout Massachusetts, while taking the time to visit many of the schools himself.

One of Mr. Durand's more famous accomplishments was the River Protection Act, which protects over 9,000 miles of rivers and streams. After working on this extensive protective measure for seven years, Mr. Durand saw his bill signed into law in 1996. As a celebration, Mr. Durand and then Governor William F. Weld jumped into the Charles River, a delightful moment not soon forgotten.

Mr. Speaker, I commend Mr. Durand for the many years he has spent preserving the environment of Massachusetts. I have enjoyed working with Mr. Durand on environmental issues throughout the years, and look forward to working with him in the future, as we seek ways to further protect Massachusetts' environment. I am sure that the entire House of Representatives joins me in thanking Mr. Durand for many years of hard work in protecting our environment.

## HONORING THE 10TH ANNIVERSARY OF THE EAST BAY CONVERSION AND REINVESTMENT COMMISSION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Ms. LEE. Mr. Speaker, I rise today to honor the East Bay Conversion and Reinversion Commission for its great contributions to Alameda County for the past 10 years.

In 1993, Congress authorized four pilot projects charged with seeking ways to improve the defense conversion process. Then-Congressman Ronald V. Dellums of California's Ninth District convened the EBCRC to manage one project in Alameda County, California. Members included elected officials, as well as representatives of public agencies, community groups, labor unions, educational institutions, business organizations, environmental advocacy groups and the military.

Since its inception, the EBCRC has had an impressive track record in assisting base closure communities locally and nationally. It has developed sound economic strategies to replace lost jobs and reuse dormant facilities. Under contract with the Department of Defense, the EBCRC has conducted two national studies examining the challenges and difficulties that accompany the base closure process and have published two internationally acclaimed reports, Defense Conversion: A Road Map for Communities, and The Upside of Base Closure: Tools for Reinvesting in Communities.

The East Bay Conversion and Reinvestment Commission has helped bring over $50 million

of Federal support into Alameda County since 1993. These monies have gone to successfully close the bases and spur economic redevelopment on these former military facilities. In this vein, the EBCRC launched a small business development and assistance program to aid former base employees start their own businesses. The Workers to Business Owners National Demonstration Project has generated millions of dollars in economic activity and created hundreds of new jobs.

To further assist small businesses, The EBCRC established the Defense Conversion Revolving Loan Fund to provide access to capital to businesses unable to secure loans from traditional lenders. With $1 million currently in the fund and expected growth to $20 million, the fund targets financially disadvantaged businesses and provides pre- and post-loan technical assistance to help its customers. As a result of these efforts, the EBCRC has made loans to eight small businesses totaling $1,046,000. These eight companies will precipitate $24 million in business activity, create more than 75 new jobs, and support several hundred direct and indirect jobs.

To date, the EBCRC has introduced new economic activity and jobs to six former military bases in Alameda County. It has reached out to nearly 250 businesses and provided support to more than half of those. Reporting businesses indicated nearly $9 million in new contracts, millions in lease revenues for the cities of Alameda and Oakland, and nearly $7 million in Local, State/Federal taxes. Redevelopment at these bases is accelerating and more than 2700 units of new housing is being built, 25 percent of which will be affordable units. Soon, the EBCRC will begin making First Time Home Buyer Home Mortgages to low- and moderate-income-families.

I ask Congress to join me and the constituents of the 9th Congressional District in celebrating the 10th Anniversary of the East Bay Conversion and Reinvestment Commission and wishing them many more years of success and affirmative developments.

## REINTRODUCTION OF THE AERONAUTICS RESEARCH AND DEVELOPMENT REVITALIZATION ACT

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. LARSON of Connecticut. Mr. Speaker, today the Distinguished Gentleman from Virginia Mr. J. RANDY FORBES and I reintroduced bi-partisan legislation designed to revitalize an industry that is essential to maintaining this country's economic growth, technological superiority, and military preeminence.

Since Orville and Wilbur Wright pioneering flight almost 100 years ago, aviation technology in the United States has reached a level of success and development unparalleled in world history. According to a recent report on ''The National Economic Impact of Civil Aviation,'' the total economic impact of civil aviation exceeded more than $900 billion and 11 million jobs to the U.S. economy in the year 2000, roughly 9 percent of the total U.S. gross domestic product. However, despite the historical strength of this industry, it is clear that the United States is involved in a difficult struggle to maintain our preeminence in the aerospace field, both commercially and militarily.

In January of 2001, the European Union unveiled its plan for gaining dominance in the global aerospace market entitled, ''European Aeronautics: A Vision for 2020.'' This plan lays out an ambitious, $93 billion, 20-year agenda for winning global leadership in aeronautics and aviation. In stark contrast to the vision set by the Europeans, the U.S. has cut by half its expenditures on aeronautics research & development (R&D) over the past two decades. This downward trend has coincided with a similar trend in the U.S. share of the world aerospace market, which declined from about 70 percent of the global market to less than 50 percent now. In fact, the recently completed report of the Presidential Commission on the Future of the Aerospace Industry echoed these concerns and stated that ''The United States must maintain its preeminence in aerospace research and innovation to be a global aerospace leader in the 21st century,'' and that ''government policies and investments in long-term research have not kept pace with the changing world.'' In fact, the Commission recommended that ''the federal government significantly increase its investment in basic aerospace research, which enhances U.S. national security, enables breakthrough capabilities, and fosters an efficient, secure and safe aerospace transportation system''.

It was as a result of these negative trends and the importance for the long-term economic and security interest of the United States, that Mr. FORBES and I joined with a bipartisan group of my colleagues to introduce the Aeronautics Research and Development Revitalization Act of 2003. This bill, which last year received strong support in the other body as well as in the House, establishes a broad-based agenda to reinvigorate America's aeronautics and aviation R&D enterprise and maintain America's competitive leadership in aviation by:

Reversing the trend of declining Federal investments in aeronautics and aviation R&D by doubling funding over five years. Funding is increased to $900 million in 2006 (approximately the level they were in 1998), and $1.15 billion in 2008.

Following the recommendations of the FAA's Research, Engineering and Development Advisory Committee, doubling funding over 5 years to $550 million in 2008.

Establishing a focal point for aeronautics R&D by re-establishing an Office of Aeronautics reporting directly to the NASA Administrator.

Establishing an R&D initiative to develop technologies within a decade to build commercial no-noise, low-emissions, and be highly-energy efficient.

Establishing an R&D initiative directed at reinvigorating the nation's rotorcraft R&D that will address the nation's civil and military needs for decades to come.

Addressing the need for a long-term Federal R&D effort to develop technologies for an environmentally-friendly, commercially-viable supersonic transport capable of flight over land.

Including independent review mechanisms to ensure that the agency is pursuing technology concepts in a cost-effective manner.

Authorizing the establishment of one or more university-based centers for research in aviation training for flight crews and air traffic controllers as new technology and procedures are added to the nation's infrastructures.

Establishing a program of scholarships to help replenish the nation's pool of aeronautical engineers.

Tackling the problem of delays in and unreliability of the air transportations system directly by authorizing funds for NASA to work with NOAA on research to improve significantly the reliability of 2 to 6 hour aviation weather forecasts.

Providing a significant funding to allow increased attention to environment and energy-related projects and for research on increasing the capacity, efficiency and safety of the air traffic system.

The basic premise of the legislation is that the U.S. can best meet the R&D challenge mounted by the Europeans and others through focused R&D investments that will enable future aircraft and rotorcraft technologies that are extremely quiet, fuel-efficient, and low in emissions of carbon dioxide and nitrogen oxides. The development of such aircraft will enable the U.S. aviation industry to dominate anticipated aviation markets, as well as create new markets in cities and regions whose airports have been underutilized because of perceived negative environmental impacts. In addition, the new aviation capabilities could allow innovative approaches to meeting the future demand for travel by the American public, open up new possibilities for the future national air traffic management system, and make aerospace technologies more environmentally friendly.

This year marks the 100th anniversary of Ohio's own Wilbur and Orville Wright achieving the world's first successful powered flight, thus leading the way for 100 years of American domination in aviation. But now, facing new and serious challenges, leadership will be required to sustain our aerospace industry to make it as vibrant a symbol of America's might in the 21st century as it was in the 20th. This legislation is an opportunity for the country to signal its commitment to a strong and robust aviation sector and its intent to revitalize it in the face of new global challenges. America has long recognized that its long-term strength and security, and its ability to reach and sustain high levels of economic growth, depends on maintaining its edge in scientific achievement and technological innovation. If we lose our edge in the areas where we are most vibrant, as it is happening now, our economic prospects will be dimmed and our security will be threatened. Aviation was born in America nearly 100 years ago; it is not slipping to number 2 on our watch.

## PAYING TRIBUTE TO JOSEPH HANNIGAN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to pay tribute to an outstanding Coloradan who has given countless volunteer hours in support of the National Weather Service Cooperative Weather Observer Program. Joseph Hannigan of Norwood, Colorado has consistently contributed his time and efforts to his country by carefully collecting and reporting weather data for his area. It is with great respect that I stand to

honor a man who has dedicated so much of his own time to such a selfless service.

The National Weather Service collects and maintains a database of daily climate reports that is among the best in the world. National Weather Service uses the data from that record to help forecast climate and weather changes and issue weather warnings. The National Oceanic and Atmospheric Administration also uses the data to understand and predict climate trends. Estimates suggest that such climate predictions helped prevent up to one billion dollars in damage from the devastating effects of El Nino in California alone.

But such an extensive and accurate database cannot be created overnight. Our country relies on dedicated volunteers like Joseph who take the time to make and report their weather observations as part of the Cooperative Weather Observer program. The roots of the program reach as far back as 1644, when Reverend John Campanius Holm recorded the American Colonies' first known weather observations. Then, in 1891, the Weather Bureau tackled the challenge given them to document climate conditions in the United States. For over one hundred years, the Weather Service has called on volunteers to gather the necessary measurements on weather factors such as temperature and precipitation. With over 11,000 volunteer observers contributing over one million service hours, it is significant to note that the National Weather Service has chosen to recognize Joseph Hannigan with their most prestigious recognition, the John Campanius Holm Award. Considering Joseph's 42 years of consistent service, he is deserving of an award named after the very first volunteer weather observer in the American Colonies. Mr. Speaker, it is my privilege to rise today to praise Joseph Hannigan for his dedicated service to the National Weather Service before this body of Congress and this nation. He stands out as an example of the cooperative spirit that has helped make this country great. From his efforts, combined with the work of countless others, our communities enjoy the economic, recreational, and safety benefits that an accurate and timely weather forecast affords them. I am honored to extend my gratitude to Joseph and the many other volunteers for what they have accomplished. Keep up the good work!

## HONORING THE MCALLEN MEMORIAL HIGH SCHOOL CONSTITUTION TEAM

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. HINOJOSA. Mr. Speaker, I rise today to acknowledge an outstanding group of young scholars from my Congressional district. The McAllen Memorial High School Constitution team recently won the Texas state title at the ''We The People, The Citizen and the Constitution'' annual competition. Remarkably, this is the McAllen team's 10th State win in 13 years. They have also been successful nationally, finishing among the top ten finalists in 4 out of 10 appearances.

I am proud to represent a community that produces students with such a passion for learning the democratic principles and foundation of our government. I congratulate the team members and their parents for this extraordinary achievement. I congratulate the team members and their parents for this extraordinary achievement. The members of the team are thirteen high school seniors; Erika Garcia, Brian Trautman, Victoria Montemayor, Allison Glass, Gregory Goldsmith, Danessa Litam, Gisela Medina, Edwin Monroy, Kelly Monroy, Jeffrey Murray, Steffy Phillip, Sabrina Tully, Brian Van Burkleo. Ms. LeAnna Morse coached the team. I wish these students success when they compete at the national competition in April, here in Washington, DC.

In closing, I would like to share with my colleagues an article that ran in the McAllen Monitor highlighting the accomplishment of these young constitutional scholars.

MCALLEN CONSTITUTION TEAM WINS 10TH STATE TITLE

(By Juan Ozuna)

MCALLEN.—Hamilton, Madison and Franklin would be impressed with the McAllen Memorial High School Constitution team.

The 13-member team comprised of high school seniors was named state champion in the We The People, The Citizen and the Constitution competition in Austin Jan. 4.

It is the 10th time in 13 years the group has won the competition, sponsored by the State Bar of Texas.

''They really demonstrated an ability to think on their feet,'' said LeAnna Morse, a government teacher and the team's coach. ''I'm really proud of them.''

During the competition, each team is divided into groups of three. These trios each face a panel of attorneys, educators and community leaders and make a three-minute presentation on the Constitution. They answer questions asked by the panel of judges and are awarded points for their answers.

''This was a small team, so they had to carry extra weight, and they really rose to the occasion,'' Morse said.

Teams usually have 15 members. To help train the group, Morse asked some friends and other community people to come in to the class to act as judges for her team.

''We'd have practices and invite attorneys and academics to judge them so they could have the full experience,'' Morse said. ''When you practice, you always try to anticipate what questions you'll be asked in the follow-up.''

Mick West, history coordinator for McAllen school district and a sponsor of the team, accompanied the students to the competition, which he said was extremely competitive.

''They did an outstanding job,'' he said. ''It was very close. They have a great reputation.''

Team member Erika Garcia said there was a lot of pressure on the students to perform well because of their reputation.

''It's good to know that we fulfilled that tradition one more year,'' Garcia said. ''Our sponsors have prepared us very well.''

Teammate Brain Trautman said he also felt the heat of the competition, calling the win ''a relief.''

''I'm really excited,'' he said. ''I can't wait to go to nationals to compete.''

As the winning team, the McAllen Memorial High School students will be sent to Washington, D.C., in April to compete against the top team from each state.

Though Morse's teams have seen top-10 finishes at the national level, the highest they ever placed is fourth.

Though also excited about being able to attend the national Constitution competition, Victoria Montemayor said she would be more focused on the sights.

''I just want to see the actual documents,'' Montemayor said. ''I want to see the monuments, see all the places you see in the books.''

Other students on the team include Allison Glass, Gregory Goldsmith, Danessa Litam, Gisela Medina, Edwin Monroy, Kelly Monroy, Jeffrey Murray, Steffy Phillip, Sabrina Tully and Brian van Burkleo.

## REINTRODUCTION OF ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to designate as wilderness most of the lands within the Rocky Mountain National Park, in Colorado.

This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System. The bill is essentially identical to one previously introduced by my predecessor, Representative David Skaggs, and one I introduced in the 107th Congress. Those bills in turn were based on similar measures earlier proposed, including some by former Senator Bill Armstrong and others.

Over a number of years my predecessor and I have worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of the provisions of the bill I am introducing today, particularly regarding the status of existing water facilities.

Covering some 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in the wilderness that would be designated by this bill.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries are carefully located to assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

This bill is based on National Park Service recommendations, prepared more than 25 years ago and presented to Congress by President Richard Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed

with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho, Roosevelt National Forests.

We now need to continue making progress regarding wilderness designations for deserving lands, including other public lands in our state that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in the bill I am introducing today.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park Wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions. And it's important to emphasize that in any event water rights associated with wilderness would amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use.

The bottom line is that once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill affects any such reservation.

Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park.

Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development with the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. So, I think the bill deserves prompt enactment.

I am attaching a fact sheet that outlines the main provisions of this bill:

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

*Rocky Mountain National Park*

Rocky Mountain National Park, one of the nation's most visited parks, possesses some of the most pristine and striking alpine ecosystems and natural landscapes in the continental United States. This park straddles the Continental Divide along Colorado's northern Front Range. It contains high altitude lakes, herds of bighorn sheep and elk, glacial cirques and snow fields, broad expanses of alpine tundra, old-growth forests and thundering rivers. It also contains Longs Peak, one of Colorado's 54 fourteen thousand-foot peaks.

*The Bill*

The bill is based on one introduced by Rep. UDALL in the 106th and 107th Congresses and similar legislation proposed by former Congressman David Skaggs and others previously. It would:

designate about 249,562 acres within Rocky Mountain National Park, or about 94 percent of the Park, as wilderness, including Longs Peak—the areas included is based on the recommendations prepared over 25 years ago by President Nixon with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted

designate about 1,000-acres as potential wilderness until non-conforming structures are removed

provide that if non-federal inholdings within the wilderness boundaries are acquired by the United States, they will become part of the wilderness and managed accordingly

The bill would NOT:

create a new federal reserved water right; instead, it includes a finding that the Park's existing federal reserved water rights, as decided by the Colorado courts, are sufficient

include certain lands in the Park as wilderness, including Trail Ridge and other roads used for motorized travel, water storage and conveyance structures, buildings, developed areas of the Park, some private inholdings

*Existing Water Facilities*

Boundaries for the wilderness are drawn to exclude existing storage and conveyance structures assuring continued use of the Grand River Ditch and its right-of-way, the east and west portals of the Adams Tunnel and gauging stations of the Colorado-Big Thompson Project, Long Draw Reservoir, and lands owned by the St. Vrain & Left Hand Water Conservancy District—including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated by the bill) or other Colorado-Big Thompson Project facilities, and that additional activities for these purposes will be allowed should they be necessary to respond to emergencies and subject to reasonable restrictions.

## RECOGNITION OF J. MICHAEL DORSEY

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. NEY. Mr. Speaker, we rise to thank and recognize J. Michael Dorsey for his outstanding service and contributions to the House community during his tenure beginning January 1, 1995.

Because of his distinguished legal career, Mike was asked to serve as the first Administrative Counsel in the Office of the Chief Administrative Officer when the new House organization was created in 1995. An ambitious agenda to change the way the House operated was proposed, and Mike was instrumental in accomplishing many of those goals.

A solid leader, Mike demonstrated the ability to effectively juggle many competing priorities. In addition to keeping the CAO legally and ethically pure, he also served as interim Associate Administrator for the Office of Procurement and Human Resources. He initiated and contributed to business process improvements, provided legal guidance to House staff, developed policies, and applied his expertise in the areas of contracting, negotiation, and legal disputes.

Most recently, Mike's professionalism, patriotism, and steadfastness served the House well under historic and trying times. He met the challenges of September 11, 2001, the subsequent anthrax evacuation of House offices, and on-going mail process activities with patience, excellence, and reasoned judgment.

Mike is a team player, known for his integrity, fairness, principles, dedication, and solid steady demeanor. He has made a difference—he has made the House a better place. As he leaves us on February 14, he will continue to serve our nation in areas of critical

importance. He has served the House and our country as a true patriot, and we extend our thanks to him for his service, and wish him all the best for continued success.

## HONORING MR. DAVID SEIM

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. COMBEST. Mr. Speaker, I rise today to call my colleagues' attention to an honor recently bestowed on my constituent and friend, Mr. David Seim.

Recently, David was awarded the Rita Harmon Volunteer Service Award from the Lubbock Area United Way in recognition of his lifetime of community service. David's work with various organizations such as the South Plains Council of the Boy Scouts of America, the Lubbock Country Club, the Southwest Lubbock Rotary Club, YWCA, Covenant Health System and Trinity Church exemplify his selfless nature and dedication to the public good. Through his hard work and giving nature, the Lubbock community has benefited immensely.

David attended Texas Tech and graduated from the Southern Methodist University's Graduate School of Banking. While he works for Plains Capitol Corp. in Dallas, he still lives in Lubbock and continues to serve as a board member of the Lubbock Area United Way.

It is with great pleasure, Mr. Speaker, that I honor this dedicated man for his commitment to give back to his community. David Seim has given much of his life to serving his community, and his efforts are greatly appreciated. I wish to congratulate David on his recent award and thank him for his continuing dedication to the public good.

## VACCINE INGREDIENT PROVISIONS

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. BLUNT. Mr. Speaker, the Homeland Security Act of 2002 included provisions related to vaccine injuries that have been misunderstood and misconstrued. I believed then and now that these provisions are good public policy: they clarify that vaccine injury claims involving vaccine ingredients, such as preservatives, are subject to the same no-fault compensation system as other vaccine-related injuries established by the National Childhood Vaccine Injury Act of 1986. The alternative is needless, time consuming, and expensive litigation that is not in the best interests of those who believe they have been injured.

Congress established the Vaccine Program in 1986 for two reasons. The first was to provide definite, speedy, and generous compensation for those who suffer from vaccine-related injuries. The second was to address litigation and insurance costs that were spiraling out of control, which forced current manufacturers to leave the industry and discouraging others from developing important life-saving vaccines.

Now, of all times, is not the moment to allow the Vaccine Program to be dismantled. When our enemies are engaged and determined to develop and expand their supply of chemical weapons, when we continue to face a terrorists threat at home, and when more and more of our troops are stationed oversees, we need effective vaccine production. We cannot afford to slow research and development, or experience a critical shortage of vaccines.

But this is precisely what is occurring today. Personal injury lawyers, who would like the larger fee that they might receive through litigation, are chipping away at the Vaccine Act in our Nation's courtrooms. They are trying to distinguish injuries allegedly related to ingredients contained in vaccines, such as preservatives, from the vaccine itself, in order to escape the no-fault system. The courts have done a good job at rejecting these attempts. The provisions in the Homeland Security Act simply sought to codify these decisions, preserve the intent of Congress in establishing the Vaccine Program, and ensure that the injured receive speedy and fair compensation.

I continue to support the vaccine ingredient provisions in the Homeland Security Act. I understand the provisions are being repealed without prejudice and not because of the substance. I am confident that these provisions will proceed through the House and be enacted. By reenacting the provisions, I believe Congress will address the issue in a manner that ensures the broad availability of vaccines for the American people.

## PAYING TRIBUTE TO WAYNE HARRISON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Major Wayne Harrison of Dolores, Colorado. Recently, Major Harrison was recognized for his years of service in the Civil Air Patrol and awarded a Springfield M-14 rifle. Today, I would like to pay tribute to Major Harrison's career and accomplishments before this body of Congress and this nation.

Major Harrison began his career in the Civil Air Service as a cadet and moved up through the ranks to eventually teach cadets, passing on his knowledge of airplanes and flying. In fact, Wayne Harrison's superiors were so impressed with his abilities that he was promoted to the position of aerospace officer only a short time after joining the Civil Air Patrol. Serving in the position for three years, Wayne was then asked to become the commander of his squadron and he accepted.

Although the new position and added responsibility would be a challenge, Major Harrison also saw the promotion as an opportunity to help his fellow cadets. Over the years, Major Harrison used his position to serve as a role model to his cadets and helped many of them go on to colleges, military academies, and into the armed forces.

Mr. Speaker, it is with great pride that I recognize Major Wayne Harrison before this body of Congress and this nation. Major Harrison has served with the diligence, honor and integrity that Amercans have come to expect from the Civil Air Patrol, and it is an honor to represent such an outstanding American in this Congress.

## RECOGNIZING THE AMERICAN FROZEN FOOD INSTITUTE ON THE OCCASION OF ITS 60TH ANNIVERSARY

### HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. OTTER. Mr. Speaker, I rise today to recognize the American Frozen Food Institute (AFFI) on the occasion of its 60th Anniversary of service to the food industry. AFFI is the only national trade association representing the entire spectrum of frozen food professionals, including processors, suppliers of goods and services, transporters and marketers.

Like other complex enterprises, the frozen food industry benefits not only from competition, but also from cooperative, coordinated action. Launched in 1942 by 19 frozen fruit and vegetable packers, the National Association of Frozen Food Packers went on to become today's American Frozen Food Institute. AFFI's more than 500 member companies account for over 90 percent of the total annual production of frozen food in the United States, valued at more than $60 billion.

AFFI works to ensure that nourishing and convenient frozen foods are continually abundant, reliable, varied, satisfying and economical. During its years of growing use and popularity, the technology of frozen foods has earned its place among modern America's constructive innovations.

When Clarence Birdseye, one March morning in 1930, optimistically combined an inventor's creativity with a salesman's confidence and arrayed his selection of neatly packaged, quick-frozen foods into a grocery store display case in Springfield, Massachusetts, he inaugurated an industry that would forever change the way the world eats.

The industry's momentum initially was driven by the economy and convenience of frozen foods. However, a further reality ultimately would ensure their enthusiastic endorsement by health experts: frozen foods supply superior nutrition. Following years of scientific studies at the University of Illinois, the U.S. Food and Drug Administration concluded in 1998 that fruits and vegetables picked at peak freshness and immediately frozen contain as many, and often more, nutrients than their raw equivalents. Moreover, for food of all kinds, modern freezing and packaging means unsurpassed food safety, reliable product consistency, and year-round availability anywhere.

In addition, I would invite my colleagues to join Congressman CAL DOOLEY and me on September 25 at the Frozen Food Filibuster, a reception showcasing the variety of frozen foods here in the Cannon Caucus Room. Congressman DOOLEY and I are co-chairmen of the frozen food caucus on Capitol Hill. Caucus participants are Members of Congress who have AFFI member companies' headquarters or plants located within their district, or an interest in the food industry in general. The Institute briefs the membership periodically on issues that affect their constituents who work in the frozen food industry. Our goal is to ensure the caucus is as active and innovative as the nation's frozen food companies.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the American Frozen Food Institute. Our democratic institutions

are served well by having responsible industry associations, who care about the active participation of their companies in the legislative and regulatory process. I am confident that AFFI will continue to serve the food community for many years, well into the future. We wish them the very best on this special occasion.

## TRIBUTE TO UPSTATE NEW YORKERS ON THE 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

### HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. BOEHLERT. Mr. Speaker, I rise today in honor of the 140th anniversary of the Emancipation Proclamation celebrated on January 1, of this year. I would like to take this opportunity to recognize the integral work of Central New Yorkers in the struggle to end slavery.

During the troubled decades just before our Civil War, many citizens of what is now New York's 24th District joined, and led, fellow abolitionists across the nation to help slaves gain the freedom due to all Americans. Whether they offered hounded refugees a place to hide for the night, educated former slaves, published activist newspapers, or spoke out in the chambers of Congress, these men and women live on in the collective memory of our nation as brave champions of basic human rights and dignity.

En route to Canada, houses and churches throughout Central New York formed some of the main lines of the Underground Railroad. One heavily trafficked depot in Madison County was the home of Garrett Smith, a philanthropist who gave much of his time, money, and energy to the anti-slavery cause. I'm glad to have had the opportunity to dedicate Smith's estate as a National Historic Landmark last spring. Thanks to legislation signed by our distinguished Governor of New York, George Pataki, in tandem with the Network to Freedom Act, passed by Congress and signed by the president in 1998, many other stops along the Underground Railroad in Upstate New York have recently been brought to light and preserved.

Garrett Smith, who was born in my own hometown of Utica and lived most of his life in Peterboro, was elected president of the nationally prominent New York State Anti-Slavery Society on October 22, 1835, at the organization's founding convention. A dedicated group successfully launched the Society that day at the Peterboro Presbyterian Church after their meeting had been broken up by a hostile mob the previous day. A few streets away from the convention site in Peterboro lived James Caleb Jackson, the editor of several abolitionist newspapers. Beriah Green, another founding member of the New York Anti-Slavery Society, came from nearby Whitesboro where he served as president of the Oneida Institute, an interracial college. Green's Institute turned out noted abolitionists such as Jermain Loguen, a former slave lauded for his influential autobiography, To Set the Captives Free. Loguen was later chosen to act as Stationmaster of Syracuse's Underground Railroad. Another escaped slave who became a renowned abolitionist, Frederick Douglass, lived in Rochester, New York, where he published his newspaper, The North Star.

William Seward, former senator of New York, governor of New York, and Secretary of State, remains one of the best-known abolitionists to hail from New York's 24th Congressional District. Born and raised in the area, Seward gave voice to his constituents' outcry against slavery. He and his wife, Frances, opened their home in Auburn, NY to fugitive slaves moving north along the Underground Railroad, and they became the personal friends of Harriet ''Moses'' Tubman, the iconic leader of the slave exodus to Canada. As a lawyer, Seward defended fugitive slaves in court. During his early career in Congress he led the anti-slavery wing of the Whig party.

Many credit Seward's radical statement that Congress had to answer to a moral law ''higher than the Constitution'' as disqualifying him from running for President in 1860. When it became clear that Lincoln would win the ticket of the Grand Old Party, then a grand young party, Seward campaigned tirelessly for Lincoln, and was soon appointed Secretary of State under the new president. In that office, Seward played a crucial role in the formation of Lincoln's anti-slavery policy. He drafted the Emancipation Proclamation alongside the President, and the final document now bears his signature.

Before the Civil War, Harriet Tubman bought a house from Seward in his hometown of Auburn, NY, where she continued to conduct for the Underground Railroad despite the $40,000 reward posted for her capture. After the Emancipation Proclamation, with the Promised Land a little closer, Ms. Tubman settled down to a quieter life in Auburn.

Those who fought to end slavery and so extend the rights of life, liberty, and the pursuit of happiness to truly all Americans won a great victory with the issuance of the Emancipation Proclamation, but the struggle did not end there. Amy Post, Martha Wright, Lucretia Mott, Susan B. Anthony, and other abolitionists and women's rights activities, many of them from Upstate New York, organized a petition drive to gain the signatures of hundreds of thousands of women calling for a constitutional amendment to end slavery. When the petition was first presented to the Senate in February of 1864, nearly one-fifth of the signatures came from New York State. By the end of 1865 the Thirteenth Amendment was law.

I hope my colleagues will join me in applauding the historic legacy of freedom and human rights left by the good people of Upstate New York.

I would like to thank Peter A. Wisbey, Executive Director of the William Seward House, Anne M. Derousie, a historian with the Women's Rights National Historical Park, Michael J. Caddy, Jr., historian, and Milton C. Sernett, Professor of History at Syracuse University for the information they provided me for this occasion. I would also like to insert into the CONGRESSIONAL RECORD essays about the Emancipation Proclamation and the abolitionist movement in New York's 24th Congressional District written by students from Letizia Magats' class at Owasco Elementary and Jacquelyn Aversa's class at Casey Park Elementary School in Auburn, NY.

While reading the work of these children I was delighted to find that many of the students had been inspired by their history lessons to dream of a future America that continues to embrace the values of Upstate New York abolitionists, in new contexts. The hope of Auburn's youngest generation of thinkers reminded me of these words of Abraham Lincoln, spoken in 1865 at his second inaugural address, and still relevant today: ''With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds.''

A COLLECTIVE ESSAY FROM FIFTH GRADERS AT OWASCO ELEMENTARY SCHOOL IN AUBURN, NY

The Emancipation Proclamation was a solution to the problem of slavery in the United States. President Abraham Lincoln was influenced to write this document by abolitionists who wanted to see the system of slavery come to an end. This new Law passed during the Civil War. Many of the abolitionists who influenced President Lincoln were from the area that is today a part of the 24th Congressional District of New York State. Several of these abolitionists were William Seward, Harriet Tubman, Emily Howland, Martha Coffin Wright, and Lucretia Coffin Mott.

William Seward helped the cause of the Emancipation Proclamation by persuading President Lincoln to be more involved with abolishing slavery. As Lincoln's Secretary of State, he helped Lincoln write it. Seward was active in his belief that slavery must be abolished, he was a leader of the Anti-slavery wing of the Whig party, used his home on South Street in Auburn, New York, as a way station for the Underground Railroad and as a publishing center for anti-slavery literature. He became a good friend of Harriet Tubman, a conductor on the Underground Railroad. Harriet Tubman, called the ''Moses of her people'', dedicated her life to the belief that all people were equal and that slavery was evil. As a runaway slave, she showed great courage and dedication to her beliefs by leading more than three hundred slaves to their freedom. Eventually Harriet Tubman bought a home in Auburn, New York and used it to care for the elderly and needy people. The dedication of Quakers to the abolition of slavery was also important in bringing about change. Emily Howland lived in Sherwood, Cayuga County, New York. She was an educator who started schools in the South for freed slaves and used her home as a way station for the Underground Railroad. Her beliefs that all were equal saw her turn to the cause of women's suffrage. She worked closely with Lucretia Mott and Susan B. Anthony in the fight for equality for women.

Lucretia Coffin Mott and her sister Martha Coffin Wright, a resident of Auburn, New York, were also Quakers, who belonged to the American Anti-slavery Society and formed the Female Anti-Slavery Society. After the Civil War they co-founded the American Equal Rights Association and the National Women's Suffrage Association. They made a difference in the abolition of slavery and women getting the right to vote. They were courageous in the fight for civil rights for all people regardless of their color or gender.

As you can see, many citizens of Cayuga County not only believed in equal rights for all people, but also actively worked to bring about the change that resulted in the end of slavery and giving all people their civil rights.

(By Timothy Berry, Ashley King, Jamie Bruno, Marissa Rescott, Christina Granato, S. Michael Watson, Maura Bradley, Kelsey Helinski, Mary Doyle, Colleen Cregg, Olivia Perek, Breanna Handley, Alaina Schoonmaker, and Connor Entenmann.)

ESSAYS FROM FOURTH GRADERS AT CASEY PARK ELEMENTARY SCHOOL IN AUBURN, NY

The young dreamers have a goal that one day the world will be a better place for everyone in our country. The young dreamers celebrate the anniversary of the Emancipation Proclamation so they can continue to dream. After all, the young dreamers future goals are in your hands.

(By Sydnee Lawson, David Clark, and Brianna Hotaling.)

The torch of freedom has passed from time to time to generation to generation and it must be kept and honored as it was all those years ago. It shouldn't be thrown away because of dishonor and terrorism.

(By Dominika Donch, Noah Donch, Makrina Donch, and Nathaniel Donch.)

We are fortunate to have the freedom we have. Some countries do not have as much freedom as we have. Now we have a lot to worry about. We are so fortunate that President Abraham Lincoln issued the Emancipation Proclamation. Today we have the joy of freedom.

(By Stephanie Leontovich, Tyler Van Tassell, Amber Foster, Anthony Jesmer and Scott Blauvelt.)

We believe all people are created equal and need to live in unity and peace.

(By Diamoneek Wingate, Loretta Holbert, Sarah Lowe, Tina Horsford, Beth Harvey, Tony Frazier, Brandon Crawford, and Andre Thomas.)

I have a dream, that one day all people of the world, Iraqis, Afghanis, Russians, and any other culture will come together and act fairly to one and another. I have a dream of no terrorism. I have a dream of no violence but coming out and talking it over like men. I have a dream of living in a society with no prejudice. I have a dream of no racism. I have a dream of no fighting over religion but having peace and love. I have a dream that this world will help one and another of different culture and religions. I have a dream.

(By Jared Ford.)

## ATTORNEY MURRAY UFBERG CHOSEN FOR B'NAI B'RITH COMMUNITY SERVICE AWARD

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the selection of my good friend Attorney Murray Ufberg for the prestigious Community Service Award by the Seligman J. Strauss Lodge of B'nai B'rith of Wilkes-Barre. He will be presented with the award at the lodge's 57th annual Lincoln Day Dinner on February 9, 2003.

Murray is a very fitting choice for this award. In addition to his active role in local government and economic development, his deep commitment to Northeastern Pennsylvania and his leadership in one of the most prominent and well-respected law firms in the area, he is a leader in the region's Jewish community.

I have known Murray for more than 30 years and have enormous respect for his legal ability as well as his dedication to improving the community.

He was born July 30, 1943, in Danville, Pennsylvania. He graduated from Wyoming Seminary in 1960, earned a bachelor of arts from Bucknell University in 1964 and graduated with a juris doctor degree from the Duquesne University School of Law in 1968.

Murray has risen to the rank of managing partner with Rosenn, Jenkins & Greenwald in Wilkes-Barre. From 1991 to 1994, he served as chairman of the hearing committee of the disciplinary board of the Pennsylvania Supreme Court.

Examples of his dedication to community service abound. They include his service as chairman of the Greater Wilkes-Barre Partnership, Inc., from 2000 to the present; and chairman of the Community Relations Council of the Jewish Federation of Greater Wilkes-Barre, 1993 to 1997 and from 2000 to the present; and a member of the board of trustees of College Misericordia and the board of directors of the Jewish Federation of Greater Wilkes-Barre, the Jewish Community Center of the Wyoming Valley, and WVIA–TV/FM/HDTV.

Murray is also past chairman of the board of directors of the United Way of the Wyoming Valley, from 1992 to 1994, and its general campaign in 1990. He is also past president of the Ohav Zedek Synagogue in Wilkes-Barre, from 1986 to 1988; the Jewish Community Center of the Wyoming Valley, from 1982 to 1983; the Seligman J. Strauss Lodge of B'nai B'rith, from 1970 to 1974; and the Duquesne University School of Law Alumni Association of Northeastern Pennsylvania, from 1997 to 1999.

He and his beautiful and gracious wife Margery have three children, Aaron, Joshua and Rachel.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the well-deserved selection of Attorney Murray Ufberg for the Community Service Award, and I wish him and his family all the best.

## PAYING TRIBUTE TO JAMIE LEVIN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I rise today to recognize Jamie Levin of Telluride, Colorado. Jamie is a slalom snowboard racer for the Telluride Ski and Snowboard team and has been setting the standard for speed throughout Colorado and the nation. Jamie represented the United States at Canada's World Cup Snowboard Races last December. In recognition of her success and accomplishments on the slopes, I would like to pay tribute to Jamie before this body of Congress and this nation.

As the Congressman who represents many of Colorado's ski areas, I understand the significance that Coloradans place upon their winter sports. Colorado is the home to many skiers and snowboarders who train year round to remain in top physical condition. Competition throughout the state is fierce, and there is little room for mistakes or miscalculations.

Competition at the national level only becomes more difficult, and yet Jamie Levin has risen to the challenge and is currently ranked 11th in the United States. Over the summer, Jamie has maintained a rigorous training schedule at Mt. Hood and looks forward to competing internationally this winter. Jamie is the first member of the Telluride team to qualify for international competition, and citizens throughout the Western Slope will be following her races with great anticipation.

Mr. Speaker, it is with great pride that I recognize Jamie Levin of Telluride, Colorado before this body of Congress and this nation. To excel in a sport as mentally and physically demanding as slalom snowboarding takes great courage, commitment and discipline. Jamie's competitive spirit and determination serves as an inspiration to us all, and it is an honor to represent such an outstanding American in this Congress. I wish her all the best with the rest of her season.

## INTRODUCTION OF COLORADO SCHOOL LANDS BILL

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. UDALL. Mr. Speaker, I am today again introducing a bill to modify the 1875 Act—usually referred to as the Colorado Enabling Act—that provided for admission of Colorado to the Union.

The bill is similar to one I introduced in the 107th Congress. Its purpose is to remove any possible conflict between a decision of the people of Colorado and that original federal legislation under which some 3 million acres of federal lands were granted to our state.

In granting the lands to Colorado, Congress provided that they were to be used as a source of revenue for the public schools—and for many years they were managed for that purpose.

However, over the years the revenue derived from these lands has become a less and less significant part of the funding for Colorado's schools, while there has been an increasing appreciation of the other values of these lands.

As a result, in 1996 the people of Colorado voted to amend our state constitution to permit part of these school trust lands to be set aside in a ''stewardship trust'' and managed to preserve their open space, wildlife and other natural qualities.

To assure that this decision of the voters can be implemented, my bill would amend the original Colorado Enabling Act to modify the requirement that the state must raise revenue from the school-trust lands that are set aside for their natural resource values and qualities. Specifically, it would amend the 1875 Act to clearly allow the lands to be used for ''open space, wildlife habitat, scenic value, or other natural values,'' while still requiring that ''any income received for such uses or any other uses'' of the lands will be used only for the public schools.

The bill does not include a specific limit on the acreage that could be placed in the stewardship trust, although the 1996 state legislation does set such a limit. I supported that part of the state legislation, but I think that whether that limit should be retained or revised should be decided solely by the people of Colorado, and not determined by Congress. So, under the bill I am introducing today that would be left to Colorado law to control.

Mr. Speaker, Colorado has been experiencing rapid population growth. That is putting increasing pressure on all our undeveloped lands. In response, the people of Colorado have voted to allow some of these school-grant lands to remain as open spaces to be managed for their wildlife and other natural resources and values. This bill will keep faith

with that decision by our voters by removing any conflict with federal law. I will do all I can to press for its speedy enactment.

## HONORING DR. SHIRLEY KENNEDY

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mrs. CAPPS. Mr. Speaker, today I would like to rise in tribute to the memory of a wonderful friend and resident of Santa Barbara, California, Dr. Shirley Kennedy. Dr. Kennedy passed away on January 20, 2003, leaving a void in the Santa Barbara community that will be felt by many.

Dr. Kennedy, a long-time resident of Santa Barbara, was well-known for her dedication to political, cultural, and social causes. Born in Chicago in 1926, Dr. Kennedy and her husband, Jim, moved to the Santa Barbara area in 1972. It did not take long for Dr. Kennedy to become a dynamic presence in the community. In 1986 Dr. Kennedy completed her doctorate at Claremont Graduate University and worked as a lecturer at UCSB, teaching classes in political science, black studies, and constitutional law. In addition to teaching, she was also involved in founding the Black Studies department, as well as the Black Cultural Festival which brings art, plays, and other exhibits to the university.

Dr. Kennedy was a devoted political activist as well. In 1988 she ran Rev. Jesse Jackson's local presidential campaign, and served as a delegate to the party's national convention. Dr. Kennedy has also dedicated countless hours of volunteer time to numerous local, state, and federal campaigns. She was a longtime member of the NAACP and created two local organizations, Not in Our Town and the Building Bridges Community Coalition, both dedicated to fighting racism and building tolerance.

In 2002, through the Building Bridges Coalition, Dr. Kennedy was able to bring an exhibit on a slave ship, the *Henrietta Marie,* to a local museum in Santa Barbara. This exhibit was visited by hundreds of local schoolchildren and residents, and brought a new understanding of the slave trade to thousands of people. It was her dedication to education and community involvement that made Dr. Kennedy such a special person and I am confident that her legacy will live on for many years to come.

The Santa Barbara community suffered a great loss with Dr. Kennedy's passing last month, yet because of her activism and involvement in the community Dr. Kennedy's spirit and teachings will remain among us forever. Dr. Kennedy was a wonderful woman and an inspiration to us all and I am fortunate that this special individual touched my life in so many ways.

## HONORING ELIZABETH HESTER RIDDLE

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Ms. Elizabeth Hester Riddle. Ms. Riddle was born on November 29, 1902, on the Eastside of Chicago, Illinois. Born to William and Sarah Hester she is the oldest of 7 children and enjoys spending time with her remaining younger siblings Mary and Sally. Ms. Riddle has survived her husband Walter Riddle, son Robert Riddle, and her eldest grandson Robert Riddle, Jr. She is also the grandmother of Karen Appleson, Cindy Petro, and Allison Gunner, and the great-grandmother of two with more on the way.

As the Matriarch of the Hester family and known to her many nephews and nieces as ''Aunt Bea'', she is generous to a fault. Ms. Riddle has lived her 100 years of life on the Eastside of Chicago, Illinois as a proud American, committed Catholic and a lifetime member of the St. Francis de Sales Parish. She is known for her sharp mind, happy personality, and love of all her friends and family. So we wish her a Happy 100th Birthday and reflect on how she lived through a century of changes and a lifetime of memories as a model of charity and compassion and all around wonderful person.

## PAYING TRIBUTE TO BARBRA REMMENGA

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. McINNIS. Mr. Speaker, it is with great admiration that I rise today to recognize Barbra Remmenga of Montrose, Colorado. Barbra is a guardian ad litem attorney who is appointed by the courts to represent the best interests of children involved in dependency and neglect proceedings. Recently, Barbra was named Guardian Ad Litem Attorney of the Year by the Colorado Court Appointed Special Advocates. In recognition of her success, I would like to pay tribute to Barbra's career and accomplishments before this body of Congress and this nation.

Barbra has been serving as a guardian ad litem attorney for the Seventh Judicial District of Colorado for the past 11 years. She began her career as a social worker doing child protection casework when she realized the amount of difference she could make as an attorney fighting and defending those in need. Remmenga represents children of all ages in cases that involve physical abuse, neglect, and custody disputes. She views her job as a huge responsibility because she is representing such a vulnerable and defenseless segment of the population. In recognition of her commitment to children's well-being last December, Barbra was honored in Denver at the Seventh Annual CASA Training Conference for her outstanding service.

Mr. Speaker, it is with great pride that I recognize Barbra Remmenga before this body of Congress and this nation. Barbra has served her community with great honor and integrity. Barbra demonstrates genuine concern for the children she represents and always looks out for their best interest. Her commitment and dedication serve as an inspiration to us all, and it is an honor to represent such an outstanding Coloradan in this Congress. Keep up the good work, Barbra.

## ON THE RETIREMENT OF MR. EDWARD D. CASEY

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. HOYER. Mr. Speaker, I rise today to congratulate Mr. Edward D. Casey on his retirement from the Capital-Gazette Newspapers, and his election to the Maryland press association's hall of fame. I would also like to thank him for his years of service to our community.

For 30 years, Mr. Casey has been the editorial voice of the Capital. In March when he is officially inducted, he will join 35 other outstanding newspaper men and women who have been similarly honored over the years by the Maryland-Delaware-D.C. Press Association.

Mr. Casey is respected throughout Maryland for being a pioneer and effective advocate for the freedom of information project, especially during his service as president of the Maryland-Delaware-D.C. Press Association.

Prior to joining the Capital, Mr. Casey was editor of the Daily Advance in Dover, NJ for six years. He began working in newspapers as a sports editor in 1957 at the Binghamton Press in New York. He also worked as a sports editor for the Endicott Bulletin in New York and managing editor of the Binghamton Sun-Bulletin.

I congratulate Mr. Casey in his retirement, and I wish him every success in his future endeavors.

## ASYLUM: AN IDEA IN SEARCH OF A STRATEGY

### HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. LEACH. Mr. Speaker, below are two op-ed articles written on the subject of possible abdication and asylum for Saddam Hussein and his cohorts.

ASYLUM: AN IDEA IN SEARCH OF A STRATEGY

(By Representative James A. Leach)

Monday Hans Blix will present the report of the U.N. weapons inspectors in Iraq to the U.N. Security Council. Absent a surprise, the report is likely to offer a mixed judgment: no smoking gun, but no assumption that Saddam Hussein has sincerely cooperated with the inspectors or provided credible rationale for his nuclear program or convincing evidence of disarming once held bio-chemical weapons.

Tuesday evening the President will give his annual State of the Union address in which he will undoubtedly make his case for why the U.S. military may be called upon to intervene in Iraq—with or without further U.N. approval.

At this juncture there appears to be only one scenario which has the potential of being a win/win situation for America, the Iraqi people and the world community. That is for Saddam Hussein, his family and cohorts to abdicate power and accept asylum outside Iraq.

The possibility of such an outcome was implicitly contemplated by Secretary Rumsfeld last week when he said that the United

States would not seek a trial before a war crimes tribunal if Saddam steps aside peacefully.

There are three existing precedents for such a course. The Ethiopian war lord Mengestu Haile Mariam agreed to asylum and is currently living in Zimbabwe; the notorious African Dictator Idi Amin is currently living in exile in Saudi Arabia; and the former Haitian dictator Jean-Claude ''Baby Doc'' Duvalier is living in the south of France.

The possibility that Saddam Hussein would find attractive a life of ease in a dacha on the Black Sea or in a villa on the French Riviera may seem improbable. On the other hand, in the face of the overwhelming force being marshaled against his regime, a survivalist might conclude that abdication could be rationalized for the good of his people and for the good life the resources he has absconded with would make possible.

From America's perspective five central conditions for asylum would have to be met: (1) That Saddam's abdication be permanent; (2) that his extended family and cohorts go with him; (3) that he and they commit themselves to abstaining from complicity in future anarchistic or terrorist acts in or outside Iraq; (4) that processes be established for the creation of a more benign, democratic government in Iraq; and (5) that, following the Ferdinand Marcos asylum model, no commitment be made precluding a successor Iraqi government from seeking international legal recourse to recover Saddam's kleptocratic wealth.

From a humanitarian perspective the choice would seem to be a no-brainer. While the motivations of individuals are always difficult to fathom, clearly a U.S.-led intervention would imply a short life expectancy for Saddam, as well as the potential of loss of life for innocent civilians and military personnel on both sides. Equally clearly, Saddam faces the possibility of an embarrassing erosion of his personal power base, with a castle coup increasingly conceivable.

The question with which Saddam is confronted is whether he would rather be a survivor or a failed martyr, whether his legacy in the end will include sacrificing power for his people or sacrificing his people and national spirit on the altar of his egomania.

To increase the possibility that a rational choice be made by an irrational leader, the United States should precipitate the presentation of an abdication option in a carefully modulated way. Asylum must be more than an abstract concept. There must be a strategy, public and private, for its presentation and implementation.

As distrustful as this Administration is of the U.N., there is no more appropriate figure than U.N. Secretary General Kofi Annan to speak on behalf of the world community regarding such a prospect. The Security Council should ask Annan to make a formal offer to Saddam to accept asylum with clear conditions and possibly alternative destinations. Preferably the request should be made with the active support of the Arab League and a commitment of financial support (already hinted at) from countries like Saudi Arabia to fund asylum for the coterie of regime insiders, some of whom might find attractive different destinations than Saddam.

Such as approach may be the only way to avoid a potentially catastrophic conflict while bringing about progressive change in Iraq and the region. It is the only strategy in which the world community and the American government may at this time find common ground. While the chance of Saddam's acquiescence to the asylum concept may be limited (perhaps 10 to 20 percent), failure to press the offer would unconscionable.

ASYLUM II: AN IDEA STILL IN SEARCH OF A STRATEGY

(By Representative James A. Leach)

Now that Secretary Powell has laid down convincing evidence of the Iraqi weapons program and the United States and Britain have massed a significant force in the Middle East to address the threat these weapons represent, it is apparent that the only way the bloodshed of war and the countervailing possibility of terrorist reaction can be avoided is if Saddam Hussein abdicates and accepts an offer of asylum.

Absent the will to use force, asylum is conceptually a non-starter. With the mobilization that has occurred and the case that Secretary Powell has presented to the U.N., Saddam must understand that he has a narrow window, a week or two at most, in which to decide whether he would rather be a survivor or a humiliated military leader subject to a war crimes tribunal in the unlikely event he lives through the next month.

The prospect of asylum may seem unlikely, but it nonetheless deserves pursuing. What is needed is a precise presentation and implementation strategy. Otherwise asylum will remain an abstract concept, unaccepted because it has never been appropriately developed and proffered.

Substantively, asylum demands a host country and a series of quid pro quos, the most important being an agreement of the international community not to prosecute in return for peaceful abdication and credible assurances of non-participation in future violence in or outside Iraq. Initiative for a proposal at this time would, most appropriately, come from the Secretary General of the U.N., preferably with Arab League support.

Given that American military leaders assume a short, decisive conflict, it is fair to ask why a U.S. strategist should not prefer a military to a diplomatic victory. The answer relates precisely to the case Secretary Powell presented to the Security Council. The assumption in Washington that I find credible is that Iraq is unlikely to be the kind of conventional warfare quagmire Vietnam was. The assumption, however, that is more conjectural is the belief of many that Iraq will react to American intervention in 2003 similarly to the hapless defensive way it did in the 1991 Gulf War.

In 1991 Saddam survived by failing to mount much more than token resistance. He recognized that allied goals were limited to rolling back Iraqi aggression in Kuwait. Now our goals are different and his non-conventional war capacities enhance. When a cornered tyrant is confronted with a ''lose or use'' option with his weapons of mass destruction, and in the Arab world is isolated unless he launches a ''jihad'' against Israel, we must assume that more than a slight possibility exists that he may consider unleashing bio-chemical weapons against Israel or even American troops or an American city. We also must assume that Moslem radicals around the world might view an American-led intervention against a state that has not attacked us or a neighbor as the opening shot of a war between the Judeo-Christian and Moslem civilizations. The implications, short and long-term, for terrorism against American interests could be large.

Precision of strategy is in order. What is at issue are four goals: (1) The removal of Saddam Hussein and his cohorts; (2) the elimination of weapons of mass destruction in Iraq; (3) the building of a stable Iraqi government capable of being a model civil society in the region; and (4) the continuing effort to thwart terrorism around the globe.

While military intervention may accomplish these purposes, it might also precipitate great loss of life in Iraq and elsewhere. A wiser approach would be to incentivize Saddam to step aside. The challenge is to put as much effort into causing this to happen as we have to preparing for war itself.

## INTRODUCTION OF THE RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 5, 2003*

Mr. LANTOS. Mr. Speaker, today I introduced H.R. 532, the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act'' to improve the world's largest urban park.

One of the nation's most visited national parks, Golden Gate National GGNRA comprises numerous sites, including Alcatraz, Marin Headlands, Fort Funston, Fort Mason, as well as Muir Woods National Monument, Fort Point National Historic Site, and the Presidio of San Francisco.

The Rancho Corral de Tierra addition to the GGNRA includes one of the largest undeveloped parcels on the San Mateo coast south of San Francisco, and it contains rugged land that is unparalleled in other areas of the park. These lands consist of some of the last undeveloped acreage adjacent to existing parkland in the Bay Area. Permanent protection of these open spaces will protect and preserve unique coastal habitats of threatened, rare and endangered plant and animal species, curb future disruptive development along the coast, and provide important scenic and recreation opportunities for Bay Area residents and visitors to our area.

This important land conservation legislation was near enactment in the last Congress. In fact both Houses of Congress approved this legislation, but because our bill was included in a package with other unrelated provisions it was not approved in the same form by both Houses.

Mr. Speaker, I urge my colleagues to join me in seizing this unique, exciting and significant opportunity for a public-private-partnership to preserve open space. Companion legislation is being introduced today in the Senate by Senator Dianne Feinstein and Senator Barbara Boxer.

H.R. 532, the ''Rancho Corral de Tierra Golden Gate Boundary Adjustment Act'' will add three new areas to the GGNRA. These lands are critically situated between existing parkland and would connect national parklands with State parkland and San Mateo County parklands. Adding these lands to park areas in the City of Pacifica would help round out the uneven boundary along the Pacific coast and create a logical and appropriate entrance to the GGNRA for visitors from the south. The lands will also provide important regional trail links between the existing parklands, and would link the congressionally mandated Bay Area Ridge Trail with the California Coastal Trail. The lands would also provide a wildlife corridor for the diverse array of wildlife that inhabit Montara Mountain.

Mr. Speaker, the largest parcel of land included in this bill is comprised of 4,262 acres, and is known as the Rancho Corral de Tierra.

This parcel shares three miles of boundary with the GGNRA as well as with a California state park and a San Mateo County park. Its relatively untouched upper elevations preserve habitat for several threatened and endangered plant and animal species. This property also contains four important coastal watersheds, which provide riparian corridors for steel head trout, coho salmon and other aquatic species.

When the owner of Rancho Corral de Tierra recently put this property on the market the Peninsula Open Space Trust (POST) negotiated to purchase the property. POST acquired the site for $29.75 million to save the site from development, to preserve this important natural area, and to donate, through private contributions, a substantial amount for the federal acquisition of Rancho Corral de Tierra.

Mr. Speaker, POST is a local land conservancy trust in the San Francisco Bay Area. It has a remarkable track record in working with and assisting the federal government with the protection of other important open space in the Bay Area. In 1994, POST negotiated acquisition of the Phleger Estate in Woodside and its inclusion in the GGNRA. This provided local residents some 1,300 acres of pristine second-growth redwood forest, and the area has become a primary hiking destination in the mid-Peninsula area. I introduced the legislation that added this important parcel to the GGNRA, and I worked closely with my neighbor and colleague, Congresswoman Anna Eshoo, who took the lead in securing the federal funding of one-half of the purchase price. In this case, POST also provided one half of the purchase price through private donations. POST also assisted the federal government with the protection and acquisition of Bair Island, an important wildlife refuge in San Francisco Bay, which is now managed by the U.S. Fish and Wildlife Service. Congresswoman Eshoo played a key role in the Bair Island acquisition. H.R. 532 also authorizes the National Park Service to include within its boundaries an additional 525 acres of land in the Devil's Slide section of Coastal Highway 1, which is the scenic highway that winds its way along the entire California coast. The Devil's Slide properties are also adjacent to the Rancho Corral de Tierra property. It is my understanding that the California Department of Transportation (Caltrans) will acquire these lands when it builds the Devil's Slide tunnel. This legislation includes the five properties that border the highway alignment and will be abandoned when the tunnel is completed. Since these properties will have no access once the Devil's Slide road is abandoned, Caltrans will purchase these properties from their current owners. It is my understanding that Caltrans will donate these properties to a state park agency for open space use. Caltrans will also relinquish the abandoned Highway 1 alignment to San Mateo County, which will transfer these properties to a park agency after the tunnel is completed. I want to make something particularly clear, Mr. Speaker. It is not the intention of this legislation to give the federal government any responsibility for the acquisition of land or the construction or completion of the Devil's Slide tunnel. This legislation has nothing to do with the matter of the highway and tunnel construction. This legislation will simply make it possible for Caltrans to donate these properties to the National Park Service when the Devil's Slide tunnel is completed and when the National Park Service has determined the acquisition of these lands is appropriate. Mr. Speaker, H.R. 532 also includes within the GGNRA boundary the Caltrans-owned Martini Creek-Devil's Slide Bypass right-of-way, which was originally purchased by Caltrans for the purpose of building a highway across Montara Mountain. When San Mateo County voters overwhelmingly decided in a local referendum in favor of the Devil's Slide tunnel rather than the Martini Creek Bypass in 1996, this right-of-way became obsolete. This property, which covers approximately 300 acres, bisects the proposed additions to the GGNRA and will provide important recreation access to the surrounding parklands. It is my understanding that once the GGNRA boundary is adjusted to include this right-of-way, Caltrans will be able to donate this property to the National Park Service. Mr. Speaker, H.R. 532 will also reauthorize the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission for 10 years. The GGNRA and Point Reyes Advisory Commission was established by Congress in 1972 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice from members of the public on problems pertinent to the National Park Service Parks or sites in Marin, San Francisco, and San Mateo Counties. The Advisory Commission holds open and accessible public meetings monthly at which the public has an opportunity to comment on park-related issues. The Advisory Commission is an invaluable resource for park management. It provides an important forum for the gathering and receipt of public input, public opinion and public comment and allows the park to maintain constructive and informal contacts with both the private sector and other federal, state and local public agencies. The Advisory Commission aids in strengthening the spirit of cooperation between the National Park Service and the public, encourages private cooperation with other public agencies, and assists in developing and ensuring that the park's general management plan is implemented. As part of its regular monthly hearing process, the Advisory Commission held public hearings on this legislation in Half Moon Bay, California. Advisory Commission members heard overwhelming public support for the boundary study for ''Rancho Corral de Tierra GGNRA Boundary Adjustment Act'' that was produced by Peninsula Open Space Trust in consultation with the National Park Service. All Advisory Commission meetings are open to the public and an official transcript of each meeting is on record and available to the public. The activities and contributions of the Advisory Commission are critical to the efficient operation and management of the two adjoining national park units of Point Reyes National Seashore and the GGNRA. Mr. Speaker, preserving our country's unique natural areas must be one of our highest national priorities, and it is one of my highest priorities as a Member of Congress. We must preserve and protect these areas for our children and grandchildren today or they will be lost forever. Adding these new lands in San Mateo County to the GGNRA will allow us to protect these fragile areas from development or other inappropriate use that would destroy the scenic beauty and natural character of this key part of the Bay Area.

Mr. Speaker, this bill was agreed to by both Houses in the 107th Congress and should have been enacted, but issues unrelated to the Golden Gate National Recreation Area precluded its final passage. I am hopeful that the House will take up this bill where we left off last year, complete legislative action, and enact H.R. 532 expeditiously. The Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act has the support of the Bay Area Congressional Delegation. Joining me as co-sponsors are my distinguished colleagues, NANCY PELOSI, GEORGE MILLER, ANNA ESHOO, BARBARA LEE, ELLEN TAUSCHER, MIKE HONDA, MIKE THOMPSON, PETE STARK, and ZOE LOFGREN. I urge my colleagues to take advantage of this unique opportunity to preserve these important lands for addition to our national parks and support passage of H.R. 532, the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S2021–2063***

**Measures Introduced:** Nine bills were introduced, as follows: S. 324–332. **Page S2051**

**Measures Reported:**

S. Res. 49, designating February 11, 2003, as ''National Inventors' Day''. **Page S2051**

**Nomination Considered:** Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S2021–34, S2059–60**

A unanimous-consent agreement was reached providing for further consideration of the nomination at 11 a.m., on Monday, February 10, 2003. **Page S2059**

**Appointment:**

***Harry S Truman Scholarship Foundation Board of Trustees:*** The Chair, on behalf of the Vice President, pursuant to Public Law 93–642, appointed Senator Murray to be a member of the Harry S Truman Scholarship Foundation Board of Trustees, vice former Senator Carnahan. **Page S2059**

**Nominations Received:** Senate received the following nominations:

Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

2 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine lists in the Coast Guard, Navy.

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**Messages From the House:** **Page S2049–50**

**Executive Communications:** **Pages S2050–51**

**Executive Reports of Committees:** **Page S2051**

**Additional Cosponsors:** **Page S2051**

**Statements on Introduced Bills/Resolutions:** **Pages S2051–58**

**Additional Statements:** **Pages S2048–49**

**Authority for Committees to Meet:** **Pages S2058–59**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 1:15 p.m., until 11 a.m., on Monday, February 10, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2059.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### BUDGET 2004: DEPARTMENT OF STATE/AID

*Committee on Foreign Relations:* Committee concluded hearings to examine the President's proposed budget estimates for fiscal year 2004 for the Department of State, U.S. Agency for International Development, and other foreign affairs agencies, after receiving testimony from Colin L. Powell, Secretary of State.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. Res. 49, designating February 11, 2003, as ''National Inventors' Day''; and

The nominations of John R. Adams, to be United States District Judge for the Northern District of Ohio, Robert A. Junell, to be United States District Judge for the Western District of Texas, and S. James Otero, to be United States District Judge for the Central District of California.

# House of Representatives

## Chamber Action

The House was not in session today. It will meet on Friday at 10 a.m. in pro forma session.

## Committee Meetings

No committee meetings were held.

### COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 7, 2003

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings/hearings scheduled.

**House**

No committee meetings are scheduled.

### CONGRESSIONAL PROGRAM AHEAD

**Week of February 10 through February 15, 2003**

**Senate Chamber**

On *Monday,* at 11 a.m., Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

During the balance of the week, Senate may consider any cleared legislative and executive business.

**Senate Committees**

*(Committee meetings are open unless otherwise indicated)*

*Committee on Armed Services:* February 12, to hold hearings to examine the current and future worldwide threats to the national security of the United States; to be followed by a closed meeting to be held in SH–219, 9:30 a.m., SH–216.

February 13, Full Committee, to hold hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, and the Future Years Defense Program, 9:30 a.m., SH–216.

*Committee on Banking, Housing, and Urban Affairs:* February 11, to hold oversight hearings to examine the Semi-Annual Monetary Policy Report of the Federal Reserve; and to hold a business meeting to consider the nomination of William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission, 10 a.m., SH–216.

*Committee on the Budget:* February 11, to hold hearings to examine the President's International Affairs Budget, 10 a.m., SD–608.

February 13, Full Committee, to resume hearings on the President's proposed budget for fiscal year 2004, focusing on the Department of Transportation, 2:30 p.m., SD–608.

*Committee on Commerce, Science, and Transportation:* February 11, to hold hearings on proposed legislation authorizing funds for the Federal Aviation Administration, Department of Transportation, 9:30 a.m., SR–253.

February 12, Full Committee, to hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine the recent space shuttle *Columbia* accident, 9:30 a.m., SR–325.

February 12, Subcommittee on Oceans, Atmosphere, and Fisheries, to hold hearings to examine Coast Guard transition to Homeland Security, 2:30 p.m., SR–253.

February 13, Full Committee, to hold hearings to examine United States Olympic Committee reforms, 9:30 a.m., SR–253.

February 13, Full Committee, to hold hearings to examine infrastructure needs of minority serving institutions, 2:30 p.m., SR–253.

*Committee on Energy and Natural Resources:* February 11, to hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of the Interior, 10 a.m., SD–366.

February 11, Full Committee, to hold hearings to examine the nomination of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, 2:30 p.m., SH–216.

February 13, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture, 10 a.m., SD–366.

February 13, Full Committee, to hold hearings to examine oil, gas, hydrogen, and conservation, focusing on oil supply and prices, 2:30 p.m., SH–216.

*Committee on Environment and Public Works:* February 12, business meeting to markup S.195, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and an original resolution authorizing expenditures by the committee, 9:30 a.m., SD–406.

February 13, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold oversight hearings to examine the Nuclear Regulatory Commission, 9:30 a.m., SD–406.

*Committee on Finance:* February 11, to hold hearings to examine proposals for economic growth and job creation, focusing on incentives for consumption, 10 a.m., SD–215.

February 12, Full Committee, to continue hearings to examine proposals for economic growth and job creation, focusing on incentives for consumption; to be followed by hearings to examine the nominations of Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court, Glen L. Bower, of Illinois, to be a Judge of the United States Tax Court, Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission, Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission, and Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004, 9:30 a.m., SD–215.

February 13, Full Committee, to hold hearings to examine Enron, focusing on the Joint Committee on Taxation's investigative report, 10 a.m., SD–215.

*Committee on Foreign Relations:* February 11, to hold hearings to examine a post Saddam Iraq, 9:30 a.m., SD–419.

February 12, Full Committee, to hold hearings to examine a post conflict Afghanistan, 9:30 a.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* February 11, with the Committee on the Judiciary, to hold joint hearings to examine patient access crisis, focusing on the role of medical litigation, 2:30 p.m., SD–106.

February 12, Full Committee, business meeting to consider committee's rules of procedure for the 108th Congress, subcommittee assignments, S. 239, to amend the Public Health Services Act to add requirements regarding trauma care, proposed legislation entitled ''Keeping Children and Families Safe Act of 2003'', proposed legislation concerning NIH Foundation, proposed legislation concerning birth defects, and proposed legislation entitled ''Animal Drug User Fee Act'', 10 a.m., SD–430.

*Committee on Indian Affairs:* February 12, to hold hearings to examine the nomination Ross O. Swimmer, to be Special Trustee—American Indians, Department of the Interior, 10 a.m., SR–485.

*Committee on the Judiciary:* February 11, with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine patient access crisis, focusing on the role of medical litigation, 2:30 p.m., SD–106.

February 12, Full Committee, to hold hearings to examine judicial nominations, 9:30 a.m., SD–226.

*Select Committee on Intelligence:* February 11, to hold hearings to examine current and projected national security threats, 10 a.m., SD–106.

February 11, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

*Special Committee on Aging:* February 11, to hold hearings to examine guardianship over the elderly, focusing on security provided or due process denied, 10 a.m., SD–628.

## House Chamber

To be announced.

## House Committees

*Committee on Appropriations,* February 11, to meet for organizational purposes, 10 a.m., 2359 Rayburn.

*Committee on Armed Services,* February 12, hearing on the fiscal year 2004 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.

*Committee on the Budget,* February 12, hearing on the Department of Transportation Budget Priorities Fiscal Year 2004, 10 a.m., 210 Cannon.

February 13, hearing on the Department of State Budget priorities Fiscal Year 2004, 10 a.m., 210 Cannon.

*Committee on Education and the Workforce,* February 12, hearing on ''Back to Work: the Administration's Plan for Economic Recovery and the Workforce Investment Act,'' 10:30 a.m., 2175 Rayburn.

February 13, to mark up the following bills: H.R. 13, Museum and Library Services Act of 2003; and H.R. 14, Keeping Children and Families Safe Act of 2003, 10 a.m., 2175 Rayburn.

February 13, Subcommittee on Employer-Employee Relations, hearing on ''The Pension Security Act: New Pension Protections to Safeguard the Retirement Savings of American Workers,'' 1 p.m., 2175 Rayburn.

*Committee on Energy and Commerce,* February 12, hearing entitled ''A Review of the Administration's Fiscal Year 2004 Health Care Priorities,'' 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* February 12, hearing on monetary policy and the state of the economy, 10 a.m., 2128 Rayburn.

February 12, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Recovery and Renewal: Protecting the Capital Markets Against Terrorism Post 9/11,'' 3 p.m., 2128 Rayburn.

*Committee on International Relations,* February 11, to meet for organizational purposes, and to consider an Oversight Plan for the 108th Congress, 5:45 p.m., 2172 Rayburn.

February 12, hearing on the President's International Affairs Budget request for Fiscal Year 2004, 10 a.m., and to hold a hearing on Prospects for Peace in Ivory Coast, 2 p.m., 2172 Rayburn.

February 13, hearing on North Korea's Nuclear Program: The Challenge to Stability in Northeast Asia, 10 a.m., and a hearing on Overview of U.S. Policy Toward the Western Hemisphere, 2:30 p.m., 2172 Rayburn.

*Committee on Resources,* February 12, to meet for organizational purposes, 3 p.m., 1324 Longworth.

*Committee on Science,* February 13, hearing on An Overview of the Federal R&D Budget for fiscal year 2004, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* February 12, to meet for organizational purposes and to consider an Oversight Plan for the 108th Congress, 11 a.m., 2167 Rayburn.

February 12, Subcommittee on Aviation, hearing on reauthorization of the FAA and the Aviation Programs: Introduction, 2 p.m., 2167 Rayburn.

February 13, Subcommittee on Highways and Transit, oversight hearing on reauthorization of Federal Highway and Transit Programs: What are the needs, and how to meet those needs, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* February 11, hearing on the Department of Veterans Affairs Budget request for Fiscal Year 2004, 2 p.m., 334 Cannon.

*Committee on Ways and Means,* February 13, Subcommittee on Health, hearing on Medicare Regulatory and Contracting Reform, 12 p.m., B–318 Rayburn.

February 13, Subcommittee on Oversight, hearing on Free Electronic Filing National Taxpayer Advocate Annual Report, 3 p.m., 1100 Longworth.

## Joint Meetings

*Conference:* February 10, meeting of conferees on H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, 6:30 p.m., S–207, Capitol.

*Joint Meetings:* February 12, Senate Committee on Commerce, Science, and Transportation, to hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine the recent space shuttle *Columbia* accident, 9:30 a.m., SR–325.

*Next Meeting of the* SENATE

11 a.m., Monday, February 10

Senate Chamber

**Program for Monday:** Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Friday, February 7

House Chamber

**Program for Friday:** Pro forma session.

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