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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 14, 2002, at 12:30 p.m.

Senate

MONDAY, MAY 13, 2002

(Legislative day of Thursday, May 9, 2002)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

As we come into Your presence today, dear God, we recall the familiar words of Reverend Samuel Francis Smith:

“Our Fathers’ God, to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom’s holy light;
Protect us by Thy might,
Great God, our King.”

Thank You, Father, for this expression of resolute trust in You and for Your faithfulness in answering this prayer. As we honor different Americans who have enriched our history, we also remember the inspired English professor, Katherine Lee Bates, whose assurance of Your providence, in 1893, led her to write:

“America! America! God shed His grace
on Thee;
and crown thy good with brotherhood
from sea to shining sea!”

In response, we open our lives to Your grace and renew our commitment to Your good as the measure of America’s greatness. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. LEAHY). The deputy majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in morning business for the

next hour. At 4 o’clock, there will be a 2-hour debate on the nomination of Paul Cassell to be United States district judge. That time will be divided between the chairman of the committee, Senator LEAHY, and the ranking member, Senator HATCH, or their designees. The vote on the nomination will occur at approximately 6 o’clock this evening.

Mr. President, following disposition of the nomination, we will resume consideration of the trade bill. We have laid down the amendment on which we worked so hard for more than a day last week. That was laid down on Friday. It is now open for amendment. We hope people will come over and offer amendments.

The leader is interested in completing work on this bill, but he wants to make sure everyone has an opportunity to offer amendments. We hope that the amendments will be offered, that we can debate them, and vote on them. The leader would rather not have to file a cloture motion. I hope that is not necessary. And I am sure the majority leader also hopes that is not necessary. We ask Senators to be ready for some long nights this week in hopes of completing this bill in the immediate future.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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



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MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the majority leader and the Republican leader or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

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

RETIREMENT SECURITY FOR AMERICANS

Mr. BINGAMAN. Mr. President, I have come to the Chamber today to speak about a subject that is of great importance to the people of my State, and I think people throughout the country, and that is the issue of retirement security.

We give a lot of speeches in the Senate about security: national security, homeland security—a variety of securities. We are concerned about security. The American people are concerned about security.

But there is one aspect of security that has not gotten a whole lot of attention so far in this Congress, and I am here today to call attention to it. That aspect of security is retirement security.

The collapse of Enron and the resulting collapse of the retirement plans of many Enron workers and plans across the country that held substantial amounts of Enron stock have underscored the need for changes in our pension laws and our retirement plan laws.

Frankly, I am disappointed that the House, in passing a watered-down version of the administration's modest proposals, has failed to increase retirement safety for those American workers who do have pensions, since that is all on which that bill really focuses.

The one proposal they should have watered down—that was the “conflicted adviser” provision in that bill—was left intact. It has the effect of removing one of the few protections in current law against conflicts of interest by financial service companies.

I am hoping the Senate will follow the lead of the Senate Health, Education, Labor and Pensions Committee and also the Finance Committee and their respective chairs and provide a more meaningful piece of legislation drafted to protect the rights of workers instead of exposing them to greater risks. So that is an issue that has been brought to national attention because of the collapse of Enron.

At the same time I refer to that, let me say that an even more troubling trend is the fact that we have heard nothing from the administration and, really, in either House of Congress about the lack of pension coverage of

any kind for large segments of our working population—both the lack of coverage and the substantial reduction in retirement wealth for most of the workers in this country.

Approximately 2 weeks ago, Dr. Edward Wolff of the Economic Policy Institute—he is a professor at New York University—presented his report entitled “Retirement Insecurity: The Income Shortfalls Awaiting the Soon-to-Retire.” I would like to take a few minutes to highlight some of the points that were made in that report. I believe it makes the case, in a very compelling way, of the need for more attention to this issue for everyday workers.

The report and the most recent Department of Labor statistics demonstrate that retirement plan coverage has not increased in the past 30 years despite all of the efforts to expand coverage. Let me show a chart I have to make the case.

This shows the retirement plan coverage rates for full-time, private sector workers. You can see this covers the period 1972 to 1999. When you look at all workers, you see the retirement plan coverage rate for all workers in 1972 was 48 percent; in 1999—nearly 30 years later, 27 years later—it was 51 percent. So there has been a very modest increase, but modest indeed.

When you look at the figures for male workers, you see there has been an actual decline in the coverage rates for full-time, private sector male employees during that period, 1972 to 1999. Mr. President, 54 percent of male workers had pensions of some type. When I say “pensions,” I include in that 401(k) plan participation; they had some kind of a plan where they were putting away money for retirement. It was 54 percent in 1972; 52 percent in 1999.

The percentage for women has improved because they were at 38 percent in 1972 and they are now at 49 percent. But it is substantially below where it ought to be.

That means roughly half of America's private sector employees will have to enjoy their retirement on the other two legs of the proverbial three-legged stool. Some who are listening may not be aware of this metaphor, but the three-legged stool is what people who focus on retirement circumstances are always referring to. They say: You have three legs you can depend upon for your retirement income; one is Social Security, the second is your savings, and the third is your pension.

What these statistics show is that one of those so-called legs that a person can depend upon in this so-called three-legged stool, the pension part, is not there for half of the workers in this country. In truth, my guess is that many private sector workers who do not have a pension or retirement plan probably do not have a second leg on that stool either because they do not have any significant savings. So they are essentially left with Social Security as their only real source of support after their retirement.

For minorities, the prospects are even dimmer. Unfortunately, the coverage for minorities is unacceptably low; it has been for a long time and continues. This chart makes the point for different groups of employees. For all workers in 1999, the percentage of private wage and salaried workers covered under their employer's pension plan was 44 percent. When you go down to Black, non-Hispanic workers, it was 41 percent; Asian and Pacific Islanders, non-Hispanic, 38 percent; others, minorities, non-Hispanic, 35 percent; and Hispanic workers, 27 percent. That last figure is important to me because 40 percent of the people in my State are Hispanic. This statistic indicates that only 27 percent of the private sector employees who are Hispanic in this country actually have a pension on which they can rely.

There has been an interesting shift I will point out. This comes out of Dr. Wolff's report. There has been a shift from defined benefit plans to defined contribution plans. Let me explain what that is. A defined benefit plan essentially guarantees that when the worker retires, they will receive a specific amount, a defined benefit, regardless of what has happened to the economy or to the investment, the retirement funds, or anything else in the interim while they were working.

In 1975, when you looked at all of these various pensions people had in the private sector, 71 percent of them were defined benefit plans and only 29 percent were defined contribution.

Defined contribution, of course, means the risk is much more on the employee. It does not guarantee you any particular payment on a monthly basis or a yearly basis once you retire. It says you put in a specified amount each month while you are working, and then at the end of your work time, we look to see what the investment of those funds has added up to and how much there is for you to actually get in the way of retirement. So there is much less risk on the employer, much more risk on the employee in a defined contribution plan.

The interesting thing about this chart is the defined benefit plans used to represent 71 percent of all pension plans; now they are 35 percent. The defined contribution plans used to represent 29 percent; they are now 65 percent. So there has been a dramatic shift away from defined benefits to defined contributions.

When this trend started, the case was made by those who advocated it that this was going to allow much greater expansion of pension coverage; we were going to be able to cover a great many more workers if we shifted to a defined contribution plan instead of a defined benefit plan. So we did. We had a dramatic shift from defined benefit plans to defined contribution plans. Unfortunately, there has not been any increase in the percentage of workers covered, as that earlier chart made the case very clearly.

One of the reasons many of these companies shifted to defined contribution plans is that the employee makes the majority of the contributions to the plan when it is defined contribution—not the employer but the employee. As I indicated before, the risk is shifted to the employee. The risk of the funds not being well invested and the investments not turning out well shifts to the employee rather than the employer.

Clearly, half of our private sector employees did not get any benefit out of this bargain because they don't have a pension of any kind from the start. As I am about to explain, it does not appear that a majority of the covered workers got much out of this either.

Let me put up a few more charts that are interesting. One which is hard to read is a chart that shows, State by State, the pension coverage we have in the private sector around the country. This is a chart that got my attention. You cannot read it from any distance, I am sure, but you can see that in Washington State, 45 percent of private sector workers have pension coverage. It is substantially better in some other States. In Vermont—the Presiding Officer has an interest in Vermont—40 percent of the private sector employees have some kind of pension. That means either some kind of defined contribution or defined benefit plan. They may have a 401(k). That would be in that 40 percent.

The reason this chart catches my attention is that if you go over this chart and look at all of the percentages, the State with the lowest percent is New Mexico. Twenty-nine percent of the private sector employees in my State actually have some kind of pension.

I have a chart I also want to put up for the attention of various Senators. It shows the percentage of private sector workers without pension coverage. It shows about the top 15 States. In New Mexico, 71 percent of the private sector employees, according to these statistics, don't have any kind of a pension; Louisiana, 69 percent; Nevada, 67 percent; Florida, 66 percent; Mississippi, 66 percent.

People might look at this and say, you are generally talking about southern, southwestern States, close to the border. There are all kinds of problems there with the economy.

Let's go to some others. I know my colleague from North Dakota is in the Chamber. According to this chart, 61 percent of the private sector employees in North Dakota do not have a pension. This is data from the employee benefits supplement to the Census Bureau statistics in 1993.

The national average, according to that period, in 1993, was 50 percent; South Carolina, 61 percent; in Texas, where our President was Governor, 62 percent did not have a pension.

The reason I point this out is to make the point that this is a real issue for a great many Americans. I know we have had people come to the floor and

say—in fact, I think my colleague from Texas spoke a couple weeks ago and said the biggest economic issue that this Congress has to deal with is to make permanent the repeal of the estate tax. Well, to change the law as it will be 9 years from now, as relates to the estate tax, when I look at these statistics, I don't think that is the biggest economic issue from the point of view of the people I represent. We have other big economic issues, one of which is pension coverage.

At the same time that coverage rates were made flat and employees shifted towards the defined contribution plans, the retirement income of retirees and those nearing retirement has decreased as compared to their current incomes.

I have another chart that makes that point. Let me put it up. This is a chart that I think is very interesting because it deals with the issue of the share or percentage of households with an expected retirement income that is more than half of their current income. We are not suggesting that people in retirement are likely to have incomes equal to their current income. We are saying that once they retire we would like them to have incomes that are at least half of their current income.

In 1989, according to this chart, 70 percent of the people who were retiring had incomes that equaled half of their current income. So they had as much as a 50-percent reduction in their income, but it wasn't worse than that. In 1998, a couple years ago—the most recent year for which we have statistics—that dropped to 57 percent. So only 57 percent of households had an income that was half of their current income by that time.

So who are the winners? Who has benefited from all these changes that have occurred, according to Dr. Wolff's report? The data released in this report demonstrates that only those with retirement incomes of over a million dollars saw their retirement wealth, in 1999, increase as compared to their retirement wealth in 1982. This chart takes each of these different groups—if your wealth is \$25,000, or if it is \$25,000 to \$49,999, \$50,000 to \$100,000, \$100,000 to \$250,000. And then the final part of the chart is a million dollars and over.

So if you have \$1 million and over in your wealth, you have probably seen that increase during that period from 1983 to 1998. But if you are not in that income category and in that wealth category, then you did not.

So the conclusions from this report are pretty stark. Coverage rates have been stagnant. The percentage of our private sector workers that have coverage—some kind of pension—has been stagnant for several decades. Minorities still have worse coverage than nonminorities. There has been very little improvement in that regard. The promise of increased coverage due to the shift toward the defined contribution plans that we used to hear about has not occurred.

Finally, the relative wealth of almost all classes of retirees—that is, every-

body except the people with wealth of over \$1 million—decreased over the past two decades, even though we have seen a huge runup in the stock market. All of the statistics I have given you here are through 1998. We all know there was a booming stock market in the 1990s, up through 1998. The stock market has come down substantially—at least certain parts of it—in the last couple of years. None of that is reflected in any of these statistics. So we will have to get updated figures as quickly as they come out. But I don't want to suggest that I am taking last week's information in order to make the case. We are making the best case we can, assuming that the stock market did not drop, as we all know it did.

We will see a further erosion in retiree wealth when we get those updated statistics. It is time to start thinking about ways to improve coverage. We cannot let these trends continue. We need to talk about reducing and dealing with other issues than just the repeal of the estate tax, as we go through the rest of this Congress. We also have proposals, as I am sure the Presiding Officer knows, that suggest that the top priority for this Congress ought to be privatizing the Social Security system. That is the one remaining leg of the stool that exists which has not yet been whittled away.

These statistics make the case convincingly that at least that should be left alone and we should get about the business of trying to help people save for retirement and have a pension upon which they can depend.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Senator from New Mexico raises a point that a lot of people are not talking about much. They talk about pension reform a lot around here but they fail to mention that a good many Americans have no pension.

The Senator from New Mexico used statistics—for example, 61 percent in my home State, and I think 70-some in New Mexico, have no pension. We should do pension reform, but we also ought to think through how do we encourage additional retirement savings and pensions to be offered to workers.

THE NEW FARM BILL

Mr. DORGAN. Mr. President, this morning the President signed the new farm bill into law. We worked long and hard on that. It was a long, tortured trail to get it done, but the importance of it cannot be understated.

In North Dakota, for example, the difference between the first Freedom to

Farm bill—the current law—and this new farm bill is over \$270 million in additional assistance during collapsed prices to family farmers. Now, that help is not just for family farmers; it shows up on many of our main streets and supports our jobs in a rural State such as North Dakota.

I cannot say strongly enough how important this bill is. It took us too long to get done, but it is done. I appreciate the work that all of us did together and the cooperation in the final analysis to get it to the President. I am pleased and relieved that this morning, finally, this bill is now signed into law.

SELLING FOOD TO CUBA

Mr. DORGAN. Mr. President, let me talk about two other issues briefly. One is a letter I received last Friday from Secretary of State Colin Powell. This relates to a decision by the State Department to cancel the visas for Cubans coming to our country to buy additional food. Since the hurricane, they have purchased over \$70 million in American food. That is available for them to purchase because I and my colleague from Connecticut, Senator DODD, and others changed the law to allow food sales to Cuba. Strangely enough, they have to pay in cash and do it through a French bank; nonetheless, they can finally buy American food.

We ought never use food as a weapon, and we have done it for 40 years with Cuba. That is over. They are now buying food from this country. We had a group of people representing Alimport, including Pedro Alvarez and others, coming to this country to buy food. They were coming, in fact, to North Dakota and they were going to buy dried beans and wheat. They were granted a visa by the State Department, and then immediately that visa was revoked. I asked Secretary Powell, "By what authority was it revoked and why?"

Let me use a couple of charts to see what happened on this issue. This is a news story about it:

A State Department official confirmed Wednesday that the administration policy is not to encourage sales of food to Cuba.

In the letter from Secretary Powell, he disavows that, but that is what they told us: It is our policy not to encourage food sales to Cuba. I said it is a brainless policy to decide you do not want to sell food to Cuba; you ought to sell food to Cuba. We sell it to China, a Communist country. We sell it to Vietnam, a Communist country. And we are told we do not want to sell food to Cuba? Does anybody think Fidel Castro has not eaten a meal along the way because we had an obstruction on the sale of food to Cuba? No, it just hurts sick people, poor people, and hungry people. This is what this policy has represented.

At a hearing last week when I raised this question with Secretary Powell, he

said: I have never heard of this policy not to encourage food sales to Cuba. In fact, he said additional sales should be encouraged so long as American farmers benefit.

The Farm Bureau said the cancellation of Mr. Alvarez's visa will adversely affect the sale of corn, rice, wheat, poultry, soybeans, lentils, and eggs, valued at \$35 million.

I received a four-page letter from Secretary Powell. Frankly, it does not answer any of the questions. It says Mr. Alvarez's visa was revoked because of a 1985 then-President Ronald Reagan directive. He also said: Mr. Alvarez was here once before and he lobbied to undermine the U.S. embargo. I guess when he was here before, he said Cuba would like to have a circumstance where they could buy food from American farmers. The State Department considers that undermining America's interest. Give me a break. Mr. Secretary, that does not undermine anything. I hope the State Department and others will pay a little more attention to the issue of terrorists getting bombs, not Cubans buying dried beans and wheat.

The subcommittee which I chair is going to hold a hearing, and I will ask the Assistant Secretary, Mr. Reich, to come to Congress and explain who decided to revoke these visas.

TRADE AUTHORITY

Mr. DORGAN. Mr. President, I wish to speak to the underlying legislation we will be on following the vote on the judgeship this afternoon. That is the trade bill. We are going to be discussing once again so-called fast-track trade authority. I am not going to support the bill, but I do have some amendments.

I think fast track is fundamentally undemocratic. Our trade deficit is ballooning; it is now over \$450 billion in merchandise trade deficits. And every time we have had a new agreement, we have been injured further.

I am going to offer several amendments to fast track when it is before the Senate. One deals with wheat from Canada. The unfairly subsidized wheat coming in from Canada has injured our farmers in a dramatic way. The International Trade Commission says this wheat trade is unfair, and the trade ambassador, to his credit, says it is unfair. But there is no specific remedy. It is a five-point remedy in the sweet by-and-by; we will never quite get to it.

My amendment will say we want specific remedies identified and reported to us within 6 months of what the trade ambassador is going to do to take specific action and remedy the unfair wheat trade that exists with Canada and the unfair trade that exists in other markets with respect to Canada. That is No. 1.

No. 2, this administration is proposing on June 30 to allow long-haul Mexican trucks into this country. That is in contravention of everything Con-

gress debated just months ago on this issue. I am going to offer an amendment that tries to stop that.

Mr. President, you know and I know and everyone in this country knows Mexican truckdrivers are not driving with the same safety requirements imposed in Mexico that we impose in this country. They do not have the same safety inspections. They do not have the same requirements with respect to length of service or hours of service or logbooks. I ask everyone to read the newspaper accounts of people riding with Mexican long-haul truckers, and you will discover the truckers drove continuously for 24 hours or drove unsafe equipment.

The fact is this administration on June 30 is going to allow those long-haul Mexican trucks to come into this country to do long hauls, and that is wrong, it is unsafe, and it ought not happen.

The safety requirements the Senate would have imposed some months ago when we debated this issue are nowhere near in place. The inspection stations do not exist. The compliance and enforcement requirements in Mexico do not exist. The fact is, we are going to have American families driving up and down American streets and highways with long-haul Mexican trucks and no one is going to know whether that driver has been driving 24 straight hours or driving a rig with faulty brakes because it has not been inspected. I am going to offer an amendment on that issue.

In addition, I am going to offer an amendment dealing with Cuba, and that amendment will impose the same circumstances that were dropped out of the agriculture conference just last week. The amendment is very simple. It says when Cuba buys grain from our country, it ought not have to pay cash through a French bank; it ought to be able to buy grain with commercially accepted credit from our country.

I am going to support the Dayton-Craig amendment which is very important. Our trade negotiators are prepared to negotiate away antidumping authority, the ability on behalf of our producers to remedy trade that is unfair because someone else is dumping into our marketplace. If we eliminate the antidumping remedies, we will put our producers in desperate trouble. Their amendment is right on point. I intend to ask to cosponsor that amendment, and I will be very supportive of it.

I also will be supportive of an amendment to be offered by Senator DURBIN and will ask to be a cosponsor of that. That amendment deals with labor and environmental standards with respect to trade. The issue for this country should continue to be this: We want people to access the American marketplace, to give the American consumer the widest range of goods from all around the world, but we want it, when those goods come in as a result of trade, to be fair trade.

We do not want goods that come from prison labor in China. We do not want goods to come into our marketplace that are made by 12-year-old kids working 12 hours a day being paid 12 cents an hour. That is not fair trade. It is not what this country ought to support, and it is not what we ought to allow into our marketplace.

Conditions of fair trade are very important, and as we discuss trade in this Chamber with the advent of the fast track debate, it is very important for us to say to the American people that there is an admission price to the American economy, and the admission price to other countries is that their markets must be open to us and their markets and laws must represent fair trade with this country. That is not a standard that now exists.

I do not want to put a wall around our country. I believe in expanded trade. I believe in greater trade opportunity. But I believe also this country needs to have the spine and the backbone to stand up for its own economic interest and demand that trade be fair trade.

That will represent the several amendments I will be offering and supporting, including the three I mentioned I will be offering soon.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. Who seeks recognition?

The senior Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from North Dakota for several comments he made. I particularly commend him for his comments about the issue regarding Cuba and how we might do a better job than we have over the past 40 years of bringing democracy to that country.

After 40 years of failed policies, one might think a new approach would be in order. I take note as well that as we speak today, a former President of the United States, President Carter, is in Cuba speaking to dissidents and human rights activists, as well as members of the Government of Cuba. That kind of exposure, that kind of engagement is going to do more to bring about the change we want to see in Cuba than the insistence of a failed policy we have followed for the past four decades.

I commend my colleague from North Dakota for his comments.

INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, I wish to take a few minutes to express my deep disappointment at the announcement made last week by Under Secretary of State John Bolton with respect to the "unsigned," as they have called it, of the International Criminal Court. This decision, in my view, is irresponsible, it is isolationist, and contrary to our vital national interest.

Many of our closest allies—in fact, every one of our NATO allies—has put their faith and vision in this new legal instrument, the International Criminal

Court. To date, 66 nations have ratified the International Criminal Court and over 130 nations have signed on to this particular effort, including those nations I mentioned—all of our NATO allies—countries such as France, Germany, the United Kingdom, and the like. These are governments with deep ties to our Nation. We share a deep sense of common values, a deep sense of democracy, and a deep sense of justice.

It is outrageous that the United States has now put itself in a position of joining only a handful of rogue nations that are frightened to death of the International Criminal Court as we enter the 21st century. We should be joining these countries and supporting them in their commitment to making the Court work and strengthening international respect for the rule of law. That is what we stand for as Americans. That is what we are trying to export around the world. In addition, we try to export the notion of justice, of fair justice, such as the symbols we see outside this building a block away: The Supreme Court, Justice blindfolded with the scales equally divided.

That is what we have stood for as a nation for more than two centuries. What a great shame it is that as we enter the 21st century, in an effort to establish an international criminal court of justice, the Bush administration is going to "unsigned" a document, a treaty, that I think would have gone a long way to helping us achieve the very goals incorporated in the Treaty of Rome.

We should have been rejoicing that finally with the entry and divorce of the court, any individual who commits genocide, war crimes, and crimes against humanity would be on notice that he or she would be prosecuted for those offenses. I find it disheartening there is a lack of historical perspective when it comes to this issue. Let's remember it was the atrocities of World War II, the Holocaust, that lead to the establishment of the Nuremberg Tribunal to bring those who committed such acts of violence and human rights violations to justice, which highlighted the fact that there was a void in the international legal system. Those who participated in the Nuremberg process came to believe strongly that a permanent international criminal court should be established to try future heinous international criminals. The hope was that the existence of such a court would also serve as a deterrent to those who might consider committing such crimes.

Unfortunately, the proposal floundered during 50 years of superpower rivalry, but the United States kept arguing that we ought to do this, through Republican and Democratic administrations. Conservatives, liberals, moderates all suggested and all argued at one time or another for the importance of the establishment of such a court.

I have no doubt that such a court would have been extremely useful had

it existed during the last quarter of the 20th century. It should still be fresh in our minds the fact that the end of the cold war, and the explosion of ethnic brutality led to the necessity of creating ad hoc tribunals for Rwanda and Yugoslavia, but there was no means available for trying the Idi Amins and Saddam Husseins of this world, or others who have been able to evade their nation's justice. With very few exceptions, the world has stood helpless in the face of such crimes against humanity.

Had the court existed, it just might have deprived these tyrants of the safe havens from prosecution. It just might have deterred some of the worst atrocities and also prevented the U.S. service members from being sent into harm's way to reestablish the rule of law.

President Clinton, to his credit, appreciated that fact, and that is why he signed the treaty. He was not starry-eyed about it. However, he recognized that additional safeguards with respect to the operation of the court were needed in order to reassure those skeptical about the international organization, and he rightly decided that since the court was still a work in progress, and given the role of the United States as a leader in the promotion of the rule of law, that it was in the national interest of the United States to remain engaged with our allies as they moved forward to bring the Rome statute into force.

Some in the United States harbor the unreasonable fear that Americans will be taken before this tribunal on politically motivated charges, fears that I believe are unfounded but fears that have not been dispelled with the erasing of our signature. U.S. men and women in uniform are no safer today than they were before Monday's announcement. In fact, I argue they are in greater jeopardy because the court, as it is presently construed, does have flaws because we disengage from rewriting the court to try to establish better rules—the court is going into existence in a matter of weeks. Whether we signed it or not, it is becoming the international rule of law, and today that court could have been stronger had we decided to remain engaged in helping frame the structure of the institution.

These men and women in uniform may be in some jeopardy, and my hope would be they would not, but had we stayed engaged in this process, we could have eliminated even that slight possibility. Moreover, to the best of my knowledge, what we have done with respect to the ICC, the "unsigned" of a treaty, is without precedent. I am sure there are legal scholars on diplomacy that can correct me if I am wrong, but I cannot find a single example in the more than two centuries of history where an American President has unsigned an agreement.

Think of the precedent-setting nature of that act. Let's be clear: The

U.S. withdrawing its signature, if it can so be done, does not annul the court. In fact, it does not do that at all. But it would encourage other nations to remove their signatures from treaties that are vital to U.S. interests, and they will cite the example of an American President who unsigned a treaty for which he did not particularly care.

The fear in Washington is that American soldiers abroad, as I said, would be charged unjustly with war crimes. Such a possibility is very remote. The court already contains strong safeguards that ensure it will deal only with the most serious of international crimes and can take a case only if a nation's own judicial system has declined to carry out a conscientious investigation of the charges.

Does anyone really believe that in this country we would not pursue a person in uniform who had committed heinous crimes to come before a bar of justice?

The Rwandan and former Yugoslavian tribunals, which have rendered fair and reasonable judgments, show that America has little to fear from such a court. The Clinton administration negotiators were able to significantly improve the court's rules. Continued engagement, as I said a moment ago, by the Bush administration could have built upon that record.

One would have thought it was in the interest of the United States not to miss a chance to affect the selection of judges in the definition of new crimes, issues that should matter to us and to our allies. Apparently that is not the case.

A few weeks ago, on April 11, governments gathered in New York to mark what they called the depositing of the 66th instrument of ratification of the Rome statute, meaning that the international criminal court will come into existence this July. The court is going to exist and, unfortunately, we are going to be on the outside.

We have made further announcements we will not even support or assist the court as it tries to gather information against those who may have committed these dreadful crimes that the court would have jurisdiction over.

I am deeply disturbed by this action. I think it is a huge mistake. What are the implications of this course the Bush administration has set for the United States? The United States no longer can credibly voice its opinion on who should be selected to be the court's judges and prosecutors, nor will we be taken seriously if we attempt to use our seat in the U.N. Security Council to refer situations to the court, such as the current conflict in Sudan that has already claimed over 2 million lives as a result of war crimes, genocide, and crimes against humanity.

Finally, our words will fall on deaf ears when we purport to act as an unbiased watchdog of the court's integrity having denounced its fundamental purposes. We have also lost the opportuni-

ties that ensure the court stays focused on its primary task, that of bringing to justice the world's worst criminals.

I have cited a number of vital American interests that are wrapped up in this institution, the court. Those interests are not going to be erased with the name of the United States gone from the Rome statute. The administration may have struck a responsive cord with a right-wing antimultilateralist constituency with this announcement, but it has jeopardized the interests of all Americans in so doing.

The administration could have taken the higher road, the responsible road, recognizing that there is a constructive and useful role the United States could perform without making a decision at this juncture concerning U.S. ratification. Sadly, President Bush has chosen not to do so.

While some may be cheering the administration's decision, those of us who care deeply about promoting the rule of law are not. The issue has particular significance for me. My father, Thomas Dodd, was an executive trial counsel at Nuremberg in 1945 and 1946. The Nuremberg trials of the leading Nazi war criminals following World War II was a landmark of the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and genocide conventions. It was also largely an American initiative.

Today, instead of America being a leader in the pursuit of global justice, we would act to throw up roadblocks toward that goal. Make no mistake about it, today was a setback in the promotion of global justice. Today was a setback for what America is supposed to stand for, and I regret this decision very deeply indeed.

TERRORISM INSURANCE

Mr. DODD. Mr. President, I note the presence of the distinguished Senator from Nevada who has spoken to me on numerous occasions about the efforts to get a bill passed dealing with terrorism insurance. In his State, and I think particularly Las Vegas, major construction efforts have been slowed down tremendously because of the inability to acquire terrorism insurance. We have been very close since last fall in coming to an agreement to bring up a bill and to allow a series of amendments to be offered, debated, disposed of, and then to move on to reconcile the differences with the House-passed bill so that we might eliminate this roadblock that is causing a slowdown in economic growth in this country.

I hope my colleagues on the other side—I have worked very closely with Senator GRAMM of Texas, with the minority leader, the Republican leader, TRENT LOTT, to try to come up with a framework that can work. On this side of the aisle, Senator DASCHLE, our Democratic leader, along with Senator SCHUMER and others who have been interested in the subject matter, we have received unanimous consent—my col-

league from Nevada can correct me if I am wrong on this side to move forward with a proposal allowing for a series but limited number of amendments, to a defined period of time to be considered and then final passage of a bill. There have been objections filed on the other side so we have not been able to proceed.

Let there be no doubt, there is 100-percent agreement on this side of the aisle to move to the terrorism insurance bill. Every day we wait, a day delayed is a job lost, a project gets stalled and the economy suffers. This is a serious issue. We ought to be able to get to a bill, consider amendments, let there be a decision by this body whether to support or reject amendments, get to final passage and try to resolve this issue.

To those who call my office on an hourly basis wondering whether we will get a terrorism insurance bill, let me be as clear as I possibly can: There is no objection on this side of the aisle; there is on the other.

My hope is we can resolve the objections. This has gone on week after week after week. There is no reason we cannot define amendments, allow for their consideration, allow for their disposition, and get to the third reading and final passage of a bill. My hope is that will happen this week so we can resolve the differences with the House and send a bill to the President for his signature.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. REID. I say to my friend, he is absolutely right. We have worked hard under the direction and guidance of the Senator from Connecticut and gotten everyone to sign off on a package we can bring to the floor. The other side wanted two amendments and then four amendments; and we have agreed. It seems to me we cannot let the perfect be the enemy of the good. It needs to be done.

I am sure the Senator would agree, if someone has a problem, propose floor amendments, we will debate and vote and move on. This has become serious. The Senator from Connecticut has had developers in his office, the people who lend money and want to lend money, people in the construction business, in addition to the specialized construction business, in addition to developers. I can go through a list of others who have been to see us who are extremely concerned about our country, in addition to their businesses.

I have heard on a number of occasions the majority leader acknowledging the work of the Senator on this issue, and I join with him. We need to nudge this forward a bit more and get this matter resolved. Time is wasting. In another 10 days we will be taking a week break to go home for the Memorial recess, and then the Fourth of July. In the meantime, there are construction projects not going forward.

Mr. DODD. I thank the Senator for his comments. He is exactly right. In

addition to the organizations he mentioned, this means jobs. Business cannot get lending from the banks because the banks will not lend money without terrorism insurance. There is no proposal that allows us to bridge the gap since September 11.

It is very difficult to get this insurance because it is very difficult to price. Prior to the events of September 11 we had some acts of terrorism, but they were isolated and limited. What happened on September 11 has changed so many aspects of this country, including the question of how to calculate the cost of terrorism insurance. Banks do not want to lend money. This is a practical matter. I wish it were otherwise. They do not want to lend money when the terrorism insurance will not be written, and it will not get written because people do not know how to price or cost it.

The idea was to frame some proposal to allow a bridge for a couple of years while the pricing of this product could be calculated, and to get the Federal Government out of it altogether but have us presently involved as a backstop should some catastrophic event occur. We would have a backstop so it would not wipe people out.

I am told today that if we have an event such as September 11 again, the insurance that exists today could only deal with about 20 percent of the cost of what happened on that day. Knowing that, we begin to understand why banks are not lending the money; why, then, developers, contractors, and so forth, are not going forward with their projects; and why people are being laid off. We have a ripple effect. That is the reason we need this bill.

I am not suggesting this is a perfect bill. But we do believe this proposal provides that gap for 23-36 months to allow for the pricing and free market factors to take over the costing out of terrorism insurance. In the absence of that happening, we get further delays. All the insurance contracts are being rewritten this year.

It is a major economic issue, one that cries out for an answer. I urge my colleagues on the other side not to hold this up any longer and not object to moving forward. If Members have a proposal, come forward and we will accommodate that amendment and vote on it one way or the other but don't stop the bill from moving forward altogether.

That is what is happening today and what has gone on for several months. It is causing great economic damage to the country. Talk to any major financial institution, talk to any major insurance company in this country, and they will say the same thing. The Republican objections to going forward on this bill are costing this country dearly. We need them to lift those objections, consider this bill, up or down, vote it up or down, but move on. Quit objecting to moving forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 5:30 p.m. today under the same conditions and limitations of the previous order; that at 5:30, the Senate proceed to Executive session as under the previous order, with the time equally divided and controlled; that the remaining provisions of the previous order in Executive session remain in effect, without further intervening action or debate.

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

Mr. REID. Mr. President, I have spoken to my friend, the Senator from Wyoming, Mr. THOMAS. When he completes his statement, we will go into recess, subject to the call of the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

MEDICARE EQUITY FOR VETERANS ACT

Mr. THOMAS. Mr. President, I will discuss a bill we have introduced in the last several weeks that I think is very important. It is called the Medicare Equity for Veterans Act of 2002. It is designed to provide some fairness between Medicare and VA health care. There are a number of Members who have introduced the bill that will require Medicare services to reimburse the VA facilities for services rendered to certain Medicare-eligible veterans. These service men and women have paid into Social Security and Medicare as have the rest of us but are prohibited from utilizing the program when they are treated at a VA facility. It is only fair that they be allowed to use their Medicare coverage in the private sector or at a VA facility.

An interesting thing has happened in the numbers with respect to veterans. The number of veterans enrolled in VA health care systems has more than doubled since 1996. Many VA facilities—eligible veterans, called priority 7, or category C veterans, being veterans who have served but their disabilities are not related to their military service and are able, financially, to care for themselves. This is where we have seen the greatest increase in the patient load.

At the VA facility in Cheyenne, WY there were only 131 of these priority 7 veterans who were treated in fiscal year 1997.

However, in fiscal year 2001, the same facility treated over 2,200 priority 7 veterans. So, clearly, the VA is experiencing substantial growth in that area and it is utilizing facilities—and that is good.

But the veterans are unable, even though they are eligible, to use their Medicare assistance. With this increase in numbers, unfortunately, the VA health care system has not kept pace in terms of its finances. In my State, Medicare would expand access to services in most communities and would provide primary care to those for whom it is not now available.

Specifically, the Medicare Equity for Veterans Act of 2002 establishes a 3-year demonstration program at 10 VA sites, 3 of which must be in rural areas. The Secretary of VA and HHS will either choose a Medicare+Choice or preferred provider option model for these sites. The options would give the Secretary some flexibility in that way.

We have more and more veterans who are in this category 7 who would like very much to use VA facilities to care for their needs. They are eligible for Medicare, and Medicare would then reimburse the VA. We would be able to do two things, of course: to be able to finance the VA facilities and at the same time be able to let these eligible veterans use their Medicare services.

I hope we can move this bill. I think it will be very good for VA veterans. I think it will also be good for Medicare. It can probably be done more cheaply than the private sector. The combination is a good remedy to some of the problems we have.

I yield the floor.

RECESS

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:02 p.m., recessed until 4:33 p.m. and reassembled when called to order by the Presiding Officer (Mr. LEVIN).

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF PAUL CASSELL

Mr. KYL. Mr. President, I will speak in morning business but really on the subject of our 6 o'clock vote, the nomination of Paul Cassell to be judge for the district court serving the State of Utah.

I am not from Utah, obviously. And you might ask, what is an Arizona Senator doing speaking on behalf of a nominee from another State? The answer to that question is, I have gotten to know Paul Cassell, and I am a very big fan of Paul Cassell. I think he will do a superb job on the bench. I just want to take a couple minutes of my colleagues' time to explain why.

It is not often we have the opportunity, as Senators, to vote for a nominee, who we really have gotten to know in our work in the Senate, to serve as a district judge in another State. But Paul Cassell has testified before the Senate Judiciary Committee and has worked many hours with Senator FEINSTEIN and myself and some other Senators in helping to craft the victims' rights constitutional amendment.

You can have a view either for or against that amendment, but Professor Laurence Tribe from Harvard and Professor Paul Cassell from the University of Utah are the two legal professors, constitutional scholars, who have helped us most. They may represent different points on the political spectrum perhaps, but in terms of their legal scholarship and their ability to work together in helping us to craft this amendment, they have performed a magnificent service.

Again, whatever one thinks of the particular amendment, you cannot deny that these two professors have contributed significantly to the work of the Senate and, therefore, to the American people as a result of their work.

Let me just tell you a little bit about Professor Cassell first and then talk about his work on behalf of victims of crime. As I say, that is one of the primary reasons I am so supportive of him.

As I said, he is a member of the faculty at the University of Utah College of Law where he teaches criminal procedure and evidence and some other courses as well.

He has published over 25 Law Review articles, as well as major op-eds and various periodicals.

Before entering academia, Professor Cassell served as an assistant U.S. attorney in the Eastern District of Virginia and as Associate Deputy Attorney General at our Department of Justice.

He clerked for then-Judge Antonin Scalia in the U.S. Court of Appeals for the D.C. Circuit and then for Chief Justice Warren Burger of the U.S. Supreme Court.

Those of us familiar with these facts know if you are able to clerk for both a member of the D.C. Circuit Court of Appeals and then for the Chief Justice of the U.S. Supreme Court, you are a law student graduate with something on the ball. Certainly, Professor Cassell fits that category.

He received his J.D. in 1984 from Stanford University, where he was Order of the Coif and president of the Stanford Law Review.

So his academic credentials and his postacademic career have been outstanding.

He tried a number of cases when he was assistant U.S. attorney. As a matter of fact, he prosecuted 17 felony jury trials, and some of them were very famous cases. I will let others talk about those cases. But one of the most interesting things to me that Professor Cassell did—purely without pay; as a volunteer—was to represent the victims of the Oklahoma City bombing case.

You may ask, why did the victims in the Oklahoma City bombing case need representation? You can imagine, having as many victims as there were in that case—people who were either injured in the bombing or the families of people who were killed, all wanting to

be involved or participate in some way in that case, including even just the ability to be in the courtroom—it was a major battle.

As a matter of fact, the judge in that case—not once but twice—ruled that the families of the victims did not have a right to be in the courtroom during the trial. This was not because there were so many people that they could not all fit into the courtroom, although that was another issue, but the reason the court ruled that way was that the defense had argued it would be prejudicial to the defense, to the defendants, if the victims or their families were actually in the courtroom during the trial. Never mind that a judge always has the ability to say: Everybody will be motionless, will show no emotion, will behave themselves; and if they do not, then I will toss them out of the courtroom. That was not good enough in this case.

We in Congress passed a law saying: You have to let the people who were victims of the Oklahoma City bombing case sit in the courtroom. The case went back to the judge, and again the judge said no. One of the reasons he said no had to do with the reason for the victims' rights constitutional amendment, which I will not go into now, but basically he said the defendants' rights are in the U.S. Constitution, and the mere statute of Congress cannot override that. So these victims are going to have to have special rights. They are going to have to be in the Constitution. That is another argument, as I said.

But Paul Cassell, out of the goodness of his heart, represented all the victims in that case. I think the victims I have talked to would tell you, to a person, they were extraordinarily indebted to Paul Cassell for his service to them in that case.

There is much more I could say about this individual. Paul Cassell is a decent person who believes very strongly in the rights of both defendants and victims in the courtroom. He has served as a prosecutor for the United States of America and, therefore, has represented our Government in many cases against some truly bad felons. He has experience on the criminal side and on the civil side and has experience as a law professor, teaching not only constitutional law but evidence. That makes him uniquely qualified to go from where he is now to the bench.

It is not often that we find people who have this wide array of experience willing to serve on the Federal district court. It is much too easy in today's world for lawyers to make good money in the practice of law. But it is obvious that Paul Cassell has never been interested in just making money. He has wanted to serve, first, the people of the United States of America as an assistant U.S. attorney and then through his professorship to serve victims of crime and others on a purely pro bono basis.

We have a unique person who not only is extraordinarily well qualified

from his academic experience and the breadth of his practice experience but who also has demonstrated a desire to serve the people. For a person as young to have that kind of commitment and to be willing to go on the Federal district court is unique and certainly should cause us to vote for his confirmation.

I know him personally. We couldn't do better than to confirm Paul Cassell to serve on the Federal district court in the State of Utah. I commend my colleagues to support his confirmation when we vote in a little over an hour.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FAST TRACK TRADE AUTHORITY

Mr. BYRD. Mr. President, the Bush administration continues its push for fast track trade authority under the fictitious term "trade promotion authority." This is legislation that would enable the President to negotiate trade agreements without full congressional input. With fast track authority, there would be only limited Senate debate. With fast track authority the full Senate will have no opportunity to amend. Most Members of Congress will have no opportunity to protect the interests of the people, the communities, and the industries of their particular States, including ensuring the protection of the standard of living of our workers and their families within those States and communities.

Although the Constitution clearly gives Congress the duty—and the power, it gives Congress the power—"to regulate commerce with foreign nations," with fast track authority the Congress will simply applaud a presidential trade-negotiating effort by approving a trade agreement, or boo the effort by disapproving it. That is pretty unlikely, that it would be disapproved.

Members of Congress should never allow our options to be so restricted. We were sent here to promote and to protect the interests of our States as well as the national good, and those goals are best served by debate and amendment, particularly with regard to trade deals.

The workers of this Nation are losing ground, in large part, due to poor trade agreements. For Congress to abdicate its constitutional authority here is to, in my view, turn its back on millions of American workers—the workers who are the backbone of this Nation, and who deserve more than a cursory, neglectful wink and nod.

Let us focus for a moment on just one sector of our economy, manufacturing. There is no question that manufacturing has continued to grow during the past several decades. For example, real, inflation adjusted, manufacturing sales as a percentage of GDP continue to increase.

And there is no question that certain manufacturing industries such as those involved in high-technology products—for example, electronic equipment, industrial machinery, and chemicals—have prospered.

United States production of electronic equipment rose by nearly 400 percent—to be precise, 393.5 percent—while industrial machinery increased by 155 percent. Even fabricated metal products and motor vehicles have experienced an increase in real output since 1990.

There is also no question that in recent decades a number of our vital industries could be placed on an endangered species list. Beginning in the 1970s and continuing through the 1990s, for too many American industries the story of American manufacturing has been a tragic story of bankruptcies, consolidations, plant closings, plant shutdowns, and movement overseas. These industries missed the economic boom of the 1990s because they have been drowning in a flood of cheap imports.

Since 1997, 33 steel companies have filed for bankruptcy, affecting 73,000 workers.

During the 1990s, 352 paper mills and paper converting plants permanently closed. Last year alone, 36 mills closed, and 15 more are slated for closing this year.

The American textile industry is suffering its worst crisis since the Great Depression of the 1930s. During the past year, more than 10 American textile mills have closed, and industrial giants such as Burlington Industries, Malden Mills, and Guilford Mills have sought bankruptcy protection.

Between 1989 and 2000, the real dollar value of apparel industry output failed by nearly 20 percent—19.6 percent to be exact. There was a 27.9-percent decline in the instruments industry and a 3.7-percent decline in the real output of the paper products industry.

According to the Congressional Research Service, at least 18 American industries experienced negative or slow output growth between the years 1980 and 2000—so much so that each one could be added to the endangered industries list.

The decline in these industries is reflected, to some extent, in the decline in employment in the manufacturing industries. In 1970, approximately one-third of the private sector workforce was engaged in manufacturing. By 2000, it had fallen to 17 percent.

So from 1970 to 2000, employment in the manufacturing industries fell from one-third of the private sector workforce to 17 percent—half—from 33 percent to 17 percent. Cut in half. That is

like the wisest man of all time threatening to cut the baby in half.

According to the Congressional Research Service, at least 19 industries—nearly all in manufacturing—experienced the loss of one-third or more jobs since 1980. There was a 52-percent decrease in machine tools, a 67-percent decrease in employment in blast furnaces and steel mills, and an 83-percent decrease in employment in nonrubber footwear. Read it and weep.

I realize that a substantial portion of this decline in manufacturing employment is due to increased productivity. Millions of workers are losing their jobs because of technological progress, more efficient management of resources, and because productivity has grown faster than sales. Nevertheless, there is no question but that certain sectors of our economy—especially those in the industries I have mentioned—are being clobbered by imports.

Between 1994 and 2000, the U.S. trade deficit of \$182 billion increased 141.6 percent to \$439 billion—inflation adjusted 2000 dollars. This soaring trade deficit has taken an incredible toll on American jobs. Between 1994 and 2000, according to an analysis by the Economic Policy Institute, trade deficits eliminated a net total of 3 million actual and potential jobs from the U.S. economy.

The manufacturing sector has shouldered the burden of this increased deficit, as the manufacturing trade deficit rose by 158.5 percent. Of the 3 million trade-related job losses between 1994 and 2000, 1.9 million were in manufacturing. This means that nearly two of every three lost jobs were in manufacturing. In other words, 1.9 million jobs out of 3 million jobs were in manufacturing. That is, manufacturing constituted 65 percent of all trade-related job losses.

These trade-related job losses happened as increased globalization encouraged American industries to pack up and seek other lands where labor is cheaper and where industries do not have to comply with the environmental and safety standards in the United States. The International Trade Commission has reported that roughly half of the total productive capacity in the apparel industry has shifted from developed countries to less developed countries over the past three decades, where workers earn far less than their American counterparts.

What are we doing? What are we doing in our trade agreements to protect American jobs? The answer has to be: Not enough.

Globalization has also left our industries more vulnerable to the unfair predatory trade practices of foreign countries. Look at the American steel industry, which has been absolutely devastated by the dumping of cheap foreign steel and of government-subsidized, imported steel. Last October, the U.S. International Trade Commission ruled that imports of foreign steel have indeed caused serious injury to

American steelmakers. The Commission reported that imported steel has seriously hurt domestic steelmakers in about half of 33 product lines examined, covering about 80 percent of what steel companies produce in America.

“Fifty years of foreign government intervention in the global steel market”—someone said last month in announcing tariffs on imported steel—“has resulted in bankruptcies, serious dislocation, and job loss.” Who was that someone? The President of the United States, President Bush.

NAFTA, which was enacted under fast-track authority, and which I voted against, was supposed to eliminate most of these causes of the American trade deficit and lessen the foreign assaults upon American industries. Instead, the increased globalization unleashed under NAFTA and the World Trade Organization has exacerbated the problem, not solved it. I have been on the right side in both instances; I have opposed both. Since 1994, when NAFTA created the free trade zone, North Carolina has lost more than 125,500 jobs in the textile and apparel industries, or 47 percent of the workforce.

The Mississippi Business Journal reports that the garment industry in Mississippi has virtually disappeared in the post-NAFTA era. We gave it away.

This decline in American manufacturing has meant a declining standard of living, not just for the affected workers and their families but for their communities and their States.

Workers have been forced out of higher wage, industrial jobs into low-paying service jobs. In 1980, private-sector service employment constituted 65 percent of the American private sector workforce; by the year 2000, the percentage had soared to 77 percent.

Service jobs are notoriously low-skill, low-paying jobs that offer limited opportunities for advancement because there are relatively few management positions. Look at South Carolina, a State that is near the top of the job creation list in the 1990s but it ranks 35th in average wages—\$25,493. A study of a 5-year period, 1992 to 1997, in that State indicated the creation of 94,572 service jobs, a 40.6-percent increase in a sector that pays lower than the statewide average. The higher paying manufacturing sector, the traditional mainstay of South Carolina's economy, lost nearly 1,000 jobs during the 5-year period. In 1997, the State's service employees earned an average \$22,693, compared to the average of \$29,820 for employees in the State's manufacturing jobs. Economists in the State of South Carolina point out that even with the growth in the service industries, South Carolina's per capita income is among the Nation's lowest.

Unfortunately, the holders of these service jobs are often thought to be students looking for summer work, or marginal workers seeking spending money, or people simply in need of a quick stopover job while on their way

to a better paying career. In other words, service jobs are presented as great jobs for people who do not really need them, in many instances. The truth is, people do need these jobs, and many of the holders of these jobs are adults who depend on that paycheck to pay rent or child care. Many are former industrial workers simply trying to exist in the new economy.

Studies of counties in Colorado, Missouri, and Mississippi found a declining standard of living for workers and their communities as they moved from manufacturing jobs to service jobs.

Martha Burt of the Urban Institute found that the growth of homelessness in the United States in the 1980s was not, as commonly supposed, the result of drug addiction, or the deinstitutionalization of the mentally ill, nor the cutbacks in social programs during the Reagan administration, but the shift from an industrial economy to a service economy. With the decline in manufacturing jobs in the 1970s, she explains, huge numbers of former full-time factory workers earning union wages were replaced with part-time workers in retail stores, restaurants, and other service jobs, where wages are too low to enable them to afford the price of housing.

The facts are, as the Stearns Trustee Professor of Political Economy at Northeastern University, Barry Bluestone, emphasizes, even workers who retain manufacturing jobs also face a bleak future, a future of a declining standard of living, if we do not revise our trade policies and insist upon effective labor and environmental standards in our trade agreements. This is because competition from countries which lack, or do not enforce, labor and environmental standards, continues to have a large, negative impact on employment in key sectors of our economy, and on American wages and living standards across the board.

With the rise of international competition and the shift to lower wage service jobs in the United States, real wages have stagnated, making life much more difficult for all American workers. Real average weekly earnings peaked in 1972 at \$315.44. Today, even with some recovery in real wages due to the rapid growth in the economy in the 1990s, the average weekly wage is nearly 12 percent less than at its peak.

This decline in real wages is forcing American workers to work longer hours than ever before in order to maintain their living standards. They are running in place—sweating on a treadmill operated by the hyper zealots of free trade regardless of consequences. In fact, the United States is the only major developed country that has experienced an increase in the average workweek and the average work year. Since 1982, the average workweek among prime-age workers in the United States has increased from 39.6 hours to 41.3 in 2000.

This means that the average work year has increased from around 1,840

hours to over 2,020. Put simply, stagnating wages are forcing Americans to work longer and longer hours just to maintain their standard of living. They are not getting ahead. They are simply maintaining what they have worked so hard for, if, indeed, they are even maintaining that.

This is why the Congress must protect and exercise its right to amend trade agreements. Why do we give away Congress' power to amend trade agreements?

We must insist on establishing universal labor and environmental standards. We must insist on protecting American industries from even more devastation by unfair competition from firms operating abroad, exploiting cheap labor pools, and tolerating working conditions which are unacceptably harsh, and environmental standards which are nonexistent.

These essential universal labor and environmental standards can be extracted only through our trade agreements.

In the 1930s, the United States instituted a range of laws and regulations to protect workers and the environment. We did this at the Federal level so that individual States could not take unfair advantage of other States by lowering their minimum wages, permitting child and prison labor, ignoring occupational and safety provisions, eliminating or reducing unemployment benefits, or disregarding environmental standards. We leveled the playing field domestically. No one could manipulate for advantage.

Now we must level the playing field in international competition, where American workers are too often forced to play by the rules in a rigged game. In our new, globalized economy, we run the risk of undermining our own hard won labor and environmental standards if other countries choose to have none of their own or refuse to enforce reasonable requirements. Congress, which has the constitutional power, and therefore the duty "to regulate commerce with foreign nations," must have the means to insist on reasonable labor and environmental standards as part of any and all trade agreements. This is to the benefit not only of American workers, but also of workers, both children and adults, who are laboring under oppressive, unsafe, and unhealthy conditions in other lands.

Over the years, I have seen administrations—Republican and Democratic—repeatedly negotiate trade agreements that reflected priorities other than those of the American people. I say that with a background of 50 years in Congress, the House of Representatives and the Senate, so let me say it again. I have seen administrations—Republican and Democratic—repeatedly negotiate trade agreements that reflected priorities other than those of the American people. I have seen this Nation genuflect at the altar of big business interests. I have witnessed the holy battle cry of "free trade" become

a club by which to beat into submission any voice that expressed an argument for balance and fairness. That is understandably the outcome of trade talks that ignore the constitutional role of the Congress in international commerce.

While it is not surprising that Republican and Democratic administrations would attempt to enter into trade agreements that reflect their own priorities, it is absolutely distressing—it is extremely puzzling to this Senator—that the Members of Congress would willingly give up their right to shape trade agreements that reflect the priorities of the American people, and the best interests of the United States. It just demonstrates how cowed and how intimidating we in public life have become by the absolute terror of bumper sticker politics. Free trade is the battle cry. Don't complicate it with real world concerns.

As a U.S. Senator from West Virginia, I am always—first, last, and all the time—for the protection of the interests of this country, of this Nation's workers, and this country's manufacturing industries and I am going to continue being that way by opposing the granting of blanket fast track authority for this or any other President.

Call it trade promotion authority, if you will—it is still fast track—to give away American interests when it comes to trade.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PAUL G. CASSELL, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of Paul G. Cassell, of Utah, to be United States District Judge for the District of Utah.

The PRESIDING OFFICER. Under the previous order, the time until 6 p.m. will be for debate on the nomination, equally divided between the

chairman and ranking member of the Judiciary Committee or their designees.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself 1 minute.

I know Professor Cassell is a friend of the distinguished senior Senator from Utah, who has urged his confirmation. I do not know whether, as a courtesy, the senior Senator wanted to go first.

Mr. HATCH. Whatever the distinguished chairman prefers.

I thank the chairman.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to voice my strong support for Professor Paul G. Cassell, who is President Bush's nominee to the District Court for the District of Utah.

This nomination is very important to my home State of Utah. In fact, the chief judge of the Federal District Court in Utah is sitting in the audience. This is so important for them, for everyone in Utah, and to me personally. I would like to take a few minutes to introduce this exemplary lawyer to the Senate, and to explain why Professor Cassell is one of the most qualified people ever nominated to the district court bench.

Listen to the highlights of Professor Cassell's résumé: He graduated from Stanford Law School, where he was president of the Stanford Law Review and a member of the Order of the Coif—the highest honors you can have in law school. He served as a law clerk to then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit, and to Chief Justice Warren E. Burger of the U.S. Supreme Court. He then went to the Justice Department, where he served as an Associate Deputy Attorney General, handling a variety of complex legal issues—including the efforts to defend the constitutionality of the United States Sentencing Guidelines, passed by Congress to regulate unwarranted sentencing disparity. Next, he worked as an assistant U.S. attorney in the Eastern District of Virginia. In that position, Cassell tried more than a dozen jury trials in felony criminal cases, obtaining guilty verdicts in every case that reached the jury.

I would like to highlight a couple of cases he tried there. Cassell successfully prosecuted the CEO of a failed savings and loan for theft of \$500,000; two investors and a real estate agent who had defrauded a HUD program; a drug dealer who was smuggling guns and a federally licensed firearms dealer who had aided him in this effort; and the notorious "yellow glove" bank robber, who had perpetrated a string of armed robberies in Virginia and Maryland. He also successfully prosecuted the largest seizure of crack cocaine in the history of National Airport at that time. For his efforts in cases such as these, Cassell was recognized by the Attorney General with a Special Achievement Award.

Professor Cassell's impressive résumé and his experience in court are no doubt the reason why a substantial majority of the ABA review committee rates Professor Cassell "well qualified" to be a federal judge. It is also the reason why a number of people who know Professor Cassell's work and character have written to me in support of his nomination.

Mr. President, I ask unanimous consent to have a selection of such letters printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. HATCH. Mr. President, I apologize for my laryngitis. I have had it for about 2 weeks.

Professor Cassell's educational achievements, Department of Justice experience, and successes in trial are just a warm-up, in my opinion, for an even more important chapter of his career. In 1992, Cassell and his wife, Trish, returned to the West after he accepted a teaching position at the University of Utah College of Law. It was there that he unleashed his intellect and tremendous work ethic for the benefit of his students, the faculty, the citizens of Utah, and the Nation's victims of crime.

Professor Cassell quickly became one of the students' favorite teachers. He has always prepared well for his classes, he uses relevant real-world examples from his career as a prosecutor, and he teaches with an approachable demeanor—and even a sense of humor. These are some of the qualities that led, in 1997, to Professor Cassell's being one of the youngest law professors ever to receive the Faculty Achievement Award for Teaching Excellence—the "teacher of the year" award. Three years later in 2000, Cassell became one of the youngest chaired faculty members at the University of Utah when he was awarded the James I. Farr Professorship of Law.

As a scholar, Professor Cassell has become a national expert on criminal procedure and evidence. His scholarship includes over 25 law review articles, which have been published in such prestigious journals as the Stanford Law Review, the Michigan Law Review, the UCLA Law Review, the Brigham Young University Law Review, and the Utah Law Review. He has also made presentations at law schools around the country, including Harvard, Stanford, Berkeley, Michigan, Northwestern, and UCLA. He has shared his knowledge and expertise with Congress, testifying numerous times before congressional committees on issues pertaining to criminal justice, including testimony on victims' rights, capital punishment, Miranda, and criminal cases in the United States Supreme Court.

Unlike many scholars, however, Professor Cassell has also put his intellect to practical use in his community. For example, Professor Cassell has been ac-

tively involved in fighting domestic violence and sexual assault in Utah. He has served as the chair of the Legislative Committee of the Utah Council on Victims of Crime as well as a member on the Utah Supreme Court's Advisory Committee on Rules of Criminal Procedure.

Professor Cassell has donated an extraordinary amount of time advocating on behalf of his fellow Utahns in court. In fact, he has done as much or more pro bono legal work as anyone I can remember ever appearing before the Judiciary Committee. He has represented dozens and dozens of crime victims, all without charge.

Let me give just one example—a case that came to my attention because of the moving letter I received from the victim's mother. It is the case called *State v. Casey*, in which Cassell argued on behalf of a 12-year-old Utah boy who had been victimized by sexual assault. When the boy was denied his right to speak in opposition to a plea bargain reducing the charge from a first-degree aggravated felony to a misdemeanor, Cassell had the case certified to the Utah Supreme Court as one involving an issue of "exceptional importance" and argued the issue on the boy's behalf. The boy's mother wrote me a letter about Cassell's work in that case, saying that Cassell:

... was the first attorney who listened to us with interest and understanding.

She explained that:

Paul worked long and late hours on our case ... at no financial gain for himself.

Because of Cassell's work, she said her family:

... can now start to move forward with our lives, putting the tragic past behind us.

It is not only Utahns who can say such things about Paul Cassell, because in addition to his work in our home State, Cassell has worked free of charge on behalf of crime victims all across the country. For example, in 1996, Cassell undertook to represent 89 victims of the Oklahoma City bombing. They had been ordered not to watch court proceedings in the case if they were going to provide so-called impact testimony at the death-penalty phase of Timothy McVeigh's trial. This order appeared to contravene the requirements of the victims bill of rights, a Federal statute passed by Congress to guarantee crime victims the right to attend court proceedings. Cassell appealed to the tenth circuit, which rejected the petition on the grounds that crime victims lacked standing to present their claims to an appellate court. Cassell's petition for rehearing in the case was supported by 49 Members of Congress—of both political parties—as well as the United States Department of Justice, all six State Attorneys General in the tenth circuit, and some of the leading crime victims' groups in the country, such as Mothers Against Drunk Driving and the National Crime Victims Constitutional Amendment Network. When the petition for rehearing was denied, Cassell

helped crime victims come to Congress to obtain remedial legislation. Congress passed the Victims' Rights Clarification Act of 1997 by a margin of 418 to 19 in the House and unanimously here in the Senate. That would not have happened but for Professor Cassell. When President Clinton signed the act into law, he endorsed Cassell's position, explaining "when someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in."

Again, all of that work was done by Professor Cassell without any compensation. Those victims would not have had any voice at all in the criminal justice system if it weren't for the selfless sacrifice and dedication of Professor Cassell.

In sum, Mr. President, Professor Cassell's record demonstrates everything that this body should hope for in a judicial nominee: unquestioned competence; a track record of hard work; a personal dedication to justice; and a commitment to public service. To that, I would like to add my personal opinion. I know Paul Cassell, and I know him to be not only an extraordinary lawyer and an extraordinary scholar, but also one of the most decent, honest, honorable, and fairminded people I have ever known. He is going to be an absolutely great judge, and an excellent addition to the Utah District Court bench. I urge my colleagues to vote in favor of his confirmation.

I thank the Chair and reserve the remainder of my time.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, VIOLENCE AGAINST WOMEN OFFICE,

Washington, DC, March 18, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to express my strong personal support for the appointment of Professor Paul Cassell to the Federal District Court of Utah. I believe, based on my past association with Professor Cassell, that he will make an excellent judge.

Professor Cassell and I have worked together for over five years as co-members of the Utah Council on Victims of Crime and I have come to respect his integrity, great knowledge of the law, and ability to assist others in the comprehension of the often complex issues at hand. Often in my work as State Coordinator for the Utah Governor's Cabinet Council on Domestic Violence, Professor Cassell was of invaluable assistance in analyzing legislation as it was being proposed and many times provided an expert opinion on existing federal and state statutes. Issues of confidentiality, victim notification and courtroom video taping became more understandable as he worked to provide a solid, legal foundation for others to follow.

It is my belief that Professor Cassell is exactly the right kind of balanced individual that will make him an exceptional Federal District Court Judge.

Respectfully,

DIANE M. STUART,
Director.

STATE OF UTAH,
OFFICE OF THE ATTORNEY GENERAL,
Salt Lake City, UT, September 27, 2001.
Re judicial nominee Professor Paul G. Cassell.

Hon. ORRIN HATCH,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR SENATOR HATCH: I am writing to you in your capacity as ranking member of the Senate Judiciary Committee to express my strong support for the nomination of Professor Paul G. Cassell to the United States District Court for the District of Utah. He is an active practitioner, prolific scholar, and fervent advocate for victims' rights.

Professor Cassell is not "anti-defendant" as some have charged, but pro-victim. As a national leader of the victims' rights movement, Professor Cassell was instrumental in achieving reforms in Utah law that have given voice to victims of crime. Professor Cassell has exposed shoddy scholarship attacking capital punishment and advocated for moderating Miranda's sweeping exclusionary rule. However well supported and reasonable, these positions have understandably not won him points in the defense community. But in the larger community, Paul Cassell is highly regarded for his service in the public interest.

In addition, I personally know Paul Cassell to be a man of absolute integrity and fairness. He personifies the principal of "justice." He has the ability to put personal opinion and bias, and fairly and impartially adjudicate the issues brought before him.

In sum, Professor Cassell is well respected in Utah and would be a credit to the federal bench in this State. I urge you to support his nomination.

Very truly yours,

MARK L. SHURTLEFF,
Attorney General.

MARCH 18, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SIR: I am writing this letter to you today to express my deep support for the nomination of Paul Cassell to a position as a Federal Judge.

I have had the pleasure of working with Mr. Cassell over a long period of time on a very important case involving my family and our rights as victims. During that time I had many conversations with Paul and I felt that I came to know him reasonably well as both a person and an attorney.

As an attorney, Paul's accomplishments are many, and I am sure that you have already been made aware of the many great experiences and achievements of his distinguished career. I wish to speak more intimately of my personal experience with Mr. Cassell's handling of our own case.

Our case was probably the most difficult and emotionally draining experience of our lives. My family was forced to deal with a tragedy that we never imagined would happen to us. We were confronted with many obstacles that we never anticipated and we grew increasingly frustrated with the confusion, and seeming contradictions of the Justice System as we were lied to, and misled, by many different people throughout the process, including people that we thought were supposed to be on our side.

During the height of our frustration with the handling of our case we began to search for someone to provide us with legal help and representation and we were fortunate enough to find Mr. Cassell. Paul agreed to help us without ever charging us a penny as he tirelessly worked to resolve our case in a favor-

able and just way. He was always honest and upfront with us about our case, even when the answer was not what we wanted to hear. Paul had a gift for being able to wade through all the legal confusion and explain things clearly and understandably to us. Paul impressed me as a person who is able to see things fairly from all different perspectives and help opposing sides find the right solution to a problem. Our case did not end with exactly the decision that we hoped for, but thanks to Paul Cassell we were able to find some measure of justice and closure, and we feel much better about the outcome of our case. It is my firm belief that you would be very hard pressed to find any better attorney than Mr. Cassell!

As a person, Paul is a very honest, fair-minded, and compassionate man. In today's world it has become increasingly hard to find people whose judgement you can completely trust and rely upon, but Paul Cassell is just such a person. At a time when more and more people are becoming jaded about the law and losing confidence in our Justice System, Paul Cassell is the right type of person to help bring integrity back into the legal profession and restore the faith of the American people in their courts, both victims and defendants.

I hope I never again find myself or my family in the position of having to deal with our legal system in such a personal way. But if I do, I hope that the Judge who hears our case and the attorney's on both sides of the issue are people like Paul Cassell, because if they are then I know we'll be in the best possible hands.

I sincerely hope that you will support Paul Cassell's nomination as a Federal Judge. Please don't reject him over something so trivial as political party affiliation or ideology. Accept him because he's a very good person who truly has Americans best interests at heart. Now, more than ever, America desperately needs great leaders, like Paul Cassell, and I know that you will not find a better candidate for the job!!

Thank you for your careful consideration,
STERLING JAMES POLL.

MARCH 18, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SIR: I am writing you today to make you aware of why I feel Paul Cassell would make an excellent choice for a Judge.

Life brought circumstances to my family and I that we had never imagined we would have to deal with. We found ourselves thrust into the U.S. legal system. We were totally unprepared for this. We found the legal system to be confusing, contradictory and unsympathetic. We were in great need of help. Help to get us through, help to understand, and help to find justice. We began calling attorneys on the phone in search of the information that we needed. Many phone calls later, we did find someone who recommended Paul Cassell.

We called Paul Cassell, and he was the first attorney who listened to us with interest and understanding. He advised us with no hesitation, and immediately said he would take our case—Pro-Bono. We then began our relationship with Paul.

Paul worked long and late hours on our case. We found him to be honest and forthright about what was going on with our case. He explained in plain terms what exactly would happen at our hearings. He made us aware of all possibilities, from both perspectives of the case. He saw our case through to the Utah Supreme Court.

Our case did not have the results that we had hoped for, however, we are a family, now

have some closure to a very tragic situation. We all feel that due to the work Paul Cassell did for us, at no financial gain for himself, we did everything that could possibly have been done to get the justice we feel we deserved. We can not start to move forward with our lives, putting the tragic past behind us. In particular, my fourteen-year-old son, is now starting to make progress and feel good about himself. He knows that he has helped to make the pathway a little easier for other people in the same situation.

I feel that Paul has all the qualities a judge for our country should have. He is honest, forthright, concerned about whether or not justice has been served. We spent time with him, had many conversations with him, where we came to a clear understanding of how much he cares for the people of our country. We could see how important the justice system is to him. There are not many attorneys that would take on a case Pro bono, where he is going to have to spend many hours of his own personal time, just to help people in need.

I recommend Paul Cassell highly, for a judgeship. If you are interested in what is going to be best for the people of our country, I truly feel that you are not going to find any better man for the job.

Thank you for your time and consideration,

CYNTHIA F. CASEY.

NATIONAL ORGANIZATION OF
PARENTS OF MURDERED
CHILDREN, INC.,
Cincinnati, OH, March 18, 2002.

Senator ORRIN HATCH,
C/O Alex Dahl.

DEAR SENATOR HATCH: On behalf of the National Organization of Parents Of Murdered Children, Inc., and its over 100,000 members, I am writing to strongly support Paul Cassell's confirmation for the Federal District Court for the District of Utah. Paul has been a tremendous asset to POMC and its members.

Sincerely,

NANCY RUHE-MUNCH,
Executive Director.

VIAD CORP.,
Phoenix, AZ, July 19, 2001.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR SENATOR HATCH: I am writing to express my strong support for the confirmation of Prof. Paul Cassell's nomination to the United States District Court for the District of Utah.

I have known Prof. Cassell through our work together in the cause of establishing and enforcing rights for crime victims. Paul is a person of compassion and fairness. He has deep respect for the rule of law and for the role of the judiciary in preserving and protecting it. He is at all times respectful of others and displays a temperament that will always remain faithful to the obligations of a federal judge. He has a strong work ethic and will clearly be able to meet the rigors of a busy trial court.

Paul is a person of intellectual and moral integrity; he will serve with distinction on the District Court when he is confirmed, giving equal justice to all who appear before him. I urge you and all of your colleagues to confirm the nomination of Prof. Paul Cassell.

Thank you for considering these views.

Sincerely,

STEVE TWIST,
Assistant General
Counsel, Viad Corp;
Chief Counsel, Na-

tional Victims Con-
stitutional, Amend-
ment Network.

RUTGERS
UNIVERSITY SCHOOL OF LAW,
Newark, NJ, March 16, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen
Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary,
Dirksen Senate Office building, Wash-
ington, DC.

DEAR SENATORS LEAHY AND HATCH: I write to support enthusiastically and without reservation the nomination of Professor Paul G. Cassell to be a federal district judge. I have known Paul for many years, and I believe he will make a highly capable judge. I wrote a letter supporting his tenure at the University of Utah College of Law several years ago, and he has continued to shine as a legal thinker and writer.

Professor Cassell is intelligent, thoughtful, and willing to explore different approaches to problems that arise in the law. He writes extremely well and is top flight in his analysis of cases and doctrines. Indeed, he has on occasion pointed out an analytical flaw in a doctrinal argument I was making, thus allowing me to reshape the argument before publishing it. Professor Cassell has continued the tradition of Justice John Harlan and Professor Grano by holding the premises of *Miranda v. Arizona* up to the light and asking why the Constitution should consider police interrogation such a threat to autonomy and free will.

We have "dueled" in a friendly way in print (Volume 43 of the UCLA Law Review, pages 821-959), before a TV camera (in the PBS Debates-Debates series), before the Senate Subcommittee on Criminal Justice Oversight, and at the University of Michigan symposium on *Miranda* and *Dickerson* (November, 2000).

Professor Cassell and I disagree on some issues and yet respect each other. This fact alone says volumes. I think, about how effective he will be as a judge in dealing with lawyers and others in his courtroom. I predict that Paul Cassell will research the law energetically, understand it as well as anyone can, and apply it fairly and consistently.

Should you wish further details, please let me know.

Sincerely yours,

GEORGE C. THOMAS III,
Professor of Law,
Judge Alexander P.
Waugh, Sr. Disting-
uished Scholar.

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, DC, March 25, 2002.
Re judicial nominee Paul Cassell (U.S. Dis-
trict Court, District of Utah).

Senator PATRICK LEAHY,
Russell Senate Office Building, U.S. Senate,
Washington, DC.

Senator ORRIN HATCH, Hart Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY AND SENATOR HATCH: I understand that my colleague in teaching, Professor Paul Cassell of the University of Utah Law School, has been nominated by President George W. Bush to serve as a United States District Judge for the District of Utah. I know Paul very well, and I recommend him enthusiastically. (I write in my personal capacity as a professor of civil rights law at Georgetown University Law Center for the past twenty-seven years. I have previously been privileged to contribute to the work of the Senate Judiciary Committee by consulting with or advising

Senators from both parties, including Senator Joseph Biden of Delaware regarding judicial nominations, Senator Orrin Hatch of Utah concerning technical perfections to a civil rights act, and Senator Charles McC. Mathias of Maryland concerning substantive provisions of several proposed bills expanding civil rights. I write this letter at my own initiative after seeing Professor Cassell by chance last week and learning of his then-pending hearing. I am sending a courtesy copy of this letter to my former colleague Professor Viet Dinh, now Assistant Attorney General.)

I have known Paul Cassell for over twelve years. I met him after he married one of my former students, Georgetown University Law Center graduate Patricia Cassell. Because he and I are both interested in constitutional law and civil rights, I have followed his academic work for many years, including his writing concerning the *Miranda* case and other related issues in criminal law. Although Paul's academic work has engendered some political criticism because it challenges a hallmark case from the Warren era, it is wholly and completely within the mainstream of American academic discourse. Paul's arguments have been challenging, well-reasoned, and broadly judicious in their criticism of the established order. His writings have not been narrowly focused on political considerations but have considered what works best for society and the legal order (such as whether *Miranda* actually protects society's victims), in the best tradition of American legal scholarship. It is true that Paul's work calls for the disestablishment of a court-declared "constitutional right," but the same was true of attacks on *The Dred Scott Case*, which recognized a constitutional right to hold slaves, and *Lochner v. New York*, which recognized a right to be free of government regulation of the employment contracts of workers. I disagree with some positions Paul has taken, including his distrust of the *Miranda* decision itself, but disagreement with the courts' declarations of "rights" is a part of the job of every American law professor, and Paul has handled his part of that discussion with rectitude and complete fidelity to our academic tradition and to the rule of law.

I also respect Paul quite highly because, though he fits within the broad academic mainstream, he has shown independence and has resisted pressure to conform for conformity's sake, especially regarding currently prevailing majority positions that strongly favor the criminal-law decisions of the 1960's. In my view this shows an independent mind that is very desirable in a federal judge, especially one sitting at the district level where conformist local pressure may often make it difficult to rule on contentious subjects. Yet even with his independent thinking, Paul's emphasis in public discussions has also been marked by a desire to bring balance to the public debate, such as by recognizing the interests of victims of crime as well as defendants charged with crimes. The ability to see countervailing values, and to listen to them, is a valuable asset for any judge, especially a federal judge sitting with life tenure. In all my dealings with Paul, airing many difficult issues of public policy, I have never heard him raise his voice or denigrate the personal commitment or integrity of an opponent. His personality and temperament are ideal for a federal district judge.

I have been privileged to attend an academic workshop with Paul and to meet his family and children on several occasions, and even skied with him and his family on one occasion when my family vacationed in Utah. He is a wonderfully kind and generous

person, completely unpretentious and unaffected despite his high standing in his community and his nationwide renown in academia. He commands strong respect from his colleagues at the University of Utah and elsewhere. He leads a balanced life that includes much pro bono work for the public interest and other community activities. Far from being an ideologue or a single-issue activist, Paul is a multi-dimensional person with solid American values and an admirable commitment to making life better for all Americans.

Finally, I realize that there has been some criticism of Paul for his critical views on the *Miranda* case, especially his representation of the Fourth Circuit and Congress in a Supreme Court case challenging the *Miranda* rule. But Paul's role in that case showed his usual fidelity to the rule of law, not a challenge to it. In all my years of knowing Paul, I have never seen an indication that he would try to subvert the system to achieve his goals; his work has always been entirely open and direct, using the traditional methods of persuasion and openness that characterize both honest professors and honest judges. Most pertinently for potential future trial-court judges, I have complete confidence that Paul would never intentionally mis-find facts to protect his rulings from the bench or otherwise manipulate the process to accomplish personal goals. My narrow disagreement with Paul on *Miranda* does not alter one essential point: if my rights were at stake, or the rights of any of my traditional civil-rights clients when I practiced many years ago, I would affirmatively want Paul Cassell to judge the facts and the law of my case. His confirmation and appointment could do nothing but strengthen my trust in the American judiciary.

With much respect and admiration, I remain

Yours truly,

CHARLES F. ABERNATHY.

NORTHWESTERN SCHOOL OF LAW
OF LEWIS & CLARK COLLEGE,
Portland, OR, March 15, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I write to voice my support for the appointment of Professor Paul Cassell to the Federal District Court of Utah. Professor Cassell and I have worked together on many legal matters involving the rights of crime victims, particularly sexual assault and domestic violence victims. He is extraordinarily intelligent and a tireless advocate who through his down-to-earth style can distill complex legal theories into simple and persuasive arguments.

As a Democrat and a feminist, I may not always agree with professor Cassell. However, as an academic activist with a specialty in violence against women issues, I am unaware of a single instance where professor Cassell and myself disagreed on the legal issues or strategy involved in our many collaborations. As the Director of the Crime Victim Appellate Clinic and the founder of its Violence Against Women Project, I have had the privilege to collaborate with Professor Cassell on a variety of violence against women cases. I can say without hesitation that Professor Cassell is one of the preeminent leaders in safeguarding the rights of sexual assault and domestic violence survivors in the criminal justice system.

During our two years of working together, Professor Cassell and my organization, the National Crime Victim Law Institute (NVCLI), have represented many survivors of sexual assault and domestic violence. For ex-

ample, just last year in *Hagen v. Massachusetts*, No. SJC-08627 (Mass. 2001), we helped file an amicus brief on behalf of Jane Doe, Inc., Massachusetts Coalition Against Sexual Assault and the National Alliance of Sexual Assault Coalitions, defending a rape victim's right to have the convicted rapist begin serving his sentence thirteen years after the sentence was imposed. The issue is currently pending before the Massachusetts Supreme Judicial Court.

In *Cronan v. Cronan*, 774 A.2d 866 (R.I. 2001), representing a battered woman with the support of the Rhode Island Coalition Against Domestic Violence and the National Alliance of Sexual Assault Coalitions, Professor Cassell and the NCVLI successfully argued that a battered woman had properly initiated criminal charges against her husband.

Just two weeks ago, in *State v. Gomez* (Utah Supreme Court March 4, 2002), Professor Cassell and the NCVLI filed a brief on behalf of the Rape Recovery Center (the largest rape crisis center in Utah) with the support of the National Alliance to End Sexual Violence defending the privilege for confidential communications to rape crisis counselors.

Just last week, in *State v. Blake* (Utah Supreme Court March 14, 2002), Professor Cassell filed a brief on behalf of the Rape Recovery Center with the support of the National Alliance to End Sexual Violence defending the right of a rape victim to keep confidential communications made to a mental health therapist.

Notwithstanding our areas of disagreement, I believe that Professor Cassell has the temperament, integrity and commitment to follow the letter and spirit of established law that will make him an exceptional Federal District Court Judge.

Respectfully,

GINA S. MCCLARD,
Clinical Professor of
Law, Lewis & Clark
Law School, Associate
Director, National
Crime Victim
Law Institute.

NEW ENGLAND SCHOOL OF LAW,
Boston, MA, March 7, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I write to voice my support for the appointment of Professor Paul Cassell to the Federal District Court of Utah. Professor Cassell and I have had occasion to work together on several legal matters involving the rights of crime victims. He is an exceedingly bright and thoughtful advocate with a superior ability to synthesize complex ideas into a simple and persuasive argument.

Professor Cassell has a keen understanding of the limits of law while fiercely defending the unique role law plays in promoting civility. This is a particularly appropriate characteristic for any judicial nominee.

As an academic activist with a focus on women's rights, I do not always agree with Professor Cassell but he has frequently provided pro bono legal services to rape crisis centers, domestic violence advocates, and other victims' organizations who are advancing the cause of justice for women. For example, Professor Cassell and I recently worked together to file briefs protecting the confidentiality of rape crisis counseling records in Utah.

Notwithstanding areas of disagreement, I value Professor Cassell's integrity, his willingness to debate openly and his commitment to the idea that the law works best

with many diverse voices at the decision-making table.

Sincerely,

WENDY J. MURPHY,
Mary Joe Frug Visiting,
Assistant Professor of Law.

STEPTOE & JOHNSON LLP,
ATTORNEYS AT LAW,
Washington, DC, March 22, 2002.

Re nomination of Professor Paul Cassell.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen
Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS LEAHY AND HATCH: I am writing on behalf of Professor Paul G. Cassell to support his nomination to the United States District Court for the District of Utah. I have known Professor Cassell for more than 17 years, both as a close personal friend and a professional colleague. He is without peer in either category.

I came to know Professor Cassell professionally in 1984 when we clerked at the same time for the United States Court of Appeals for the District of Columbia Circuit. From the beginning, Paul distinguished himself as a brilliant writer, a thoughtful legal scholar, and a decent and honorable person.

Subsequently, I worked with Paul at the United States Attorneys Office for the Eastern District of Virginia. There I had the privilege of trying my first federal criminal jury trial as a federal prosecutor with Paul serving as lead counsel. Later I enjoyed the even greater privilege of serving as the best man at Paul's wedding. Although in recent years our families have seen less of each other since his move to Utah, we remain in close contact and my family had the pleasure of hosting Paul, his wife Trish, and their three daughters during his recent trip to Washington for the confirmation hearing.

Based on this lengthy personal and professional relationship, I can say without hesitation or reservation that Paul would be a tremendous asset to the federal bench. Paul would bring to the bench an incisive legal mind as well as a fundamental decency and respect for all who appear before him, without regard to their status as plaintiff or defendant, lawyer or client, accused or accuser. In my conversations with Paul since his nomination, he has emphasized how proud he is to have been honored by this nomination and how committed he is to serve with honor and distinction. Given that Paul's intellectual prowess is exceeded only perhaps by his humility and decency, I have no doubt that given the opportunity he will so serve.

In observing Paul's confirmation hearing, it was clear that many of the questions focused on his ability and willingness to accept and consider different points of view and to put aside his views as an advocate and follow the laws as a Judge. In that regard, I would make the following observations: I am a lifelong Democrat and sine leaving the United States Attorneys Office I have worked as a criminal defense counsel. I regularly appear before district judges throughout the country on behalf of those accused with a wide variety of offenses. Although I routinely find myself in disagreement with Paul on numerous legal issues including the death penalty (which I oppose) and *Miranda* (which I support), I have no doubt that we in the defense bar and our clients, would receive fair and even-handed treatment in Paul's courtroom. For although Paul undoubtedly views my beliefs with the same skepticism as I view his, he is unfailingly receptive to my differing

views, courteous in addressing our differences, and respectful of my positions. Indeed, he accords respect to everyone that crosses his path, lacks even a touch of arrogance or conceit and is unfailingly polite even in situations where something less might be appropriate. I do not worry that as a judge, Paul might be high-handed, discourteous or have any difficulty following the principles of *stare decisis*. Given his decency and abiding integrity, I do not think it is in Paul's nature to act other than honorably and courteously.

I hope that the foregoing is of assistance in your consideration of Professor Cassell's nomination to the bench. If I can provide further information or answer any questions, please do not hesitate to contact me.

Sincerely,

MARK J. HULKOWER.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is available to the Senator from Utah and the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Utah has 3 minutes 43 seconds. The Senator from Vermont has 12 minutes 40 seconds.

Mr. LEAHY. Mr. President, with last week's votes, the number of Federal judges confirmed since the change in Senate majority 10 months ago now totals 56. Under Democratic leadership, the Senate has confirmed more judges in 10 months than were confirmed by the Republican-controlled Senate in the 1996 and 1997 sessions combined.

Today's vote is on the nomination of Paul Cassell to the United States District Court for the District of Utah. After a great deal of thought, I will not be voting for this nominee today. Although this nomination is supported by my good friend from Utah, Senator HATCH, we disagree on his suitability to serve as a Federal judge. Senator HATCH has been an admirable and stalwart advocate for this nomination, and I certainly mean him no disrespect in voting against Professor Cassell.

The constitutional responsibility to advise and consent to the President's selection of lifetime tenured judicial nominees should not be devalued to advise and rubber stamp. When the President sends us a nominee whose qualifications, judgment or background raise concerns or who has a misunderstanding of the appropriate role of a Federal judge, I intend to make my concerns known. This is one of those times. The nomination of Professor Paul Cassell raises several areas of serious concern to me.

I think it is important to note that we have not engaged in a game of tit for tat for past Republican practices, nor have we delayed proceedings on this nomination, as so many nominations were delayed in past years of Republican control of the Senate. Instead, the Committee has seriously considered the nomination and worked hard to complete the Committee's record of information about this nominee. We have given the nominee an opportunity to be heard, promptly scheduled a Com-

mittee vote, and reported this nomination to the floor, although not unanimously. This is far more fairness, courtesy and orderly process than was provided so many nominees during prior years. Professor Cassell, in his nomination to the District Court, has been given a fair hearing and a fair process before the Committee and the Senate.

I am proud of the work the Judiciary Committee has done since the change in the majority. I am proud of the way we have considered nominees fairly and expeditiously and the way we have been able to report to the Senate so many qualified, nonideological, consensus nominees. We also have held hearings for a number of controversial nominees, such as Professor Cassell. Controversial nominations take more time and effort, but we are making that effort and taking that time to be fair and thorough in our consideration of those nominations, as well. One measure of our fairness is the fact that we are proceeding even on controversial nominations such as this one.

After thoroughly considering the record of this nominee, chosen for lifetime appointment by President Bush, I find that I cannot in good conscience vote in favor of Professor Cassell's confirmation. I have voted in favor of 56 other Bush judicial nominees, many of whom had been involved in partisan politics or ideological groups. I also voted in favor of the last person confirmed to the District Court in Utah, Judge Ted Stewart, a controversial nominee, and I did so even in the immediate aftermath of the Republicans' unprecedented party-line vote against Justice Ronnie White of Missouri, because I made a commitment to Senator HATCH.

At Senator HATCH's request, the Senate Judiciary Committee gave Professor Cassell a hearing on his nomination in March and the Committee voted on his nomination in the beginning of May. That is fairer treatment than more than 50 of President Clinton's judicial nominees ever got, those who never got a hearing and never got a vote by the Committee when the Republicans were in charge. Many others waited for months or years for a vote on their nominations. Our Judiciary Committee, however, accorded Professor Cassell a hearing although his nomination is quite controversial and even though he received a partial "not qualified" rating from the ABA.

Professor Cassell is a highly intelligent man, with an admirable passion for teaching and advocacy. But his written work, the record established at our hearing, and the answers he submitted to written questions raise grave doubts about his intellectual forthrightness and his capacity and willingness to put aside the extreme views he has long held. A judge who lacks the open-minded ability to hear both sides of a case cannot be depended on to administer justice impartially. I am concerned that he will be unable to set aside his personal views and that he

has, in his work on legal issues, shown a strong tendency already to be motivated by the outcomes he seeks rather than by the facts.

In 1992, Professor Cassell launched what became an 8-year campaign against *Miranda v. Arizona*, the Supreme Court's landmark ruling that police must provide certain warnings before questioning a suspect in custody. As part of this campaign, he generated a series of statistical studies to try to show that *Miranda* harms law enforcement.

At the same time, he filed briefs in *Miranda*-related cases around the country seeking to convince courts to uphold a 1968 law—18 U.S.C. section 3501—that purported to overrule *Miranda* and make "voluntariness" the sole test for the admissibility of confessions in Federal criminal cases.

Let me emphasize at the outset that I do not fault Professor Cassell for holding opinions with which I may disagree, or for the zealotry of his advocacy. While most criminal justice experts made their peace with *Miranda* decades ago, reasonable minds can certainly differ as to the wisdom and practicality of this venerable precedent. What troubles me about the nominee's campaign against *Miranda* is the manner in which he waged it.

In article after article, Professor Cassell overstated the anti-*Miranda* position, citing his own flawed empirical studies as evidence that *Miranda* harms law enforcement.

These one-sided attacks on *Miranda* drew unusually sharp criticism for their failure to meet standard scholarly norms. Academics who reviewed this nominee's research took him to task for being partisan and ideologically driven while masquerading as an objective scholar. They called his methods unsound, and accused him of manipulating data to reach his preferred result.

Professor Cassell's work on *Miranda* was not restricted to, or even primarily aimed at, the world of academia. Based on his arguably flawed statistical studies, he made several empirical claims to the Senate Judiciary Committee and to various Federal courts, including the United States Supreme Court. Clearly, this raises the stakes from simple academic discourse. It is one thing to write something in a law review article—you can write whatever you want in a law review article. But it is an entirely different matter to represent something to a congressional committee or to the Supreme Court. A lawyer should have a great deal of confidence in any information that he presents to one of those bodies. At a minimum, it would be unethical for a lawyer to present information that he knew was unreliable. Professor Cassell's use of his own questionable data to try to influence legislators and judges on an issue of profound national importance raises serious questions about his judgment and integrity.

I am also concerned by the partisan spin of Professor Cassell's campaign

against Miranda. In his congressional testimony and writings, Professor Cassell was sharply critical of the Clinton Justice Department for avoiding litigation regarding the constitutionality of 18 U.S.C. section 3501. Among other things, he actually suggested the Department had deliberately and repeatedly misled the courts with respect to Miranda, and that its defense of Miranda was driven by politics and not by legal analysis. In a 1997 article entitled "Another Law Janet Reno Doesn't Like," Professor Cassell took specific aim at the former Attorney General, accusing her of "impeding the enforcement" of a statute, and "team[ing] up with defense lawyers to let armed felons and other criminals escape prosecution."

Yet Professor Cassell himself had acknowledged in a 1995 article that prior Republican Administrations had also failed to defend section 3501. Although Republican Attorneys General like John Mitchell and Ed Meese were cognizant of 18 U.S.C. section 3501, Professor Cassell wrote, "no serious efforts were undertaken . . . to secure any determination of the constitutionality of the law." In addition, "[A] recommendation by the Justice Department's Office of Legal Policy in 1987 that an aggressive effort be made to test the law was never adopted as the result of opposition by other agencies within the Department."

At the nomination hearing, I asked Professor Cassell to explain his criticism of Attorney General Reno regarding section 3501 in light of his earlier acknowledgment that prior Attorneys General had taken a similar position. At first he distanced himself from his comments regarding Attorneys General Mitchell and Meese by implying that the magazine in which they appeared had somehow misrepresented his words. He then suggested that because the quote appeared in a popular magazine, the *National Journal*, it should be given less credence than, say, a law review article.

Recall that I am not referring to a situation in which Professor Cassell was quoted out of context. I am referring to an article that Professor Cassell co-wrote with a colleague. That is why his responses to my oral questions in the hearing seemed so slippery. I gave him another chance to explain his comment in answers to written questions. Finally, Professor Cassell grudgingly acknowledged, "it does not appear that any Administration made aggressive efforts to invoke 3501." In sum, Professor Cassell's record of ultra-zealous, partisan advocacy regarding Miranda raises serious questions about his ability to serve as an unbiased decisionmaker.

Another cause to which Professor Cassell has dedicated himself is the defense of the death penalty. Indeed, he has been called "the academic world's foremost defender of capital punishment." At the hearing on his nomination, in response to questions from

Senator DURBIN, Professor Cassell asserted, "my experience with the death penalty is rather limited." This statement confounds reason.

Relying on the list of publications and presentations that Professor Cassell submitted to this committee, I count the following references to capital punishment, dating back to 1987: three substantial articles; four appearances before committees of the U.S. Congress, and one each before the Utah House and Senate; three submissions to popular publications; and three debates. One of those debates took place just 18 months ago: Professor Cassell squared off against Stephen Bright, one of the nation's preeminent defenders of those accused of capital crimes. These examples do not even include the large number of interviews he has given to the press on the topic. He has written and spoken widely on this fundamental matter, but now terms his experience with it "limited."

Despite mounting evidence that our death penalty system is riddled with error and desperately in need of reform, Professor Cassell has doggedly maintained that there is no more accurate sanction in the world than capital punishment as it is practiced in the United States, and that the chance of an innocent being put to death is an "urban legend." He supports this position by asserting that there is no definitive proof that an innocent person has been executed in the past 50 years despite the shameful fact that since 1973, 100 condemned persons have had their convictions vacated by exonerating evidence.

Professor Cassell has been highly critical of studies that show significant rates of error in the imposition of capital punishment.

More than once, he has attacked a study showing errors in capital cases by declaring that the author is an avowed opponent of the death penalty, thereby attempting to undermine the credibility of the study's findings. He has also engaged in vitriolic and occasionally personal attacks against those with whom he disagrees on this issue, often skewing details in his own favor and publishing half-truths. His actions on this matter likewise call into question his ability to rule fairly on this most important legal issue.

Professor Cassell's views on habeas corpus tell a similar story. In April 1993, Professor Cassell testified before the Judiciary Committee in opposition to a bill that would have allowed death row inmates to raise new claims of actual innocence. The bill was a response to the Supreme Court's decision in *Herrera v. Collins*, which upheld a Texas rule barring courts from considering new evidence of innocence that is uncovered more than 30 days after conviction. In his testimony, Professor Cassell argued that an innocent defendant, "will be fully aware of the circumstances surrounding his innocence and can present them at trial." He further asserted that evidence that be-

comes available after conviction is, "almost invariably unreliable." It is troubling to imagine a district court judge with such biases, especially given the strong likelihood that he would be called upon to review claims of innocence based on newly discovered evidence.

Professor Cassell has also advocated limiting habeas review of claimed violations of *Batson v. Kentucky*, which prohibits the exercise of peremptory challenges on the basis of race or gender. In a 1992 law review article, he argued that *Batson* violations should be treated as harmless error, meaning that a new trial would never be an appropriate remedy for a *Batson* violation discovered for the first time on appeal. As an alternative remedy, he proposed notifying excluded jurors that had been unfairly excluded from the previous trial and inviting them to join the panel from which jurors are selected in a subsequent case. But such a "remedy" would do little to cure the structural flaw in the defendant's trial. Notably, although the Supreme Court has not ruled whether *Batson* violations are subject to harmless error analysis, the consensus among the Courts of Appeals is that they are not.

I am aware of Professor Cassell's work with regard to crime victims' rights. We still have more work to do to ensure that our criminal justice system is one that respects the rights and dignity of crime victims, rather than one that presents additional ordeals for those already victimized. Professor Cassell helped draft the Utah victims rights amendment in the mid-1990s. He also worked on, and testified in support of, some of the more than 60 versions of a Federal constitutional amendment that has been proposed, in recent Congresses, by Senators KYL and FEINSTEIN.

It is no secret that, as a longtime advocate of victims' rights, I believe it is preferable to broaden these rights by statute than by amending the Constitution. I do not, however, fault Professor Cassell, or anyone else, for supporting this approach. The treatment of crime victims certainly is of central importance to a civilized society. The question is not whether we should help victims, but how. I continue to believe that crime victims legislation is the preferable course to amending the Constitution.

That being said, Professor Cassell's work on behalf of this cause has occasionally exceeded the bounds of fair advocacy. For example, when testifying before this Committee in support of the proposed constitutional amendment, he has repeatedly cited the Victims Rights Clarification Act of 1997—VRCA—as evidence that statutes are not adequate for protecting crime victims, and that nothing but a constitutional amendment will do. While he has the right to favor an amendment to the constitution, Professor Cassell grossly distorted the impact of the VRCA.

Congress passed the VRCA in response to a pretrial order by the trial

judge in the Timothy McVeigh case—Judge Matsch. The order excluded from the trial any victim who wanted to testify at the sentencing hearing. The VRCA clarified that a court may not prohibit a victim from testifying at a sentencing hearing solely because the victim has witnessed the trial, although a judge may exclude a victim from testifying at a sentencing hearing if the judge found—independent of the fact that the victim witnessed the trial—that the testimony would create unfair prejudice.

One week after President Clinton signed the VRCA, Judge Matsch reversed his pretrial order and permitted victims to watch the trial, even if they were potential penalty phase witnesses. In other words, Judge Matsch did what the statute told him to do. Beth Wilkinson, one of the prosecutors in the case, testified before this Committee that in the end, not one victim was prevented from testifying at the sentencing hearings for McVeigh on the ground that he or she had observed part of the trial. Moreover—and perhaps more importantly—with all issues regarding the VRCA resolved during the McVeigh case, there were no problems implementing the statute during the Terry Nichols case—victims were free to watch the trial and testify at the penalty phase hearing. Ms. Wilkinson characterized the VRCA as a textbook example of how statutes can and do work to protect victims.

When the Judiciary Committee considered the proposed constitutional amendment two years ago, many of us had serious concerns about that approach. We believed it possible to give crime victims strong and enforceable rights, and assure them a greater voice in the criminal justice system, without cutting back on the fundamental rights of defendants. Together with the Justice Department, we pushed for the addition of language that would expressly preserve existing rights of the accused as guaranteed by the Constitution.

Professor Cassell steadfastly opposed the addition of such language, claiming that it, “would have perpetuated the very problem we were trying to solve.” This suggests that the “problem” as he saw it, was not that the judicial system mistreats victims, but that it is unduly deferential to the rights of defendants.

Professor Cassell now claims that the problem with “adding specific language about defendant’s rights is that it creates . . . the misimpression that victims’ rights and defendants’ rights actually collide.” This is a convenient “spin” on Professor Cassell’s past statements, coming at a time when those remarks have come under scrutiny, and is clearly inconsistent with “the problem” he was “trying to solve” 2 years ago.

Once again, it raises the question whether Professor Cassell, if confirmed, would exercise judgment fairly and impartially or would do so in a way that would seek to further his own personal views.

I have no doubts about Professor Cassell’s intelligence and his passion and commitment to how he thinks the law should read. I am sure that he is a fine professor of law. I suspect he may be an effective advocate. But when viewed as a whole, his career has been one of a results-oriented advocate, who has worked forcefully to push the law to the far right. His one-man war on Miranda, his aggressive defense of our flawed system of capital punishment, and his work on other matters place him outside the mainstream of modern American jurisprudence. Even more troubling is his clear track record of manipulating sources and data to promote his ideological agenda.

I have voted for 56 of the President’s judicial nominees so far, and I will surely vote for many, many more, but on the basis of all I have seen in connection with the nomination of Paul Cassell, I cannot and will not vote in favor of this nomination. My judgment is that he is not likely to be the kind of fair and impartial judge that is essential to our Federal courts.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 6½ minutes.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member.

Mr. President, I am very proud to rise in support of Professor Paul Cassell who is nominated to be a judge for the district court in Utah.

I think one of the best ways to learn about a person is to work with them on an issue. I have had the pleasure, along with Senator KYL, of working with Paul Cassell on a constitutional amendment to protect victims of violent crime.

In the course of several meetings, I have found Professor Cassell to be bright, sensitive, and evenhanded, with a very deep concern for those victimized by crime.

I am not the only one. I would like to quickly read the opening paragraph from Doug Beloof of Northwestern School of Law at the Lewis & Clark College:

I am an associate professor of law at Lewis & Clark law school in Portland, Oregon. I am a registered Democrat. It has been my pleasure to know Professor Paul Cassell personally and professionally for several years. I am writing to urge you to confirm him. As his resume reflects, he is brilliant. He is one of the quickest conceptual thinkers and writers I have ever met. There is no question that he is well qualified for the district court position.

I find myself strongly in agreement. I have found in my course in public life that very few care really to be identi-

fied with victims of crime. In this sense, Paul Cassell is really a jewel. I have seen him come forward time after time on behalf of victims of violent crimes. On a pro bono basis, he represented the victims of the Oklahoma City bombing in their unsuccessful efforts to ensure they could observe the trial and still testify at the sentencing proceedings.

He has worked on behalf of sexual assault victims. This month he is filing briefs in the Utah Supreme Court on behalf of the Rape Recovery Center to protect the confidentiality of rape crisis victims.

Because of his tireless work on behalf of crime victims, Professor Cassell’s nomination has earned the support of victim’s groups around the country including: the Klaas Kids Foundation; Crime Victims United of California; the National Victims Constitutional Amendment Network; Memory of Victims Everywhere; National Organization for Victim Assistance; and Justice for Murder Victims.

Let me read just a couple excerpts from his letters of support:

John Stein, Deputy Director of the National Organization for Victim Assistance describes him as

. . . a fair, ethical, and highly competent attorney and colleague. [Professor Cassell] has demonstrated a balanced commitment to the cause of justice for all Americans including crime victims.

Douglas Beloof, a Professor of Law at Lewis and Clark school in Portland, Oregon wrote:

Professor Cassell’s character and temperament . . . are extremely well suited for the District Court position. The citizens of Utah could not find a better legal mind or a more decent human being.

Professor Cassell also comes before the Senate with impressive academic credentials.

Professor Cassell graduated from Stanford University and from Stanford Law School, where he was Order of the Coif and president of the Stanford Law Review.

He clerked for then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit, and subsequently Chief Justice Warren Burger of the U.S. Supreme Court.

After a successful career in the Department of Justice, Mr. Cassell entered academia and became a professor of law at the University of Utah. His scholarship includes over 25 published law review articles.

In sum, I thank Chairman LEAHY for setting this nomination for a vote, and I urge my colleagues to vote to confirm Professor Cassell to the Utah District Court.

I ask unanimous consent to print in the RECORD a series of letters from national organizations supporting victims and also supporting Dr. Paul Cassell for appointment to the district court.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATION
FOR VICTIM ASSISTANCE,
Washington, DC, March 18, 2002.

Hon. DIANNE FEINSTEIN,
Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL: On behalf of the National Organization for Victim Assistance, we are writing to express our strong support for the confirmation of Professor Paul Cassell to the Federal District Court for the District of Utah.

We have worked with Professor Cassell for many years, and have come to know him as a fair, ethical, and highly competent attorney and colleague. Paul has demonstrated a balanced commitment to the cause of justice for all Americans, including crime victims. We are honored by his longstanding association with NOVA. In his work on the Crime Victims' Rights Amendment he has shown his ability to understand many different points of view, as is evidenced by his collaboration with another NOVA friend, Professor Lawrence Tribe.

We strongly believe that Professor Cassell will be a credit to the Federal Judiciary and we urge your unqualified support for his confirmation.

Very Truly Yours,

JOHN H. STEIN,
Deputy Director.

STEVE TWIST,
Vice President—Public
Affairs.

CRIME VICTIMS UNITED
OF CALIFORNIA,
Sacramento, CA, March 14, 2002.

Re request for your support for Paul G. Cassell for confirmation to the 10th Federal District Court.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: In keeping with yours and our tireless push for the "U.S. Constitutional Amendment for the rights of victims," we ask for your strong support of Paul G. Cassell for confirmation to the 10th Federal District Court for the District of Utah.

Mr. Cassell stands for everything that we are attempting to accomplish. He is a man totally dedicated to public safety and victims rights and will be an asset in making the justice system fair and honest for the law-abiding citizens who just happen to become a crime victim.

We thank you for continuing to be a strong crime victim's advocate. We appreciate your great effort on behalf of victims of crime.

Please feel free to call on us anytime we may be of assistance.

Sincerely,

HARRIET SALARNO,
President/Chairperson.

JUSTICE FOR
HOMICIDE VICTIMS, INC.,
Malibu, CA, March 15, 2002.

Senator DIANNE FEINSTEIN,
Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR FEINSTEIN: In keeping with your tireless pursuit of justice for crime victims and advocacy for a Victims' Rights Constitutional Amendment, we urgently request that you support Professor Paul G. Cassell's confirmation to the 10th Federal District Court. A graduate of Stanford, he was an Assistant U.S. Attorney for the Eastern District of Virginia. Professor Cassell writes, lectures and testifies extensively in the areas of criminal justice reform and the rights of crime victims.

Thank you very much.
Sincerely,

ROBERT W. LEACH,
President.

KIAASKIDS FOUNDATION,
Sausalito, CA, March 20, 2002.

Re confirmation of Paul G. Cassell.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of crime victims everywhere, please support the confirmation of Paul G. Cassell to the Federal District Court for the District of Utah. Historically, Professor Cassell has long been one of America's most active and vocal advocates of victim's rights.

As one who has been victimized by violent crime I understand how difficult it can be to find articulate, educated advocates for our position. Professor Cassell is one such person: a leader whom goes to battle for the rights of the innocent, especially crime victims. We need more, not less individuals of Professor Cassell's caliber working on behalf of all honest Americans.

Please support and vote 'aye' to confirm Professor Cassell. He will be a continuing asset to a federal court system that too often prioritizes the rights of the wrong individual.

Thank you for your consideration on this matter.

Sincerely,

MARC KLAAS.

JUSTICE FOR MURDER VICTIMS,
San Francisco, CA, March 14, 2002.

Re request for your support of Paul G. Cassell for confirmation to the 10th Federal District Court.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: In keeping with yours and our tireless push for the "U.S. Constitutional Amendment for the rights of victims," we ask for your strong support of Paul G. Cassell for confirmation to the 10th Federal District Court for the District of Utah.

Mr. Cassell stands for everything that we are attempting to accomplish. He is a man totally dedicated to public safety and victims rights and will be an asset in making the justice system fair and honest for the law-abiding citizens who just happen to become a crime victim.

We thank you for continuing to be a strong crime victim's advocate. We appreciate your great effort on behalf of victims of crime.

Please feel free to call on us anytime we may be of assistance.

Sincerely,

HARRIET SALARNO,
President/Chairperson.

MEMORY OF VICTIMS EVERYWHERE,
San Juan Capistrano, CA, March 14, 2002.
Re please give strong support to Paul G. Cassell for confirmation to the 10th Federal District Court.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: As one of the hardest hit crime victims in the Nation, I extend my appreciation for your great effort on behalf of the victims of violent crime. Thank you for continuing to be a strong crime victim's advocate. We value your hard work and continued loyalty to bring forth a "U.S. Constitutional Amendment" for the rights of crime victims. [You may have been advised that after fourteen years an arrest has finally been made on one of the killers of my brother and sister-in-law.]

Knowing of Paul Cassell's wonderful work in the justice area, we would guess that you plan to support him for confirmation to the 10th Federal District Court. We do request your very strong support for him.

If you know of Mr. Cassell, you are aware he is a man totally dedicated to making our justice system fair for the honest, law-abiding citizen, who just happens to become a victim of crime.

In April 1996, I had the privilege of meeting Paul as we both testified before the U.S. Senate Judiciary in support of your U.S. Constitutional Amendment. Paul Cassell is a leader, doing battle for the rights of the honest people (especially crime victims). Paul has great integrity, fairness and we victims are proud to support him for the Federal District Court of our great Nation.

Thank you again and again for your great effort on behalf of victims of crime.

My kindest personal regards and with sincerity and appreciation,

COLLENE (THOMPSON) CAMPBELL
Former mayor, San Juan Capistrano.

NATIONAL VICTIMS'
CONSTITUTIONAL AMENDMENT NETWORK,
Denver, CO, March 13, 2002.

Hon. DIANNE FEINSTEIN,
Senator for California, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the National Victims' Constitutional Amendment Network (NVCAN), I wish to express our strong support for Paul Cassell, Esquire, who has been nominated to serve as a federal judge. Those of us who have been privileged to know and work with Mr. Cassell have deep respect and admiration for his leadership and service to the criminal justice system and the society it serves.

Paul Cassell has a distinguished record of outstanding service to others. He is currently a Professor of Law at the University of Utah College of Law, where he teaches criminal procedure. He has written and lectured extensively regarding crime victims' rights, serving on the Utah Council on Victims, where he was instrumental in obtaining the passage of the Utah State Victims' Rights Amendment. He worked with total commitment and dedication on behalf of 89 victims of the Oklahoma City bombing in their efforts to obtain their lawful rights to watch proceedings in that case.

His career includes a wealth of experiences that reflect his exceptional ability to strive for balance and fairness in the criminal justice system so that true justice is achieved. Clearly, those qualities have been demonstrated in abundance as NVCAN has worked for the passage of the U.S. Constitutional amendment for crime victims' rights.

Paul Cassell is a man of honor and integrity who will bring a keen intellect, ethical conduct and distinction to the federal bench. We in NVCAN have witnessed him as one of our most active contributors and a passionate advocate for equal justice under the law. We hope you will carefully consider our strong support for his confirmation.

Sincerely,

ROBERTA ROPER,
ROBERT PRESTON,
Co-Chairpersons.

Mr. LEAHY. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will vote against the nomination of Professor Paul G. Cassell to be a Federal district judge in Utah. Mr. Cassell's nomination is the first of President

Bush's judicial nominations that I have voted against on the Senate floor. Although Professor Cassell is a highly intelligent and forceful advocate of his views on criminal justice, he clearly lacks the temperament and moderation required for a life-tenured Federal judgeship.

Professor Cassell is perhaps best known for his longstanding criticism of and campaign to overturn the Supreme Court's decision in *Miranda v. Arizona*. *Miranda* held that police must provide certain warnings to suspects held in custody if their statements are to be later admitted into evidence. As the Supreme Court recently observed, *Miranda* "has become embedded in routine police practice to the point where the warnings have become part of our national culture." Across the Nation, law enforcement agencies have concluded that *Miranda* generally does not hinder their ability to investigate and prosecute crime.

Professor Cassell believes otherwise. He has written numerous law review articles arguing that *Miranda* was "an undeniable tragedy"—"the most damaging blow inflicted on law enforcement in the last half-century." Cassell's scholarship, however, has received withering criticism from his colleagues. For example, Professor Stephen Schulhofer has described Cassell's methodology as "inconsistent and highly partisan" and "junk science of the silliest sort." Professor Charles Weisselberg stated that his conclusions were based on "foolhardy assumptions" and "flawed methodologies." Professors Richard Leo and Richard Ofshe criticized Cassell for advancing "logically flawed and empirically erroneous propositions" that "appear to stem from his ideological commitments."

In addition to publishing law review articles, Professor Cassell filed amicus curiae briefs around the country seeking to convince courts that a Federal statute passed in 1968 effectively overruled *Miranda* and made voluntariness the sole test for the admissibility of confessions in Federal criminal cases. At the time of this statute's enactment, I stated that it was "so squarely in conflict with the recent decision of the Supreme Court in *Miranda* that it will almost certainly be declared unconstitutional as soon as it is tested in the courts."

Fully aware of this infirmity, the Justice Department, from the Johnson administration onward, Democratic and Republican administrations alike, made no serious effort to test the statute's constitutionality in court. Nevertheless, in the 1990's, Professor Cassell singled out the Clinton Justice Department for vigorous attack, the same Department that saw the overall crime rate in the United States decline for 8 out of 8 years, and violent crime drop to its lowest point in two decades. Because the Clinton Justice Department failed to endorse his flawed scholarship, Cassell accused it of "a clear constitutional abdication." He declared

that Attorney General Janet Reno had "team[ed] up with defense lawyers to let armed felons and other criminals escape prosecution." Imagine that, stating that about an Attorney General. At his nomination hearing before the Judiciary Committee, Cassell declined to express any regret for these outrageous and unfounded statements.

In June 2000, in *Dickerson v. United States*, the Supreme Court vindicated the Justice Department's longstanding position. In an opinion written by Chief Justice Rehnquist, seven justices of the Supreme Court held that *Miranda* was a "constitutional rule" that may not be overruled by a statute. Professor Cassell described the Court's ruling as a "remarkable example of the imperial judiciary." He proceeded to argue, in both a law review article and a Federalist Society newsletter, that the ruling lacked precedential value. He described as "a silver lining" in the "dark cloud of the decision" the extraordinary statement by Justice Scalia and Justice Thomas, in dissent, that they would continue to apply the unconstitutional statute in all future cases. Cassell wrote, "Perhaps the view of the *Dickerson* dissenters will become a majority. Truth, after all, is hard to keep buried forever. . . ."

Thus, in his scholarship and in his public statements on *Miranda*, Professor Cassell has shown himself to be intemperate and one-sided. He refuses to admit that his opponents might have a case even after their position has been vindicated by seven justices of the Supreme Court. Furthermore, his criticism of the Court calls into question his commitment to the principle of *stare decisis* and his ability to separate his view of the "truth" from settled law. Is this the kind of person we want to serve as a Federal judge?

I am equally troubled by Professor Cassell's views on the death penalty. Reasonable minds can disagree about the death penalty, and we have confirmed and continue to confirm many nominees who believe that capital punishment is an appropriate response to crime. My opposition to Professor Cassell's nomination is based not on his support for the death penalty, but instead on his refusal to even acknowledge the evidence showing that serious problems exist in its implementation.

Since 1973, 100 people have been released from death row in the United States because of innocence. In many cases, fatal mistakes were avoided only because of discoveries made by students or journalists, not the courts. This high number of exonerations has led many observers, both liberal and conservative, to express concern about the fairness of the death penalty's administration. For example, Justice O'Connor has observed that "if statistics are any indication, the system may well be allowing some innocent defendants to be executed." There are now death penalty moratoriums in two States, Illinois and Maryland, imposed after leaders in each state recognized

serious concerns about racial disparities and the possibility that an innocent person might be executed.

Professor Cassell has spent his academic career minimizing and dismissing such concerns. In spite of the 100 death-row exonerations, Cassell has described the chance that an innocent might be put to death as an "urban legend." He has asserted again and again that there is no definitive evidence that any innocent person has been executed in the last 30 years: "Thus," he has argued, "the most important error rate—the rate of mistaken executions—is zero." Elsewhere, Cassell has trivialized the danger of fatal error in the Government's administration of the death penalty by comparing it to the risk involved in driving on a highway, stating that even though innocents may die in traffic accidents, "we all agree that our highways should remain open because of the social benefits they produce."

In 1993, Professor Cassell testified in opposition to a bill that would allow death-row inmates to raise new claims of actual innocence in habeas corpus proceedings, arguing that "[i]f a defendant is truly innocent, he will be fully aware of the circumstances surrounding his innocence and can present them at trial." Evidence discovered after trial, he stated, is "almost invariably unreliable." As a district judge, Cassell will be charged with the duty of reviewing post-trial petitions by State and Federal prisoners, many of which raise claims of innocence. His unorthodox view of the reliability of newly discovered evidence is inconsistent with that fundamental duty.

Regardless of how we feel about the death penalty generally, there is one thing that we can all agree on. People on trial for their lives must have effective assistance of counsel, not lawyers who sleep through the trial. Professor Cassell, however, has expressed a different view. In October 2000, a divided panel of the Fifth Circuit Court of Appeals upheld the death sentence in one such case, in which the defense lawyer had repeatedly slept through the trial for substantial periods of time. Professor Cassell defended this decision in an interview on National Public Radio, emphasizing that there was "no real suggestion" that the defendant was innocent. The en banc fifth circuit later reversed the panel's decision and reinstated the district court's grant of habeas corpus relief. It held that "when a state court finds on the basis of credible evidence that defense counsel repeatedly slept as evidence was being introduced against a defendant, that defendant has been denied counsel at a critical stage of his trial." Cassell's willingness to affirm a death sentence in a case where the defense lawyer slept through the trial raises fundamental questions about his suitability to serve as a Federal judge.

A number of lawyers from Utah have written letters to the Judiciary Committee regarding Professor Cassell's

nomination. They have expressed concern about his lack of ties to Utah and limited courtroom experience. Ronald J. Yengich wrote that Cassell has not been "intellectually honest in his assessment of the problems of crime in our society and the response that the Courts should take to them," and that he has shown "an unwillingness to view both sides of any legal argument." L. Clark Donaldson wrote that Cassell's legal scholarship has elevated "partisan considerations over careful and deliberate analysis of data." Kristine M. Rogers stated that his comments have led her "to conclude that he views our justice system as a mechanism with which he can manipulate our Government with an agenda for ever increasing governmental power and ever decreasing individual rights." Stephen M. Enderton, a self-described Republican, believes that Cassell "would use his position to push his personal ultra conservative agenda to the detriment of all of those who appear before his court."

I hope that my concerns and the concerns of these Utah lawyers are misplaced, and that as a judge Professor Cassell will be able to set aside ideology and apply the law fairly and impartially. His record, however, indicates otherwise. I therefore oppose this nomination, and I urge my colleagues not to approve it.

Mr. HATCH. Mr. President, I want to respond to remarks made by my colleague from Massachusetts about criticism of Professor Cassell's scholarship.

Academic debate about such issues as Miranda and the death penalty is robust and uninhibited. It is part of that debate that scholars will criticize the work of other scholars. The validity of that criticism depends, of course, on the merits of the particular claims.

Professor Schulhofer and Professor Cassell have engaged in a particularly long-running debate about the merits of Miranda and its potential costs to law enforcement. Schulhofer has criticized Cassell's work in various law review articles, and Cassell has responded in other articles. The full debate spans dozens of pages in various law reviews. Some of the relevant articles are as follows: Paul G. Cassell, *Miranda's Costs: An Empirical Reassessment*, 90 Nw. U.L. Rev. 387 (1996) (suggesting that confession rates fell after Miranda); Stephen J. Schulhofer, *Miranda's Practical Effect: Substantial Benefits and Vanishingly Small Social Costs*, 90 Nw. U.L. Rev. 500 (1996) (agreeing that rates may have fallen modestly, but arguing against significance of this fact); Paul G. Cassell, *All Benefits, No Costs: The Grand Illusion of Miranda's Defenders*, 90 Nw. U.L. Rev. 1084 (1996) (responding to Schulhofer's criticisms, noting decline in crime clearance rates after Miranda); Stephen J. Schulhofer, *Bashing Miranda is Unjustified—and Harmful*, 20 Harv. J. of Law and Public Policy 347 (1997) (arguing that post-Miranda clearance rate decline is explainable by

other factors); Paul G. Cassell, *Miranda's "Negligible" Effect on Law Enforcement: Some Skeptical Observations*, 20 Harv. J.L. & Pub. Policy. 327 (1997) (responding to Schulhofer's criticisms); Paul G. Cassell & Richard Fowles, *Handcuffing the Cops? A Thirty-Year Perspective on Miranda's Harmful Effects on Law Enforcement*, 50 Stan. L. Rev. 1055 (1998) (multiple regression analysis of crime clearance rates suggesting structural drop in clearance rate function after Miranda). As explained in greater detail in those articles, Cassell believes that it is important to attempt to calculate the costs of the Miranda decision, even though the data that may be available for such a calculation is limited.

Professors Richard A. Leo and Richard J. Ofshe have criticized Cassell's work on false confessions, often in particularly strong terms. Unlike the other academic exchanges in which Cassell has been involved, this dispute has been litigated in several court cases. Criminal defendants have offered the paid "expert" testimony of Professors Leo and Ofshe in support of their defenses. Prosecutors have presented Cassell's writings in response, arguing that Leo and Ofshe are not sufficiently reliable to be allowed to testify. Several courts have agreed with my critiques of their work. For example, in one fairly recent case, a Federal district court concluded that proffered testimony on false confessions by Professor Leo would not satisfy the reliability requirements for scientific evidence. The court held: "Therefore the motion to call Dr. Leo will be denied. I find there is inadequate showing that the reasoning or methodology underlying the proffered testimony is reliable nor has it gained acceptance in the relevant scientific community." See *United States v. Juan Carlos Higuera-Cruz* No. 99CR 2975-TW (S.D. Cal. Feb. 8, 2000), tr. at 145. The court cited Cassell's research as one reason for reaching its conclusion. After reviewing Cassell's article in the *Harvard Journal of Law and Public Policy*, the court explained: "Professor Cassell . . . concluded that all nine people were in fact, likely guilty. . . . That, at the very least, casts doubt on the methodology o[f] the study that Dr. Leo conducted and whether or not it is substantially or scientifically reliable or valid." See id. at 142-43.

In a similar ruling handed down recently, a State district court judge in New Mexico also found Professor Leo to be unreliable. Tracking arguments that Cassell made in his article, the court explained: "While the area of specialty of Dr. Leo is an important area of study, nevertheless, as recognized by Dr. Leo, there are considerable limitations which presently exist for the analysis of interrogation techniques and their bearing upon false confessions." *State v. Lance Four Star*, No. D-0101-CR-2000000276, op. at 1-2 (1st Jud. D.C. of New Mex., Aug. 23, 2001). Moreover, the court explained: "The

conclusions of Dr. Leo are arrived at from an analysis of a small number of cases (sixty) which are not randomly selected. . . . Even if one were to concede the methodology of determining whether a confession is false to a high probability, the numbers used are extremely small." Id. at 2. There are other cases to similar effect (both in the United States and Canada) finding either Professor Leo's or Professor Ofshe's work to be insufficiently reliable to be admitted in court.

Professor George Thomas and Professor Cassell have enjoyed debating the Miranda issue in various fora. Their most extensive debate appeared in the *UCLA Law Review*. See George C. Thomas III, *Is Miranda A Real-World Failure? A Plea for More (and Better) Empirical Evidence*, 43 UCLA L. Rev. 821 (1996) (calling for empirical research on Miranda); Paul G. Cassell & Bret S. Hayman, *Police Interrogation in the 1990s: An Empirical Study of the Effects of Miranda*, 43 UCLA L. Rev. 839 (1996) (providing empirical research on Miranda); George C. Thomas III, *Plain Talk about the Miranda Empirical Debate: A "Study-State" Theory of Confession*, 43 UCLA L. Rev. 933 (1996) (noting that "Cassell and Hayman have performed a great service to the criminal justice community by gathering, categorizing, and presenting the Salt Lake County data. Though I interpret some of the data differently than Cassell and Hayman do, the debate is richer because of their data," offering critique of the study). Professor Thomas has sent a letter to the Judiciary Committee strongly endorsing Cassell's nomination.

Professor Charles D. Weisselberg has also critiqued Cassell's work. His critique, however, is really more of a summary of the critiques of other scholars. He also said that he was analyzing Cassell's work "because it represents the most detailed and determined empirical effort to measure Miranda's costs." He also notes that Cassell's regression analysis was replicated, for two crime categories, by Professor John Donohue and that, after "careful study, Donohue could neither substantiate nor reject Cassell's and Fowles' claims." Because Weisselberg is summarizing the critique of Cassell's research, more extensive responses are found in the law review articles responding to those critiques.

Professor Welsh White has critiqued Cassell's use of an estimate of wrongful convictions from an Ohio judge. Professor White has found Cassell's work sufficiently meritorious to devote significant parts of a book to responding to his views. See Welsh S. White, *Miranda's Waning Protections: Police Interrogation Practices* After *Dickerson* 72 (2001) (noting that chapter 7 of the book will discuss my empirical arguments and chapter 8 will discuss my constitutional arguments). It may be relevant to note that Professor White teaches at the University of

Pittsburgh School of Law. In September 200, Cassell delivered the Mellon Lecture at his school.

Finally, in considering criticisms of Cassell's work, it might also be useful to consider praise of his work. Some of the published favorable comments on Cassell's work include: Yale Kamisar, Can (Did) Congress "Overrule" Miranda, 85 Cornell L. Rev. 883 (200) (noting "the compelling presence on the scene of Professor Paul Cassell"); Judge Alex Kozinski, The Fourth Annual Frankel Lecture: The Relevance of Legal Scholarship to the Judiciary and Legal Community: Who Gives a Hott About Legal Scholarship?, 37 Hous. L. Rev. 295 (2000) (reviewing Cassell's academic research on Miranda, which lead to the Dickerson decision; concluding "this strikes me as a monumental academic achievement . . . Cassell, through his academic writings, has given this issue legitimacy, and an argument that a mere five years ago would have been received with a chuckle may now turn out to be the law of the land"); Michael Edmund O'Neill, Undoing Miranda, 2000 BYU L. Rev. 185 (noting doctrinal uncertainties about Miranda and concluding "Professor Cassell has offered perhaps the best answer to this perplexing question").

Thank you, Mr. President. I yield the floor.

Mr. LEVIN. Mr. President, I cannot support the confirmation of this nominee for the Federal district court. To cite just one instance of his intemperate remarks, Mr. Cassell wrote in a published article that the U.S. Department of Justice "team(ed) up with criminal defense lawyers to let armed felons and other criminals escape prosecution." Statements such as this, and there are others, show an absence of the judicial temperament necessary to warrant a lifetime appointment to the Federal court.

Mr. BENNETT. Mr. President, I rise today to express my support for President Bush's nomination of Paul G. Cassell for the U.S. District Court for the District of Utah. The Judiciary Committee approved Professor Cassell by voice vote on May 2, 2002, and I would urge my colleagues to vote in favor of this nomination.

Paul Cassell has excellent academic credentials. He graduated from Stanford University Law School, where he was president of the Stanford Law Review. Following law school he served two clerkships, one for then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit, and one for Chief Justice Warren Burger of the U.S. Supreme Court. Cassell's professional experience includes service as an Assistant U.S. Attorney and also Associate Deputy Attorney General at the U.S. Department of Justice. As a professor at the University of Utah College of Law, he distinguished himself as a popular and well-respected teacher. His scholarship includes over 25 published law review articles, as well

as numerous articles in major newspapers and periodicals.

Professor Cassell has become a national expert on criminal procedure and evidence and one of the Nation's leading experts on victims' rights. He has represented victims of crime across the country, always on a pro bono basis. For instance, he represented victims of the Oklahoma City bombing in their efforts to observe the trial and sentencing proceedings. His advocacy is the reason why those families did not lose the right to observe the McVeigh trial. Recently, his pro bono efforts resulted in a significant victory for victims of crime in the Utah Supreme Court. On March 12, 2002, in *State v. Casey*, the court agreed with Professor Cassell that crime victims have the right to be heard before any plea bargain is accepted by the court and the right to appeal issues relating to that right. As a result of Cassell's efforts, this opinion recognized that victims have an important role to play in our criminal justice system and that their rights must be respected by courts and prosecutors.

Professor Cassell has also been actively involved in fighting domestic violence and sexual assault in Utah. In April 2002, Professor Cassell filed briefs in the Utah Supreme Court on behalf of the Rape Recovery Center and the National Alliance to End Sexual Violence to protect the confidentiality of rape crisis counseling records. Additionally, Professor Cassell has been an active participant in legal affairs in Utah. For many years, he has served as the chair of the Legislative Committee of the Utah Council on Victims of Crime as well as a member on the Utah Supreme Court's Advisory Committee on Rules of Criminal Procedure.

In previous weeks many of my colleagues have highlighted the need to address the vacancy crisis in the Federal courts. I am concerned that there are some in the Senate who are perpetuating this vacancy. The Senate must do its part to act swiftly on the President's nominees. I have voiced concern in the past that certain Senators have made it known that they will require that a nominee be recommended by the American Bar Association. While I believe that this is an unnecessary requirement and an extra-constitutional test, Paul Cassell has, nonetheless, passed this test and a substantial majority of the American Bar Association review committee rates him "well qualified" to be a Federal judge.

Paul Cassell's long list of credentials indicate his preparedness to serve as a Federal judge. I strongly urge my colleagues to vote in favor of the nomination of Paul G. Cassell for the U.S. District Court for the District of Utah.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 56 seconds. The Senator from Utah has 1 minute.

Mr. LEAHY. Mr. President, I have told the Senator from Utah I will let him go last.

I have no doubts about Professor Cassell's intelligence, his passion, and his commitment to how he thinks the law should read. I am sure he is a fine professor of law. I suspect he is an effective advocate. But viewed as a whole, his career has been one of a results-oriented advocate where he has worked forcefully to push the law to the far right. His one-man war on Miranda, his aggressive defense of our flawed system of capital punishment, even though 100 people have been released because of mistakes, and his work on other matters place him outside the mainstream of modern American jurisprudence. Even more troubling is his clear track record of manipulating sources and data to promote his ideological agenda.

I have voted for 56 of the last 57 of the President's judicial nominees so far, and I will surely vote for many, many more, but on the basis of all I have seen in connection with the nomination of Paul Cassell, I cannot and will not vote in favor of this nomination. My judgment is that he is not likely to be the kind of fair and impartial judge that is essential to our Federal courts.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it seems ironic to me that my colleagues are attacking Paul Cassell for having used yeoman efforts to uphold a Federal statute that was passed by the Congress of the United States in 29 U.S.C. 3501 which basically said that voluntary confessions will be admitted into evidence if there is just a technical mistake. I have to say I believe that is ridiculous. I think he had every right to try to uphold that statute. Personally, I think he was right in his arguments, but the Supreme Court found otherwise. He made it very clear that that is the law now and he will abide by it.

I also disagree with my colleagues who characterize him again as manipulating statistics and figures. There are people who disagree with Paul Cassell, as is the case in academia. He disagrees with them. But I happen to know this is one of the most honorable, honest people who lives in our society today. I personally don't appreciate his being treated this way.

It pains me to hear my colleagues attacking Paul Cassell, one of the most stellar nominees this body has ever had the privilege of considering for confirmation to the district court bench.

I have to say that, even before those disparaging remarks were made, it was already an embarrassment to me that the Judiciary Committee and Senate leadership have taken nearly a year—328 days to be exact—to bring Professor Cassell's nomination to a floor vote. This is by far the longest time that any district court nominee has had to wait for a vote during this Congress. In fact,

this vote has been delayed so long that the Administrative Office of the Courts declared the seat to which Professor Cassell was nominated a judicial emergency several months ago.

But rather than just register my disbelief and disappointment, I would like to address the two issues that the critics and nay-sayers are bringing up: Professor Cassell's work in the areas of capital punishment and the so-called Miranda warning.

Mr. President, don't let anyone fool you: The fact is that Cassell's views on these topics reflect thoughtful, responsible, mainstream legal ideas. And Cassell's work in these areas has been driven by nothing other than a deeply felt desire to improve the justice system for the benefit of all Americans. So, rather than let my colleagues misstate and mis-characterize those views, I would like to explain what Professor Cassell really thinks on these topics.

First, capital punishment. Professor Cassell, like many scholars, jurists, and a majority of the population of the United States, supports capital punishment in appropriate cases. Cassell has argued that Congress and the States have the power to impose capital punishment for those who have committed the most serious offenses representing the wanton, willful, and reckless disregard for innocent human life. The fact that he has had the courage to say so in today's monolithic academic culture should be taken as evidence of his ability to think independently in the face of peer pressure—a quality we want in judges. But that courage has led people who disagree with him to attempt to reduce his views to mere caricatures. His critics are trying to make believe that he has a callous attitude toward anyone wrongly sentenced to death. But nothing could be further from the truth. Cassell's support for capital punishment is tempered by his expressed commitment to ensure that innocent persons are not executed. Professor Cassell has said so in his writings and proven so by his actions. For instance, Professor Cassell has helped his law school, the University of Utah College of Law, raise funds for its recently formed Rocky Mountain Innocence Project, whose goal is to identify defendants who have been wrongfully convicted of capital or other crimes. Cassell has also offered the Project his legal services, pro bono, to help pursue the first case that the Project identifies. Cassell has also supported Utah's recently enacted Post-Conviction Testing of DNA Act. The act, one of the first in the country, provides for state-financed testing of potentially exculpatory DNA evidence when DNA testing was not available at trial. As you can see, Mr. President, Professor Cassell is a thoughtful and principled mainstream legal thinker whose views are entirely consistent with the majority of Americans.

The second area of Cassell's advocacy and scholarship that I would like to address concerns the so-called Miranda

warnings. But Mr. President, before I explain the underlying issues here, I think it is even more important to note that, even those who have disagreed with Cassell on the specifics of Miranda recognize that he would fairly and mindfully follow the law. Michigan Law Professor Yale Kamisar, the nation's leading academic defender of Miranda, has said: "Cassell's a smart guy, and even though he doesn't like Miranda, I think he'd apply it conscientiously as a judge." This observation—that Cassell is committed to following the law, is really all that any Senator should need to know. But let me explain further.

Many people know that Professor Cassell argued in the Supreme Court last year in support of a statute enacted by Congress that purported to modify some of the complex rules that have grown up around the Miranda holding. The case was called *Dickerson v. United States*. In *Dickerson*, FBI agents questioned an armed bank robber and obtained incriminating statements. It was undisputed that these statements were given voluntarily. However, there was a dispute as to whether the Miranda warnings had been given to the bank robber before or after the questioning. After the district court ruled that these voluntary statements could not be used as evidence against the defendants, Cassell briefed and argued the matter in the fourth circuit as a friend of the court.

Cassell's position was that Congress, in enacting a law known as §3501, had validly required these voluntary statements to be admitted into evidence, even if there was a technical dispute over the timing of the warnings. The Fourth Circuit agreed with Cassell. The Supreme Court later asked Cassell to argue that position on appeal, which he did. After considering the argument, a majority of the Supreme Court disagreed with Cassell's position and ruled for the other side. As Cassell told the Judiciary Committee, because of his personal involvement in that case, there's probably no one who understands the settled law on Miranda better than Cassell.

Mr. President, any one who knows anything about law knows that a lawyer's arguments in court do not always necessarily reflect his or her own personal views on the topic. In fact, it is a very important principle in our legal system that clients on both sides of an issue deserve forceful advocates for their position. So it is simply specious for anyone to pretend that every argument in *Dickerson* reflects Professor Cassell's personal opinion. In fact, it is worse than specious—it is downright misrepresentation. That's because Professor Cassell has written law review articles—not for a client, but on his own—in which he argues for a more modest public policy change than he advocated in the *Dickerson* case. Cassell's own article urge that police officers should continue to give most of the Miranda warnings, but suggests that some of the warnings should be

modified and replaced with the requirement that police officers videotape interrogations as better insurance that constitutional rights are respected. After all, a true record of police interrogations is much better evidence of voluntariness than the simple fact that the policeman remembered to read the Miranda warning. This argument has been adopted by many civil libertarians, who agree with Cassell that videotaping would more effectively protect against police abuses and suspects who are wrongfully persuaded to falsely confess.

In other words, Mr. President, Professor Cassell's position on the Miranda warnings could actually offer more, rather than less, protection for Americans against possible abuse by police. So any attempt to pigeon-hole Professor Cassell as not supporting the rights of criminal defendants is a gross caricature of his reasoned and thoughtful analysis of how best to reform the criminal justice process in order to protect the very rights that some accuse him of disregarding.

Mr. President, I urge my colleagues not to be taken in by inaccurate or false representations of Cassell's record. It is one thing for people to disagree—which I certainly respect. But it is quite another to carelessly or purposely mislead others into misunderstanding the real arguments. In the case of Professor Cassell, his positions on capital punishment and the Miranda warnings are thoughtful and reasonable views, held by many mainstream legal thinkers like himself. And the most important fact of all is that Professor Cassell knows the difference between the roles of the advocate and the judge, and he has committed to follow the law. I again urge my colleagues to vote to confirm Paul Cassell, who, I am convinced, will be a principled and fair-minded judge who applies the law impartially as written and interpreted.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Paul G. Cassell, of Utah, to be U.S. District Judge for the District of Utah? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Nebraska (Mr. NELSON), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr.

HELMS) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 20, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—67

Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Edwards	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Bond	Feinstein	Nickles
Breaux	Fitzgerald	Reid
Brownback	Frist	Roberts
Bunning	Graham	Rockefeller
Burns	Gramm	Santorum
Byrd	Grassley	Shelby
Campbell	Gregg	Smith (NH)
Cantwell	Hagel	Smith (OR)
Carnahan	Hatch	Snowe
Carper	Hollings	Specter
Chafee	Hutchinson	Stevens
Cleland	Hutchison	Thomas
Cochran	Inhofe	Thompson
Collins	Kohl	Thurmond
Craig	Kyl	Volnovich
Crapo	Lincoln	Lott
DeWine	Lott	Warner
Dodd	Lugar	

NAYS—20

Akaka	Dayton	Reed
Bingaman	Durbin	Sarbanes
Boxer	Feingold	Schumer
Clinton	Johnson	Stabenow
Conrad	Kennedy	Wellstone
Corzine	Leahy	Wyden
Daschle	Levin	

NOT VOTING—13

Biden	Kerry	Nelson (NE)
Harkin	Landrieu	Sessions
Helms	Lieberman	Torricelli
Inouye	Mikulski	
Jeffords	Miller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table. The President will be notified.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3405 TO AMENDMENT NO. 3401

Mr. BAUCUS. Mr. President, I ask an amendment at the desk be called up relating to investor—State relationships with respect to chapter 11.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. WYDEN,

proposes an amendment numbered 3405 to amendment No. 3401.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the principal negotiating objectives of the United States with respect to foreign investment)

On page 229, line 23, strike all through "United States," on line 25, and insert the following: "foreign investors in the United States are not accorded greater rights than United States investors in the United States,".

Mr. BAUCUS. This is an amendment I am offering on behalf of myself, Senator GRASSLEY, and Senator WYDEN. Our amendment concerns an investor-State dispute settlement. That is the "chapter 11 question" as it has come to be called. It is based on the placement of investor-State provisions in NAFTA.

This is not bankruptcy chapter 11. It has nothing to do with bankruptcy. When I say "chapter 11," it sometimes causes confusion, but this is chapter 11 in NAFTA.

Our amendment modifies the objective on investment in the trade bill to make clear that foreign investors in the United States should not be accorded a higher level of protection of their rights than U.S. citizens in the United States.

There has been a lot of discussion of NAFTA chapter 11 in recent days. In particular, a number of Senators have expressed legitimate concerns about the impact that chapter 11, and other similar provisions in other agreements, may have on the ability of State and local governments to regulate—that is, to adopt and enforce laws that protect the public health, safety, and welfare.

There is a growing consensus that we need to make sure that new trade and investment agreements don't give foreign investors in the United States greater rights than we give our own citizens. International agreements must not become a back door for expanded protection of foreign investors at the expense of protection of our environment, health, and safety.

This view has been strongly and consistently expressed by various State and local government organizations, as well as environmental organizations, in recent weeks.

For example, a resolution adopted by the National Association of Attorneys General at their March meeting encourages Congress:

... to ensure that in any new legislation providing for international trade agreements foreign investors shall receive no greater rights to financial compensation than those afforded to our citizens.

A letter last week from a large coalition of environmental groups, including Defenders of Wildlife, Friends of the Earth, the Sierra Club, and the National Wildlife Federation, urged the Senate to:

... require that trade and investment agreements do not provide foreign corporations

with greater rights than U.S. citizens have under the Constitution.

Similarly, a recent letter from the president of the National Wildlife Federation to Ambassador Zoellick states:

An important step to restore consensus would be to make clear in fast track legislation and in investment agreements that those brining expropriation challenges under investment rules will not be granted rights greater than those provided under the takings jurisprudence of the U.S. Constitution.

The United States Conference of Mayors has expressed its concern that the bill as now drafted:

... would allow trade officials to include investor protection standards in future trade agreements that go beyond U.S. law and that effectively grant foreign investors greater rights than U.S. citizens enjoy.

In another letter, the National Association of Counties expresses its concern that under the trade bill:

... foreign investors operating in the U.S. would have greater legal rights against our government than our own citizens possess.

Each of these organizations makes an excellent point. We have heard their message, and that is why we have offered the present amendment. We want to make sure that in protecting the rights of U.S. citizens abroad, our negotiators do not inadvertently encroach on the prerogatives of Government here at home. This amendment seeks to strike the right balance between these different sets of interests.

The bill's objective on investment opens with a statement recognizing that—on the whole—U.S. law provides a level of protection of investment that is:

... consistent with or greater than the level required by international law.

It goes on to state that our negotiators should ensure that:

United States investors in the United States are not accorded lesser rights than foreign investors in the United States.

Some have read this language to imply that negotiators might seek to give foreign investors more rights than U.S. citizens now enjoy, and then seek to amend U.S. law to enhance the rights of U.S. citizens. In other words, they read this language as a mandate to expand individual property rights in the U.S. through the back door of international negotiations.

Let me be very clear in stating that that was not what the language at issue was intended to accomplish. The committee report on the bill emphasizes that obligations the U.S. undertakes in investment agreements:

... should not result in foreign investors being entitled to compensation for government measures where a similarly situated U.S. investor would not be entitled to relief.

In other words, the rights of U.S. investors under U.S. law define the ceiling. Negotiators must not enter into agreements that grant foreign investors rights that breach that ceiling.

The amendment we have laid down is intended to foreclose any doubt on this question. It is our objective to negotiate agreements that protect the

rights of U.S. persons abroad. But we are not willing to sacrifice the regulatory functions of our own Government in order to obtain that objective.

As the letters I quoted attest, getting clarity on this point is the number one priority for many of the organizations that have written about chapter 11. They make a fair point. Given the interests at stake, we must be crystal clear about the ground rules. U.S. negotiators must not conclude agreements that give foreign investors greater protection of their property rights than our own citizens already enjoy. Our well-developed law should define the ceiling. The amendment that we offer today makes that unmistakable.

The chapter 11 issues are some of the most challenging to confront us in the fast track debate. Important questions about the needs of Government and the rights of individuals are at stake. I believe that the Finance Committee bill struck a very good balance. I believe that the amendment we have laid down makes that balance even better, and I urge my colleagues to support it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank my distinguished colleague from Montana for offering this amendment. I think it helps improve what is already an excellent bill.

First, I want to make it clear that the bipartisan trade promotion authority bill currently pending in the Senate goes further than any prior bill to address concerns about potential abuse of the investor-State dispute process. At the same time, the bill recognizes that protecting U.S. investors abroad is also an extremely important objective. In short, the bill is balanced. Some people are attempting to undermine that balance. I think that is a mistake.

Foreign investment is closely interrelated to trade. Companies invest abroad to get closer to markets, acquire new technologies, form strategic alliances, and enhance competitiveness by integrating production and distribution. When they invest abroad, U.S. companies often become consumers of U.S. exports—either from affiliated entities or other U.S. companies.

The importance of international investment to the U.S. economy is large and growing. The United States receives more than 30 percent of worldwide investment. According to the U.S. Bureau of Economic Analysis, foreign investment in the United States grew sevenfold between 1994 and 2000, reaching almost \$317 billion last year. As of 1998, foreign companies had invested over \$3.5 trillion in the United States. They employed 5.6 million people and paid average annual salaries of over \$46,000, well above the average salary for U.S. workers as a whole.

The ability of U.S. companies to invest abroad is also vital to U.S. economic growth and U.S. exports. Between 1994 and 2000, U.S. investment

abroad doubled from \$73 billion to \$148 billion. U.S. investment abroad is critical to support a more dynamic and flexible U.S. economy, greater export flows and higher paying jobs for American workers.

For the last 25 years, each successive administration has recognized that it is critical to negotiate strong, objective and fair investment protections in our international agreements to continue to promote such investment. These traditional investment protections are largely based on U.S. law and policy and established international law rules of which the U.S. has been the chief architect and advocate.

The Senate Finance Committee gave very careful consideration to investment issues and some concerns expressed about NAFTA chapter 11 when we discussed H.R. 3005, the bipartisan Trade Promotion Authority Act.

Both Republican and Democratic members of the committee agreed to several improvements to the U.S. negotiating position on investment, which include: providing a mechanism for the early dismissal of frivolous claims, injecting greater transparency into arbitration proceedings, and establishing a review mechanism.

The bill and accompanying report also provide the committee's views on ensuring that U.S. investors abroad enjoy protections comparable to those available to foreign investors in the United States under existing U.S. law, while at the same time not making our own regulations unduly subject to treaty challenge on grounds that have no foundation in U.S. law and practice.

The degree of support for the final product is demonstrated by a strong bipartisan committee vote of 18 to 3 in favor of the bill.

These provisions represent a very careful balance between the political concerns raised by particular cases under the NAFTA chapter 11 process and the need to continue to provide U.S. citizens with strong investment protections overseas.

Yet, some Members still have concerns that foreign investors in the United States will receive greater rights under these provisions than U.S. investors in the United States receive. The amendment we are offering today makes it clear that this is not the case. It is a good improvement to an already excellent bill. I urge my colleagues to support it.

• **Mr. KERRY.** Mr. President, I want to speak just briefly about the chairman's amendment. I understand what the Senator is trying to do with this amendment, and I appreciate his efforts to seek common ground. He has not had an easy job trying to steer this omnibus trade package through very stormy seas.

I am grateful for the chairman's willingness to be responsive to some of the concerns that I—and others—have raised. However, on the issue of investor-State dispute settlement, I am afraid that substantial disagreement

remains. The Baucus-Grassley amendment makes a minor change to the bill. It is certainly better than the current language, but it just does not do a good enough job of protecting the ability of Federal, State and local governments to enact legitimate public health and safety legislation.

As my colleagues know by now, it is clear that NAFTA's investor-State dispute resolution process popularly known as "Chapter 11"—will be the model upon which future such agreements are predicated. Chapter 11 is a flawed model, not a failed model. I believe that having an investor-State dispute settlement process in a trade agreement is vital to ensuring that U.S. investors are able to invest abroad with confidence—but it needs to be improved.

Regrettably, the Baucus-Grassley amendment does not despite what its proponents claim—effectively address the shortcomings in the chapter 11 model. Adopting the Baucus-Grassley language without other needed changes will still allow future chapter 11-like tribunals to rule against legitimate U.S. public health and safety laws using a standard of expropriation that goes well beyond the clear standard that the Supreme Court has established in all its expropriation cases.

The amendment before us does not give any assurances that the due process clause of the Constitution will be respected, nor does it provide safe harbor for legitimate U.S. public health and safety laws.

Without all of these safeguards, future investor-State dispute settlement bodies can run roughshod over the ability of State and local governments—or even the Federal Government—to make laws to protect the public. I have an amendment that I believe will make those improvements to the underlying bill, and I intend to offer that amendment soon.

I will not oppose the pending amendment because it does not make the underlying bill any worse. But let us be clear: the chapter 11 model is flawed. Any suggestions that the Baucus-Grassley amendment takes care of these problems are simply incorrect.

So I think we should adopt this amendment by unanimous consent, but I do believe that the Senate should have a thorough debate on this issue.●

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TRIBUTE TO JOHN MORAN

Mr. LOTT. Mr. President, I rise today to take a moment to recognize the public service of John A. Moran, who resigned from the Federal Maritime

Commission on April 15 to return to private life. While I want to congratulate John on his recent move, I also want to acknowledge and thank him for his service at the FMC.

John was born and raised in a port and shipbuilding community, something I consider a good start for any young man. I live in a port and shipbuilding community, and there is no better way to understand the importance of the maritime industry to the Nation's economy than to grow up in the presence of the businesses and people that daily bring the goods of our trading partners to our door and carry America's products to the world. While John was born in Hampton Roads, Virginia, not Mississippi, he is redeemed somewhat in my eyes by the fact that his parents and family are good Mississippians.

John developed an interest in maritime law at Washington and Lee University School of Law in Lexington, Virginia. This interest was encouraged during the year he clerked for the Honorable Richard B. Kellam in the United States District Court for the Eastern District of Virginia. Judge Kellam shared with John his own love and enthusiasm for Admiralty Law and encouraged John to continue to maritime studies at Tulane University School of Law in New Orleans, Louisiana.

I first met John when he served as Republican Counsel to the Merchant Marine Subcommittee and the National Ocean Policy Study of the Senate's Committee on Commerce, Science and Transportation. He came to this position after serving in the House of Representatives as Republican Counsel to the Merchant Marine and Fisheries Counsel and as Legislative Counsel to Virginia's Senator John Warner. While working for the Commerce Committee, John worked on issues as varied as the Oil Pollution Act of 1990, a review of the Shipping Act of 1984, cargo preference, the Jones Act, vessel safety and Coast Guard programs, the Magnuson Fisheries Conservation and Management Act, seafood safety and inspection, ocean driftnet legislation, the Coastal Zone Management Act, and the Marine Mammal Protection Act. John worked with Committee members from states as diverse as Mississippi, Louisiana, Texas, Alaska, Washington, Oregon, and Virginia. I always was impressed with John's knowledge and experience, and with his effort to make sure that the concerns of all of the Republican members of the Committee were understood and addressed.

John left the Commerce Committee in 1995, first working for the government and public affairs firm of Alcalde & Fay, and then for the American Waterways Operators, the trade association representing the United States tug, towboat, and barge industry. In 1998, Congress was nearing completion of the Ocean Shipping Reform Act of 1998 (OSRA). As I described it at the time, OSRA truly was a paradigm shift in the conduct of the ocean liner busi-

ness and its regulations by the Federal Maritime Commission (FMC). Along with other members of the Commerce Committee who worked for over four years on OSRA, I wanted to ensure that there were Commissioners at the FMC who understood that Congress wanted to foster a more competitive and efficient ocean transport system by placing greater reliance on the marketplace. I thought of John and his interest and experience in maritime matters. John's experience and philosophy made him the right choice to help the FMC implement OSRA.

Confirmed by the Senate in October, 1998, John's efforts during the past three and a half years, especially his contributions during the FMC's rule-making, helped establish the foundation making the paradigm shift possible. John worked closely with Chairman Harold Creel and the other commissioners, the staff of the FMC, the carriers, shippers, and transportation intermediaries to implement OSRA as Congress intended. I am pleased to report that, under the Commission's administration, the reforms are working much as Congress hoped. John should be proud of his work and the contribution he made during his tenure as a Commissioner.

I congratulate John for his exemplary career at the FMC and salute his contributions to the maritime industry. He is to be commended for the productive use of his insights and talents and appreciated for his years of public service. As he returns to private life, where he will continue working on the maritime issues he loves, I wish John, his wife Medina, and their two children fair winds and following seas.

REQUEST FOR SEQUENTIAL REFERRAL—S. 2506

Mr. LEVIN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 13, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, we request that S. 2506, the Intelligence Authorization Act for Fiscal Year 2003, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days.

Best wishes,
Sincerely,

JOHN WARNER,
Ranking Member.
CARL LEVIN,
Chairman.

CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 314 BASED ON REVISED ESTIMATES FROM THE CONGRESSIONAL BUDGET OFFICE

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to make adjustments to budget resolution allocations and aggregates for amounts designated as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On May 1, 2002, I submitted revisions to H. Con. Res. 83 pursuant to section 314 as a result of an emergency designation in P.L. 107-147, the Job Creation and Worker Assistance Act of 2002. This measure was enacted into law on March 9. Since that date, CBO has revised the cost estimate for this legislation and these revisions are reflected in the adjustments submitted today.

Mr. President, I ask unanimous consent to print the following table in the RECORD, which reflect the changes made to the allocations provided to the Senate Committee on Finance and to the budget resolution budget authority and outlay aggregates enforced under section 311(2)(A) of the Congressional Budget Act, as amended.

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

	(\$ millions)
Current Allocation to the Senate	
Finance Committee:	
FY 2002 Budget Authority	709,955
FY 2002 Outlays	709,195
FY 2002-06 Budget Authority	3,773,234
FY 2002-06 Outlays	3,770,699
FY 2002-11 Budget Authority	8,336,431
FY 2002-11 Outlays	8,330,074
Adjustments:	
FY 2002 Budget Authority	65
FY 2002 Outlays	65
FY 2002-06 Budget Authority	134
FY 2002-06 Outlays	134
FY 2002-11 Budget Authority	11
FY 2002-11 Outlays	11
Revised Allocation to the Senate	
Finance Committee:	
FY 2002 Budget Authority	710,020
FY 2002 Outlays	709,260
FY 2002-06 Budget Authority	3,773,368
FY 2002-06 Outlays	3,770,833
FY 2002-11 Budget Authority	8,336,442
FY 2002-11 Outlays	8,330,085
Current Aggregate Budget Authority and Outlays:	
FY 2002 Budget Authority	1,680,499
FY 2002 Outlays	1,645,934
Adjustments:	
FY 2002 Budget Authority	65
FY 2002 Outlays	65
Revised Aggregate Budget Authority and Outlays:	
FY 2002 Budget Authority	1,680,564
FY 2002 Outlays	1,645,999

LOCAL LAW ENFORCEMENT ACT OF 2001

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

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

I would like to describe a terrible crime that occurred in June 2000 in Rapid City, SD. Police were "baffled" by the lastest in a series of eight inexplicable drowning deaths among mostly Native Americans along Rapid Creek. Press reports indicate that local Native Americans believe an "Indian-hater" is waiting for the victims to become drunk and then dragging, rolling, or pushing them into the water. Those incidents came on the heels of a March 2000 report from the U.S. Civil Rights Commission showing that racial tensions in the state are high.

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

ADDITIONAL STATEMENTS

DEDICATION OF THE EISENHOWER EXECUTIVE OFFICE BUILDING

• Mr. CHAFEE. Mr. President, on Tuesday, May 7th, 2002, the Old Executive Office Building was renamed in honor of President Dwight D. Eisenhower. The dedication of the Dwight D. Eisenhower Executive Office Building was pursuant to legislation introduced by my late father, Senator John H. Chafee, on September 28, 1999 and signed into law by President Clinton on November 9, 1999. President George W. Bush, Secretary of State Colin L. Powell, General Service Administration Administrator Stephen A. Perry, Deputy Secretary of Defense Paul Wolfowitz, and Eisenhower Institute President Susan Eisenhower were present and delivered remarks at last Tuesday's ceremony. I ask that their remarks be printed in the RECORD.

The remarks follow:

REMARKS AT DEDICATION CEREMONY TO RE-NAME THE OLD EXECUTIVE OFFICE BUILDING IN HONOR OF PRESIDENT DWIGHT D. EISENHOWER, MAY 7, 2002

REMARKS BY ADMINISTRATOR STEPHEN A. PERRY, U.S. GENERAL SERVICE ADMINISTRATION
Mr. President, Secretary Powell, Deputy Secretary Wolfowitz, Ms. Eisenhower and the Eisenhower Family, Distinguished Guests, Ladies and Gentlemen.

It is my privilege to welcome you today to the dedication and renaming of this building—the Eisenhower Executive Office Building. This magnificent structure is one of the most distinctive of the 400 historic properties in the inventory of the General Services Administration.

This building was commissioned by another renowned general and president—Ulysses S. Grant. It was designed by architect Alfred B. Mullett. The construction of this building was completed in 1888, and it was known originally as the State, War and Navy Building.

As might be expected of a building of this vintage and in this location it is steeped in history. Among other things, it has been the office for 16 Secretaries of the Navy, 21 Secretaries of War and 24 Secretaries of State. Seven future presidents had offices in the building before they eventually became occupants of the Oval Office—including, of course, Dwight D. Eisenhower.

This building's commanding presence in our Nation's capital serves to remind us of the commanding presence that President Eisenhower always had. He personified honor, dignity and integrity. The many medals that decorated his Army uniform signify that he was a great leader, a brilliant military strategist, a builder of alliances and a peace-maker.

As General Eisenhower and as President Eisenhower, he was a staunch defender of freedom—from the vast arena of world war to the classrooms of a local public high school in Little Rock, Arkansas. He was—and is—a genuine American hero and statesman.

Ladies and gentlemen, it is fitting that we honor President Eisenhower's life and legacy with the naming of this stately building. The Dwight D. Eisenhower Executive Office Building marks the spot of its namesake's rightful place in history here in Washington, DC, our nation's capital, and on Pennsylvania Avenue, America's Main Street.

Now I would like to introduce our next speaker. Dr. Paul Wolfowitz is our country's 28th Deputy Secretary of Defense. He was previously Dean and Professor of International Relations at the Paul H. Nitze School of Advanced International Studies of The Johns Hopkins University. His distinguished government career includes service as the Ambassador to Indonesia and Assistant Secretary of State for East Asian and Pacific Affairs.

His current appointment marks his third tour of duty at the Pentagon. Ladies and gentlemen, please welcome Deputy Secretary of Defense, Paul Wolfowitz.

REMARKS BY DEPUTY SECRETARY OF DEFENSE
PAUL WOLFOWITZ

President Bush; Secretary [of State] Powell; [GSA] Administrator Perry; Susan Eisenhower and members of the Eisenhower family; distinguished guests, ladies and gentlemen.

It is an honor to be able to join you today in paying tribute to Dwight David Eisenhower—a man whose courage, dignity and character exemplified the spirit of that "Greatest Generation," which sacrificed so much to preserve peace and freedom for our generation and generations to come.

The windows of the Pentagon, where I work, frame a view of the Arlington hillsides where so many of those heroes sleep. Images of that great leader known as "Ike" line the Eisenhower Corridor just outside the Pentagon office of the Secretary of Defense. His is the first face—the face of the young cadet, the Supreme Allied Commander, the President of the United States—that many of us see on the start of our day and which sends us on our way each night.

Dwight Eisenhower's vision, determination and courage to change continues to inspire and serve as a model for us, Mr. President, as we carry out your instructions to transform America's Armed Forces and prepare for the new and different challenges of the 21st Century.

When Dwight David Eisenhower was still a young officer between the world wars, he and another young officer by the name of George Patton began writing about the future of armored warfare. He was called in by his commander and told if he published anything else contrary to "solid infantry doctrine," he would be court-martialed.

But Major Eisenhower persevered. Later, Supreme Allied Commander Dwight David Eisenhower put George Patton and the Third Army to work. The rest is history. The history of victory in Europe—victory over Nazi oppression—the foundation of a new and stable peace in Europe that has lasted more than half a century and led to the peaceful triumph in the Cold War.

Like all great leaders, Eisenhower had a sense of proportion about himself and a deep humility. Addressing the British Parliament, which honored him after the triumph of the Allied Forces, he said that he was merely a symbol—a symbol of the "great human forces that have labored arduously and successfully for a righteous cause."

Today, under the leadership of President George W. Bush, we are embarked on another righteous cause, and we remember the example of Eisenhower. We know, as he often told us, that the great fight for freedom did not end at the beaches named Omaha and Utah. It continues today. It continues within the walls of this building that we dedicated to him.

And for those who labor for freedom, let them find inspiration in this building's namesake, a man of responsibility and vision, one of freedom's greatest warriors and a great champion of peace.

That inspiration is the realization that doing great things requires more than detailed plans—though detailed plans there must be—it requires a great cause and great ideals and, above all, a sense of what is important in this world and the next. No one knew that better than Dwight Eisenhower.

There is a story that Eisenhower once went to buy a piece of land in Gettysburg and the local clerk said to him, "Well, President Eisenhower, you've done everything, you've lived everywhere, why would you want this little piece of land in Gettysburg?" He answered saying, "Sir, all my life I have wanted one time to be able to take a small piece of America and make it better."

He made America—all of America—better. And today, we dedicate a small piece of American to Dwight David Eisenhower. May all who work here work to make America better, as he did.

And may they remember, as he did, what matters in life. His last words were these: "I've always loved my wife, I've always loved my children. I've always loved my grandchildren. I've always loved my country."

Now it is my privilege to introduce another leader who loves his country deeply and has devoted his life to making America better, Secretary of State Colin Powell. You do doubt remember, Mr. President—when you announced the appointment of your Secretary of State at a school in Crawford—it was very moving for all of America to see another distinguished soldier, General Colin Powell, come into that office which is so important for the peace of the world.

I also remember when Colin said that he didn't "yet do ranch wear very well" since he was from the South Bronx. And many of us, especially those of us from back East, secretly agreed with him when he declared, "I don't care what you say. Those cows look dangerous."

Only a man of integrity and humility could admit that to America.

Those are qualities, along with statesmanship and true leadership, that he has brought to every position that he has held. And today the enjoys the gratitude of all Americans and so many others around the world—and I know your gratitude, Mr. President—for his courageous and tireless efforts, not only to make our country safer, but to make the world more peaceful.

I am proud to present to you a man of whom Dwight Eisenhower would be proud

today—another soldier, statesman and leader—our Secretary of State, Colin Powell.

REMARKS BY SUSAN EISENHOWER, PRESIDENT, EISENHOWER INSTITUTE

Mr. President and First Lady. Secretary Powell. Secretary Wolfowitz. Honored guests, I was nervous about the weather this morning and when I looked out the window I was reminded of a similar day not long after my grandfather, Dwight Eisenhower, became President. He agreed to speak at Penn State where his brother was President of the University. When Milton called him frantically and asked him if they should move the outdoor proceedings inside, Ike brushed off his concerns, "It's up to you Milton," he said, "I haven't worried about the weather since June 6, 1944."

We have our minds on bigger things today and I think it is fitting that today we mark the renaming of the Old Executive Office Building to the Dwight D. Eisenhower Executive Office Building. Dwight Eisenhower spent more time in this building than any other man who became President, and during his term he saved it from the wrecking ball. But it is also fitting that we mark this occasion today as we celebrate Victory in Europe Day. Dwight Eisenhower and VE Day will be linked forever in our consciousness.

Yet our contemporary minds can barely grasp the significance of that day—57 years ago. Had the allies not been successful or if victory had eluded us longer the world would have turned out to be a very different place: one can imagine what the consequences would have been if Nazis had prevailed, but the world might have been radically different even if an allied victory had taken longer to secure. A nuclear bomb might have been used in Europe, for instance, or the liberation of the death camps might have come too late. . . .

June 12, 1945, a little more than one month after the end of the hostilities, Dwight Eisenhower stood on the balcony of London's Guildhall and accepted the freedom of the city and the London Sword. The killing had stopped, but the cost of the conflict had only begun to be measured.

Europe lay in utter ruins. Cities had been crushed, economies had collapsed and the carnage was beyond our comprehension. In the European theater, including Russia, 11½ million allied soldiers were killed in action and more than 7 million Allied civilians perished from starvation, bombing or butchery, and that is not counting those who were victims of the Holocaust.

Eisenhower had led a great military crusade to defeat Nazism and had decisively prevailed. Standing before the teeming London crowd that day Eisenhower began his acceptance speech solemnly, without a written text:

"The high sense of distinction I feel in receiving this great honor from the city of London is inescapably mingled with feelings of profound sadness," he said. ". . . Humility must always be the portion of any man who receives acclaim earned in blood of his followers and sacrifices of his friends."

In this speech—which he had written himself and memorized for the occasion—he accepted the tribute, acknowledging that he was but a symbol of great human forces that had "labored arduously and successfully for a righteous cause. . . ."

He continued: "If all Allied men and women that have served with me in this war can only know that it is they whom this august body is really honoring today, then indeed I will be content."

In thinking about that occasion, I can imagine that if Dwight Eisenhower were with us today to accept this honor—he would, again deflect our praise of him onto

those with whom he had served. He would have eloquent words for the team he'd assembled during the war and for the fighting men and women, and he would gratefully acknowledge the legions of dedicated public servants—on both sides of the aisle—with whom he worked closely during his presidency. He would acknowledge not only his staff but Congress as well, for helping him: shepherd America through the dangerous years of the Cold war; modernize America's infrastructure, that laid the groundwork for technological innovation; explore space through a civilian agency, NASA, that would be the envy of the world; and begin the long and arduous task of making Civil Rights every American's right.

If Dwight Eisenhower were here he would be right about the indispensable role played by the millions who answered their nation's call in war and at peace.

But Eisenhower is not here today, and so while we acknowledge those who served with him we focus, today, on this modest man and remember him—for his leadership, and for his steady, even, hand.

Though he did not believe in the Great Man theory of history he was a leader of leaders; a common man with an unwavering belief in putting the nation's welfare above partisan politics. . . . in seeking out the obligations and responsibilities that go with good government. . . .

It is a privilege for me to speak on behalf of the Eisenhower family in thanking the nation for this honor. We are indebted to Congress—to the late Senator Chafee and his bipartisan cosponsors who initiated the legislation to rename the building—to President Clinton for signing it into law, and to President Bush—for this wonderful rededication and for his presence here today.

Mr. President, today, you too, are facing a difficult moment in American history. Though different in nature from World War II, nonetheless, we recognize the enormity of the task that confronts you in finding a just solution to the complex domestic and international circumstances that have emerged in the aftermath of the terrible events of September 11.

As you face these challenges, it gives me great pleasure to know that you have Dwight Eisenhower right next door.

I hope that his name on this vital nerve center of White House operations will help another generation of public servants recommit themselves to nothing less than self-sacrifice, devotion to duty and the most profound sense of humility. These are the qualities that are called for in these dangerous and troubling times.

And now, it is my great honor to introduce the President of the United States, George W. Bush.

REMARKS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, GEORGE W. BUSH

Thank you very much. Please be seated. Well, thank you all very much. And thank you, Susan, for those kind words, and welcome.

On behalf of all Americans, I am proud to dedicate this historic building to the lasting memory of a great man, Dwight David Eisenhower.

I want to thank Secretary Powell and Deputy Secretary Wolfowitz, Administrator Perry, General Hicks, for their kind words. I'm also pleased to have so many special guests who are here. I don't see—I do see Senator Stevens. I'm so honored that Senator Ted Stevens, who actually worked in the Eisenhower administration, is here. And I want to welcome all the others who worked in this—in the Eisenhower administration to this dedication ceremony. Welcome.

I also want to welcome General Andrew Goodpaster, Senator Bob Dole, and all the

other veterans of World War II. We're please to have you here. It's a pleasure to welcome back former Secretary of State Henry Kissinger. I want to thank members of the United States Congress—Senator Inouye, Congressman Amo Houghton, Jerry Moran, Jim Ryun, Congressman Steven Horn.

And I, too, want to say how much we appreciate the work of former Senator John Chafee, who introduced the legislation necessary to rename this bill—this building in honor of Dwight Eisenhower.

And above all, we welcome the Eisenhower family, and send our good wishes to John Eisenhower, who could not be with us today. As the son of a President, myself, I know how proud John must feel, knowing that our country's respect for his father has only increased with the years.

The city of Washington is accustomed to change. But this neighborhood looks much as it did in 1929. If you'd walked down Pennsylvania Avenue 73 years ago, you would have seen the Renwick Building on the corner of 17th Street, looking just as it does now. A few doors down were the Blair and Lee Houses, with gas lamps still out front.

In 1929, Lafayette Square was dominated by a great bronze horse, as it is today, proudly carrying Andrew Jackson. And standing outside this building on a spring morning 73 years ago, you might have seen Dwight Eisenhower pull up in a 1927 Buick and walk up the stairs to his office.

The '20s and '30s were quiet times for our Army and Navy, quiet times when he worked here. But it was in this building that Dwight Eisenhower's reputation began to grow. His immediate supervisor said of him this—said this of him: "This is the best officer in the Army. When the next war comes, he should go right to the top." These words carried a lot of weight; after all, the man who said them was Douglas MacArthur.

He also worked here for many years in Room 252. There was a time when a visitor to this building might pass in the hallway not only Eisenhower and MacArthur, but the first man commissioned General of the Armies of the United States, John J. Pershing. General Pershing occupied Room 274, a space now used by Vice president Dick Cheney.

Two doors down is an office that Theodore Roosevelt would still recognize as his own from his time as Assistant Secretary of the Navy. So would Franklin Roosevelt, who, a generation later, occupied the same office and walked these very same halls. And in between, from 1904 to 1908, William Howard Taft reported to work here as the Secretary of the War. In all, as has been mentioned, seven future Presidents have worked in this building; 25 Presidents have known it.

Harry S. Truman held press conferences in an ornate room two stories high, called the Indian Treaty Room—although, no Indian treaty has ever been signed there. And it was Truman, himself, who paid a distinctive tribute to this building when a committee suggested it be torn down. He believed we ought to leave it right here. He said, "It's the greatest monstrosity in America."

But it was Eisenhower who decided its fate. He said he rather liked it. And over time, a lot of us have come to like it. The architectural grace of this building will remain a matter of opinion, but its place in history and its place on the skyline of Washington is as safe as can be.

It seems odd that with all the history it contains, this great building went more than a century without a name befitting its dignity. We've solved that problem today, and we've solved it once and for all. This building now bears the name of Dwight D. Eisenhower, not because it was spared from the wrecking ball in his time; not even because he was the first President born in Texas.

(Laughter.) His name fits this building because, as a great soldier, a great President, and a good man, Dwight D. Eisenhower served his country with distinction.

People over a certain age will always associate Dwight Eisenhower with a time of strength and a time of stability in America. We think of the '50s, and in the mind's eye we see the President and his fine wife, Mamie. They had lived a military life, moving more than 30 times. And just as GIs in the '50s across America were settling back home, so were the Eisenhowers. As a matter of fact, they would live longer in the White House here than at any other address.

We don't need to idolize the era they represented to see all the good things that were there: millions of growing families and industries and new cities, and the beginnings of the life that we know today.

Had he never become President, Eisenhower would still be known to all as the leader of the forces that liberated a continent from a terrible evil. The turning point of the war was the decision to invade the coast of France. The decision was made by Roosevelt and Churchill; the day and hour were left to General Eisenhower. And a lot of people felt a lot better knowing that it was his call to make.

General Eisenhower understood exactly what risks lay ahead. Had his troops failed to take the beaches, he was going to point a finger straight at himself. Here's what he wrote, in advance: "If any blame or fault attaches to the attempt, it is mine alone." Fifty-seven years ago this very day, General Eisenhower reported that the mission of the Allied Force was fulfilled, and the war in Europe was over.

In victory, he was the first to share credit. It was not within his character to do otherwise. As Vice President, Richard Nixon said this about General Eisenhower, President Eisenhower: "He always retained a saving humility." "It was the humility," Nixon said, "not of fear, but of confidence. He walked with the greats of the world, and he knew that the greats are human. His was the humility of man before God, and before the truth. His was the humility of a man too proud to be arrogant."

In his career, Dwight Eisenhower faced two great crises of the 20th century: a World War that came upon America with a sudden attack, requiring a global response, and a Cold War that tested our patience and resolve to wage a struggle of decades.

In our time, we face elements of both: an enemy that strikes suddenly, and must be pursued across the years. And in this struggle, we know how victory will be gained, because President Eisenhower—and General Eisenhower—showed us the way. We will be calm, and confident, and relentless. With the best of America's character, we will defeat America's enemies.

We are proceeding with patience and resolve to overcome this growing danger to the civilized world. NATO, the grand alliance first commanded by General Eisenhower, is part of a new coalition that is making steady progress on every front. Our mission in Afghanistan continues even after we have liberated that country from a brutal regime. We continue to fight al Qaeda terrorists, and we will prevent them from regrouping elsewhere.

We'll deny terrorists the safe havens they need to operate, and choke off their sources of money and supplies. We'll confront dangerous regimes that seek weapons of mass destruction. In this war, we will depend on the alertness of our law enforcement, the diligence of our intelligence operations, and on the skill and valor of the American Armed Forces.

Our military has performed with great daring and courage, and more will be asked of

them. I have full confidence, complete confidence, in the men and women who wear our uniform. They've responded in the finest tradition of the American military. Their sense of honor, their devotion to duty, their loyal service to America would all be recognized by the five-star general and President we remember today. The skill and determination and optimism of Dwight Eisenhower are alive in the American Armed Forces, and that spirit will bring us to victory.

The General was one of six sons raised by Ida and David Eisenhower in the prairie town of Abilene, Kansas. They raised good men, but destiny chose this one. His whole life shows the power of one man's goodness and integrity to shape great events. He brought permanent honor to his family name, and that name now brings honor to this grand building. It's one more mark of this country's respect, and we offer it today with great affection, and lasting gratitude.

God bless.

REMARKS BY COLIN L. POWELL, SECRETARY OF STATE

Well, thank you very much, ladies and gentlemen. Paul, I thank you for that most kind of generous introduction. And I was down at Crawford, Texas, just week before last. The cows still look bad to me. I'm not ready to do it. (Laughter.)

Mr. President, Administrator Perry, Mr. Eisenhower, the members of the Eisenhower family, distinguished guests, it's a great pleasure to be here today and join you in celebrating the naming of this wonderful, marvelous old building after one of America's greatest heroes, Dwight David Eisenhower—liberator of Europe, first steward of NATO, builder of peace. Rare in history has there been an individual of higher accomplishment and greater humility.

President Eisenhower used to say praise is like perfume; it's fine if you don't swallow it. What he did was never for himself. It was for his country. It was always for us.

President Eisenhower has always had a special place in my heart. In June of 1958, he signed the document that commissioned me as a Second Lieutenant of Infantry in the United States Army and started me on my career of service to the nation.

Paul made mention of the corridor that exists outside of Secretary Rumsfeld's office which has all these wonderful displays of Eisenhower's life, from the early days through his last days. I'll never forget that last display where he talked about his love of family, love of wife, love of grandchildren and love of country. It always has a special place in my heart because I designed that corridor. I helped build it some 15-odd years ago. But I never go to that corridor and I never walk through this building without having a new sense of service, a renewed inspiration that comes into my heart as a result of my knowledge of Dwight David Eisenhower and his contribution to our nation.

More important than all of these things, more important than his signature on my commission or the naming of a building after him, is the example that he gives to us of commitment to duty, of commitment to country. It was his model of devoted service that persuaded me and so many others of my generation in the military to remain in the military after Vietnam, when things were at their darkest. We knew how vitally important it would be for the future security of the nation to rebuild, to transform our armed forces in the early '70s.

And Eisenhower labored without fame, without fortune or fanfare, in similar circumstances in an under-supported and under-valued army in the isolationist decades before World War II. He spent a good many of those years working in this very

structure, when it was called the State, War and Navy Building. All three departments had been housed here from the 1870's. The State Department thrived in this building between 1875 and 1947, when we moved to our present location. Twenty-five Secretaries of State had their offices here. We have a historical difference between Mr. Perry and I as to whether there is 24 or 25, but we'll make that count accurate in the next hour or so.

Hamilton Fish, Ulysses S. Grant's Secretary of State, was the first. Secretary Fish helped create a professional diplomatic corps. And the last Secretary of State here was the legendary George Catlett Marshall, for whom the plan for Europe's recovery is named. During World War II, he also served in this building as Chief of Staff of the United States Army.

General Marshall was so impressed by Eisenhower's skills as a strategist and statesman that he selflessly agreed with President Roosevelt that Eisenhower should lead the Allied invasion of Europe. Fighting Nazi Germany was only a part of General Eisenhower's job as Supreme Commander. Eisenhower was a brilliant forger of alliances. He was a master at using the full range of diplomatic, political and economic tools to win the war, and also to win the peace.

He once wrote to his devoted and loving wife Mamie that to run the coalition meant that he had to be a bit of a diplomatic, a lawyer, a salesman, a socialite, and incidentally a soldier. His words rang true for me during the Gulf War, and they are true for all of us who are today involved in sustaining, under President Bush's leadership, the global coalition against terrorism.

President Eisenhower's name on this building will inspire all who serve under its massive roof now, and all those who will follow. Despite his well known modesty, I think it would please Dwight Eisenhower that this fine old edifice, which has seen so much history, has been named in his honor.

Dwight Eisenhower was a great student of history long before he helped make it, and he passed down his love of history and his commitment to public service to new generations of his family. They have given so much to our country as historians, military officers, diplomats and philanthropists. Indeed, to be an Eisenhower is to have a sense of history and a sense of duty to your country and to our world.

It is with great pleasure, then, that I introduce our next guest speaker, a person who would make Eisenhower very proud—not just because of who she is as a granddaughter, but also because of what she contributed to our country and the world. Susan Eisenhower not only has her grandfather's winning smile, but his extraordinary gift of insight, that remarkable ability to see what others do not.

She understood more quickly than most just how much the world changed with the end of the Soviet Union and the emergence of Russia and the other Newly Independent States. With her characteristic energy and drive, she has repeatedly pulled together the best experts from around the globe to open our eyes to what is happening in that vast region, and to think about it in fresh, exciting, new ways.

And Susan has not been content just to describe change. She has been a force for change. Among her many activities, one that means a great deal to me is to help bring new generations of Russian leaders here on visits so they can learn from us and we can learn from them.

The understanding and friendships that come out of these exchanges are laying the enduring foundation for a mutually beneficial US-Russian relationship. Susan is helping build a powerful legacy that Dwight

Eisenhower would recognize, appreciate and welcome.

So laides and gentleman, it is now my honor and privilege to present to you a friend a person of enormous gifts and endless dedication, Susan Eisenhower.●

**THE HONORABLE ALVIN BROOKS,
KANSAS CITY, MO, MAYOR PRO
TEM AND CITY COUNCILMAN AT-
LARGE, 6TH DISTRICT**

● Mrs. CARNAHAN. Mr. President, I wish to take this opportunity to honor and recognize an outstanding gentleman, Mr. Alvin Brooks, on his 70th birthday. Mr. Brooks, Kansas City, MO, Mayor Pro Tem and 6th District at-large City Councilman, is truly extraordinary. His fifty years of tireless commitment to public service in Kansas City, devotion to community activism, civic participation, and youth advocacy are an inspiration to us all.

Mr. Brooks was elected to serve as the 6th District at-large Councilman in 1999. After his election, Mayor Kay Barnes appointed Brooks as Mayor Pro Tem. In addition to serving as Mayor Pro Tem, he is vice chair of the Legislative, Rules and Ethics Committee, a member of the Finance and Audit Committee, and chair of the Public Facilities and Safety Committee.

In 1991, Brooks was selected as President of the Ad Hoc Group Against Crime, a grassroots community organization he founded in 1977. Former President George Bush honored Brooks in November 1989 for his work with the Ad Hoc Group Against Crime and named him one of America's 1,000 Points of Light. President Bush also appointed him to a three-year term on the President's National Drug Advisory Council. Former Drug Czar William Bennett recognized Brooks as being one of the nation's "front-line soldiers in our war against drugs."

Prior to serving as President of the Ad Hoc Group Against Crime, Alvin Brooks already had a distinguished career in public service. He was a Kansas City, MO police officer for 10 years, where he held the rank of detective. During that time, Alvin worked extensively with runaways and gang members, demonstrating his commitment to improving social conditions for young people, especially inner-city youth. He also served as assistant city manager for seven years and was the first African American to serve as a department head for the city of Kansas City, MO.

Though it is possible to list Alvin Brooks' professional accomplishments, it is impossible to measure the immense impact this man has had, and continues to have, in Kansas City. He has touched and improved the lives of countless Kansas Citians. His voice can still be heard on the radio urging community action, not as Mayor Pro Tem, but as the respected community elder whose commitment to others is unquestioned. He is truly the voice of moral authority in Kansas City.

I commend Mr. Alvin Brooks for his selfless dedication to the improvement of Kansas City and wish him all the best on his 70th Birthday. Kansas City is certainly fortunate to have such a dedicated public servant. On behalf of all those you have served, Alvin, I thank you.●

**COMMEMORATING THE CHERRY
BLOSSOM TEN MILE RUN**

● Mr. FRIST. Mr. President, I rise today to commemorate the running of the Credit Union Cherry Blossom Ten Mile Run on April 7, 2002. Fifty-eight credit unions, credit union associations, and credit union leagues sponsored this Washington, DC institution, which coincides with the annual spring rites of the tidal basin cherry blossoms. This is the first year that Credit Unions have sponsored the race.

I want to commend the over 7,032 finishers, and especially the over 3,500 registered runners who were member of credit unions. A special congratulations to Public Health Service Federal Credit Union for winning the credit union team competition. Additionally, I am proud of 350 plus credit union employees who arrived at the race in the chilly, pre-dawn hours to serve as volunteers helping administer the race. It was also great to see Health and Human Services Secretary Tommy Thompson participate.

The Cherry Blossom Run has taken place during the spring blooming of Washington's historic cherry trees for 30 years. Starting out as a small family event with 141 finishers it is now a world-class event that includes some of the world's foremost long distance runners. I want to congratulate this year's winners: Men's, Rueben Cheruiyot, 47:12; Women's, Luminita Talpos, 52:50.

This year, in conjunction with the race, credit unions raised over \$60,000 for the Children's Miracle Network and donations are still being collected. This was a great event and credit unions should be proud of the role they played. Washingtonians and runners around the world are looking forward to the 2003 Credit Union Cherry Blossom 10 Mile run.●

DEVELOPING NEW MEDICINES

● Mr. DODD. Mr. President, I rise today to call the attention of my colleagues in the Senate to an article that appeared in the Wall Street Journal on May 2 which provides an important perspective on the challenging and vital process of developing new medicines. It is no coincidence that the article features Pfizer Inc., a world leader in pharmaceuticals and a company that made its home in my home State of Connecticut. Pfizer's contribution to changing the quality of health care by developing new therapies for conditions such as epilepsy, depression, arthritis, high blood pressure and more has been invaluable. This sort of innovation has increased the quality of care

we deliver as well as changed the nature of it, with new medicines resulting in fewer trips to hospitals, doctor's offices, and better overall care for so many patients.

The article details the company's efforts, ultimately unsuccessful, to discover, develop and test a new medicine to strengthen muscle, thereby helping to prevent injury and possibly osteoporosis in the elderly. In the process, Pfizer committed a team of scientists, \$71 million, and 10 years of effort, and this was before the development process even progressed to advanced clinical trials, underscoring the tremendous investment required in developing each new therapy. Despite this infusion of resources and time, the project ultimately failed to produce the desired therapy. But the accounting of this process in an excellent example of the risks, costs and efforts involved in innovation.

We must continue to recognize and support these research and development efforts because we know the value they can provide. As we work in this Congress, and we must, to expand coverage and increase access to new medicines, we should strive to craft policy that continues to encourage the development of innovative products that can change and even save lives while helping to ensure that all our citizens benefit from such innovation.

I ask that this article be printed in the RECORD.

The article follows.

DRUG PRICES—WHY THEY KEEP SOARING—
BLEEDING CASH: PFIZER 'YOUTH PILL' . . .

THE WALL STREET JOURNAL VIA DOW JONES

About a sixth of Pfizer's portfolio of drugs in development were approved by Dr. Clark and his colleagues, including the frailty drugs, which got the green light in December 1995. He was confident the frailty compound would succeed, ranking it among the top third of candidates at the time.

But even among the fortunate drugs that pass muster initially with Dr. Clark's committee, the odds remain stacked against their ever making it to market. Dr. Clark's group also guides the researchers, funds interim studies and establishes milestones for judgment. And at any point Dr. Clark's committee can kill the very projects it has approved. Last year, the committee terminated research on five of seven promising medicines it had previously "canned."

The growth-hormone project quickly surpassed all the researchers' expectations. From the time the project was canned, it took only nine months to develop a drug that was safe enough to test in humans—a speed record for the research center in Groton, Conn., across the river from administrative headquarters in New London. The drug "had no bumps or warts," marveled Gordon Gruetzmacher, project manager for the frailty drug.

Though increasingly optimistic, Pfizer scientists and managers were sober about the challenges the potential new medicine faced—especially the elusive nature of the condition it was intended to treat. Frailty, which they came to define as an "age-related decline in physical performance," wasn't a recognized disease, like osteoporosis or Alzheimer's.

A drug to treat the chronic condition, like many the industry is now tackling, would require lengthy and especially expensive clinical studies because its effects might be subtle and take months or years to understand. To make sure that an experimental drug deserves such a sizable investment. Pfizer blends marketing with R&D early on. A marketing specialist works with each drug team to ascertain commercial merit. In particular, will the drug meet a compelling unmet medical need and will Pfizer be able to differentiate its medicines from those of its competitors?

For the frailty drug, researchers believed they would have to show that it could do more than boost hormone levels or even muscle growth. Early talks with the Food and Drug Administration confirmed the higher standard. Insurers, too, would need evidence that the frailty drug would be worth their expense.

to persuade regulators and insurers to embrace the drug, the Pfizer team aimed to prove beyond a doubt that elderly people who took it could walk faster and longer and avoid the kinds of falls that force many of them into nursing homes.

Such a drug also could appeal to a younger, healthier but worried market, people who might use the medicine as a lifestyle enhancer, like Viagra, decades before they faced a real danger of frailty. For Pfizer, a medicine to stave off the ravages of old age, unlike an antibiotic taken for a week, could provide a long-term revenue stream: "People will take it for 20 or 30 years—it'll be like a vitamin," predicted John LaMattina, a senior research executive, early last year.

In late 1996, the frailty drug hit its first setback when an otherwise healthy man participating in a small safety study in the Netherlands developed a mysterious, mild rash. The test was halted while the team investigated. The cause was never found, though the leading theory remains that he had a reaction to laundry detergent or hand soap. After a few months, the team concluded that the drug was safe enough to continue.

Pfizer recognized the growth-hormone workers as the best research team of 1996 for their trail-blazing accomplishments. And they continued on the fast track, initiating in late 1997 a larger clinical test of the drug, involving 114 people who randomly received one of four different doses or a placebo for a month. At this stage, the researchers sought to substantiate the safety of the drug and to pinpoint the best dose to use in subsequent tests of effectiveness.

To their happy surprise, the scientists found that even a one-month regimen with the experimental drug produced measurable growth of muscle. "it was great," Dr. Gruetzmacher recalls, "We didn't expect an increase in less than six months."

Though encouraging, the results didn't prove the drug was working. The test could have been a fluke. Besides, increases in muscle mass, even if they were real, wouldn't convince regulators to approve the drug, everyone had previously agreed. After lengthy discussion, the team decided to propose a six-month trial of the drug to Dr. Clark and his committee for approval and funding.

But the scientists realized that showing that the drug halted or reversed aging would take months or even years. Dr. Clark pushed the research team to reconsider its time frame and "go for the home run" by pursuing a longer and much more expensive test that could detect subtle improvements in patients' ability to function.

The team took six months to design a trial that would provide a definitive answer on whether the drug worked. They eventually proposed a two-year study in elderly patients

that would measure muscle and some biochemical markers in the bloodstream. They also would test the subjects' walking speed and endurance and their ability to get in and out of a chair.

Dr. Clark's management committee agreed to fund the study in about 350 patients, much larger than usual for such an early stage. To hedge the outside bet and ensure that the project was on track, the study included interim analyses at six and 12 months.

Last summer, three senior managers unconnected to the project, including a statistician, were chosen to review the data after six months. As outsiders, they were expected to be unbiased, and they would share their findings with only a few senior managers.

In less than a week, they had reached their conclusion and called Dr. Clark. He decided to break the secrecy and inform the research team of the news.

The patients taking the frailty drug had gained some muscle mass—but less than 3% more than the placebo group, which had also experienced muscle increases. There were no safety problems with the drug. But the study was stopped within a month because the drug appeared ineffective.

Nobody is quite sure why. One theory is that the patients selected for the study may have been too healthy, so there was less room for improvement in the treated group. Another idea is that the drug caused the pituitary gland to release growth hormone in a way that was out of tune with the body's system for using it.

In the end, Dr. Clark's committee "took pity on us," Dr. Landshulz says, and allowed the team one last chance to salvage the medicine. They were permitted to collect and analyze data on the group of early patients in the study who had taken the drug for a year—just in case its effectiveness emerged later than six months.

That was a long shot, everyone agreed, but worth the modest incremental expense. The final analysis was completed this spring, and the results were the same.

Later this month, Dr. Clark's committee will review the file one last time and officially lay to rest the frailty drug, which Pfizer says cost the company \$71 million to research and develop.

THE CLOCK IS TICKING

Half of Pfizer's top-earning drugs face patent-expiration pressure.

Drug and Purpose	Expiration of basic U.S. patents	2001 revenue, in billions
Lipitor: Cholesterol	2010	\$6.45
Norvasc: Blood Pressure	2006	3.58
Zoloft: Depression	2006	2.37
Neurontin-1: Epilepsy	1994, 2000	1.75
Viagra: Impotence	2011	1.52
Zithromax: Antibiotic	2005	1.51
Celebrex-2: Arthritis	2013	1.16
Diflucan: Antifungal	2004	1.07

¹ Pfizer claims a separate patent concerning chemical stability of Neurontin protects drug until 2017

² Pfizer co-promotes Celebrex for Pharmacia Corp.

³ Estimate.

APPRECIATION FOR THE SONG, "WE UNITE," BY MS. BECKY COLE

• Mr. INOUE. Mr. President, I am pleased to share with my colleagues in the Senate and the American people the song, "We Unite," by Becky Cole. The strength and patriotism of Americans following the September 11 attacks inspired her to write and record this song. It captures our citizens' love for their country, its ideals, and its liberties. For me, this song is a reminder of those who are working to rebuild the

buildings that were destroyed and reverse the economic consequences of that terrible day. It reminds me of the victims and their families' courage to carry on and live. This song also reminds me of our service men and women around the world who are defending our Nation.

I ask to print in the RECORD the lyrics to Ms. Cole's song.

The material follows:

A NATIONAL ANTHEM "WE UNITE"

(Words and Music by Becky Cole)

From the depths of the graves we come now as one,

Yielding our lives to an unselfish love.

To expose that which is evil, to remove that which is dark,

To lift up our flag as others burn and tear it apart.

We will fight for justice,

We will risk our lives for love,

We'll rebuild America, with hope we'll stand as one.

To the mighty God above us, we salute and pray,

As one nation under God, we unite our lives today.

Though the winds and the waves have swept across our land,

Causing us to question the beliefs on which we stand.

But now, we're a new nation, under the red, white and blue,

A flag that stands for freedom and waves for me and you. •

TEACHER MAURICE LARUE RETIRES FROM STURGIS HIGH SCHOOL

• Mr. JOHNSON. Mr. President, I rise today to recognize and honor Maurice (Maury) LaRue on the occasion of his retirement as a teacher in the Meade County School District in South Dakota.

By the end of May, Maury LaRue will have completed 33 years in the teaching profession, all at Sturgis High School. Upon graduation with a bachelor of science degree in education from the University of North Dakota, LaRue accepted a position as teacher and debate coach at Sturgis in 1969.

His teaching career has ranged from social studies and literature to vocational broadcasting and forensics. There has always been a strong emphasis on communication skills for LaRue. For 20 years, he was one of South Dakota's most respected and successful debate coaches. His debaters won numerous local, state, regional and national forensic honors. And while his students performed well in competition, the true measure of Maury's ability to build and improve the communication skills of his students, came in the number who went on to become successful community leaders, business leaders, attorneys, senior political staff as well as students who were able to think and communicate in their daily lives as adults, thanks to Maury's dedicated teaching style.

In addition to his many years as teacher and debate coach, Maury also coached cross-country and track for

several years and is retiring as the director of the social studies department at Brown High School in Sturgis. He has served as a city council member for the City of Sturgis and has maintained a strong interest in community affairs and city, county and state government. He has performed technical direction for the South Dakota State Junior Miss program since 1970, and currently serves as the technical advisor for the Sturgis Community Center Theater. He is a member of the Sturgis Chamber of Commerce, serving on several committees, and is a member of the Fort Meade Museum Board, the Sturgis Area Arts Council and is very active as an elder, choir member and leader with the Presbyterian Church. For the past dozen years, he has also owned and operated a successful photographic studio and gallery in Sturgis and most recently, he has become a volunteer fireman and earned the credentials as information officer. If there were any time left in the day, he would find time to fill it and provide counsel to his students or provide service to his community.

I have met Maury several times during my visits to Sturgis High School and the community of Sturgis. He is definitely a mover and shaker in the community of Sturgis and is very well-respected by both current students and alumni for his skills and abilities as an instructor and for the way he has shaped the lives and futures of those he has tutored over three decades. He is very focused and knowledgeable of local, state and federal politics and issues.

On the occasion of his retirement as a public school educator, I want to congratulate Maurice LaRue for his tireless dedication to his students, his commitment to finding the best in his students and for helping his students to 'communicate' with the world. I also want to commend him for his valuable service to his community over the years. Instead of hiding behind a textbook or staying at the chalkboard, Maurice LaRue has provided his many students over the years with his own example of being active in school and community. He has motivated the lives of many students and many of them would point to Maury as playing a pivotal role in their lives. Can there be any better reward for 33 years of dedicated teaching and community service!

I wish Maurice LaRue the best on his retirement.●

IN HONOR OF ENTERTAINER AND COMMUNITY LEADER PAT BOONE

● Mr. FRIST. Mr. President, the name Pat Boone rings synonymous with musical success. Pat has registered 60 songs on the musical charts with eighteen reaching the Top Ten and six reaching Number One. His recording career has spanned five decades—from the 1950s to the 1990s—and compilation albums are reaching a new generation of fans in the 21st century. Indeed, few

entertainers can claim a more sustained career of success than Pat Boone.

Pat's success has even extended beyond music. He starred in fifteen films for 20th Century Fox. He hosted two weekly television variety shows—the Pat Boone Chevy Showroom and the Pat Boone Show. He has been a constant presence on radio both as a musician and as a show host. He has also found time to write several books about teenage life and, more recently, religion and family.

Pat donated all proceeds from his first book—*Twist Twelve and Twenty*—to the Northeastern Institute of Christian Education. This was a sign of good things to come. Throughout his career, Pat Boone has generously given his support to countless charitable organizations. Perhaps most notably, he has served as spokesman, national chairman, and host of the Easter Seal Society Telethon for almost two decades.

Though Pat has attained worldwide fame, he has never forgotten his Tennessee roots. This is especially true for his charity work on behalf of Bethel Bible Village. For the last 25 years, Pat has been the celebrity host of the Bethel Bible Village Spectacular Golf Tournament. He has helped raise more than \$1.3 billion for Bethel and bring it national recognition as a premier facility for the care of troubled and at-risk children.

Pat Boone is one of the most successful entertainers of our time; he's also one of the most caring and compassionate community leaders in America today. Pat has always put community first—whether it's the close-knit community of his family or the broader community of charitable organizations. I offer this statement to Pat Boone in recognition of a career of success and gratitude for a life of giving.●

RECOGNIZING ASIAN PACIFIC AMERICAN HERITAGE MONTH

● Mr. DAYTON. Mr. President, I rise today in honor of Asian Pacific American Heritage Month. In recent years, Americans have experienced an energizing infusion of Asian-based culture, which resonates in diverse folkways, cuisine, art forms, and religious beliefs and practices. In all these areas, I believe Minnesota is especially privileged, thanks to Asian American citizens who present a unique, vigorous dimension, both established and emerging. Therefore, I would like to highlight the ways that Asian Pacific Americans in particular have enriched our state.

We who make Minnesota our home truly comprise an international community. The Asian Pacific American presence in my state dates from the late nineteenth century, when Chinese, Japanese, and Filipino settlers first arrived. Today, many more groups, such as the Koreans, Asian Indians, Tibetans, Hmong, Vietnamese, and Cambodians, have augmented Minnesota's

Asian Pacific community. This growth is ongoing, and I am pleased to say that in my state, the Asian Pacific American population increased over 100 percent in the last decade. Furthermore, the City of Saint Paul is distinguished by the largest Hmong population in the nation.

The Asian Pacific population has significantly contributed to the economic, social, and political fabric of Minnesota. In the Twin Cities of Saint Paul and Minneapolis, Asian entrepreneurs have succeeded in re-establishing key business districts in areas once dormant, leading to the revitalization of entire neighborhoods. These Americans have further invested in Minnesota through unprecedented rates of home ownership. In greater Minnesota, Asian Pacific Americans are also being welcomed. For example, Warroad, Minnesota, always a notable breeding ground for great hockey players, is now also home to a small but vibrant Lao population. Moreover, I am very proud to say that Minnesota has elected our nation's first Hmong legislator, State Senator Mee Moua.

The State Council on Asian-Pacific Minnesotans has chosen five individuals or groups who have made especially worthy contributions, and I would like to acknowledge these remarkable award winners.

Joseph Hui, who has resided in Minnesota for 30 years, has built a successful business career, but, more importantly, he has given back generously through community service and philanthropy. He was one of the founders of the Asian Pacific Endowment for Community Development, a fund directed and operated by Asian Americans. The fund encourages different Asian Pacific communities to work together in providing social, health, educational, economic, and cultural services. Thus far, the fund has given approximately \$300,000 in grant money to more than 60 organizations.

Rita Mitra Mustaphi, a renowned choreographer, dancer, and educator, introduced the classical Indian dance form, Kathak, to Minnesota. She uses this 2000-year-old form of storytelling, essentially dance-poems, to explore bold, contemporary themes. She is the founder and Artistic Director of the Kathak Dance Theatre, which is the only professional dance theater of its kind in the Midwest. The theater received a grant from the National Endowment for the Arts to create and perform a new dance theater piece.

Another artistic innovator, Rick Shiomi, is a leading Asian American artist. He is the founder of Mu Daiko, a taiko drumming troop, and the Artistic Director of Theater Mu, a group primarily cultivating new Minnesota playwrights and Asian American actors. Blending ancient artistic forms, traditions, and stories with contemporary ones, these performers are dedicated to the ideal of theater as a total sensory experience. Their unique work reaches new audiences through Theater

Mu's annual festival and outreach performances at schools, corporate sites, and community organizations.

The radio station KFAI, Fresh Air Radio, serving the Twin Cities since 1973, provides training opportunities in broadcasting to those who might lack the resources for formal training. Many of the station's volunteer programmers have recently arrived in the United States and, therefore, have the opportunity to broadcast in their native languages. Cultivating listeners not often served by traditional media, KFAI includes in its programming broadcasts which cater to the Indian, Khmer, Hmong, Vietnamese, and Filipino communities.

Finally, I would like to make special mention of a courageous woman, Darina Siv. Until her death in March at the early age of 44, Ms. Siv was dedicated to helping low-income Cambodians, whom she served first as a social worker, then as executive director of the United Cambodian Association of Minnesota. Her book, *Never Come Back: A Cambodian Woman's Journey*, described her personal hardships after the Khmer Rouge took control in her native Cambodia. In America, she became a tireless advocate and was instrumental in securing state legislation that helps foreign-born social workers overcome license barriers.

During Asian Pacific American month, I am happy to recognize the many ways—exciting, dynamic, complex, and subtle in which Asian Pacific Americans are making Minnesota a better, stronger, and richer place to live and work. It is important today and throughout the year, to celebrate these contributions.●

TRIBUTE TO MR. KENNETH OTAGAKI AND HIS FAMILY

● Mr. INOUE. Mr. President, I am deeply honored to rise in tribute to Ken Otagaki, who is a very dear friend of mine. He is a patriot in the fullest sense of the word. His life and his service to our Nation should make all of us very proud to call him a fellow American. His story should inspire you. I ask to print in the RECORD an article about him and his family printed in the April 28, 2002, edition of the Honolulu Star-Bulletin in Hawaii.

The article follows.

LOVING PERSISTENCE PAYS OFF FOR OTAGAKIS (By Treena Shapiro)

Members of the Otagaki family say that their patriarch has never let obstacles defeat him.

And as his children note, Kenneth Otagaki has faced challenges that would have discouraged a lesser man—from supporting himself while still a child, to wooing a reluctant bride, to learning to cope with a disability after World War II, to raising five children—eventually earning his Ph.D. and becoming a member of Gov. John Burns' cabinet.

Even at 84, "He's full of energy for someone who could have just sat around and said, 'I can't do this, I can't do that,'" said his daughter, Joy Miyashiro, 55.

Consequently, while growing up, the Otagaki children never wanted for anything, but had a lot to live up to.

Ken Otagaki took control of his life at the age of 12, his son Robin Otagaki said.

He was the second son of a Big Island field laborer and his picture bride wife. Because Japanese tradition at the time dictated that the first-born son inherit everything, Ken ran away to Honolulu at age 12 and worked as a houseboy, then put himself through college.

At the University of Hawaii in 1936, Ken met Janet, his bride-to-be. He was majoring in agriculture, she was majoring in home economics.

When Ken first asked Janet on a date, she tried to fix him up with a friend instead. "And the next time he asked me, I gave him the brush off because I'm not interested in him since I had a boyfriend," Janet said.

Eventually she consented to a date, "but I wasn't very much interested."

But Ken was more fun than her boyfriend, and more persistent, she said. "I tried to brush him off, but he just wouldn't. This is what he said: 'If I see a good one, why should I stop? I'm going to keep chasing you,'" she remembered.

After the Japanese attack on Pearl Harbor, Ken enlisted and joined the famed 100th Infantry Division. He proposed to Janet before being sent overseas and they decided to wait until he returned to get married.

Ken became a litter bearer, once helping an injured Spark Matsunaga down from the mountains.

In January 1944, near the hills of Cassino, Italy, Ken and six other litter bearers were called upon to help soldiers in front of them.

It was about 10 p.m. and snowing, Ken recalled.

"The Germans saw us coming, I suppose, so they threw a barrage of mortar shells. Unfortunately, one landed about three feet away from where we were, backed up against a big rock," he said.

Of the eight American soldiers in the group, one escaped injury. Three were killed and four, including Ken, were wounded seriously.

It was 20 hours before Ken was evacuated. The battle cost him his right leg, two fingers on his right hand and the sight in his right eye.

He wrote to Janet, telling her about his injuries and absolving her of her commitment to marry him, Joy said.

However, "She figured that he wasn't going to sit around and feel sorry for himself," Joy said. They were married later that year.

Robin said Ken's injuries interfered with his plans to become a medical doctor, then he was told he could not practice veterinary medicine, either. He ended up using his G.I. Bill to attend graduate school in Iowa and California, earning a doctorate in animal science.

Joy, who was born in Iowa, said her father's career took the family to Berkely and Davis, Calif., while her mother stayed home and raised five children that all came within one or two years of each other.

When Joy was 8, the family moved back to Hawaii, where her father taught at the University of Hawaii and later led the state Department of Agriculture during the Burns administration.

Joy said her father was always a good example for the kids.

"Even though he was physically challenged, he taught us how to ride bicycles, he taught us how to swim. If there was ripe mango up on the tree he would go up and get it," she said, adding that he kept his tree-climbing a secret from her mother.

"My mom really never worked, she did some substitute teaching, but she never really had to go out (and work)," Miyashiro said. "She always had Sunday dinners cooked for

us, she sewed, she entertained, she was den mother, brownie leader."

She was also the family peacekeeper, according to Robin.

"My mother always had to be the one who was the mediator. She had to buffer the father from the children and the children from the father," he said.

His father had high expectations of his children, particularly in school, he said.

But Robin, who now teaches secondary science at Punahou, said the children were never academically inclined. In fact, he graduated last in his class from the University Lab School.

He and his late brother were the only Otagaki children who finished college.

These days, however, Robin, 52, and his wife live in the Manoa home he was raised in, while Ken and Janet live in a cottage on the same property and they all get on "tremendously," Robin said, describing how he and his father putter around the garden together.

"Little by little we meet in the middle," he said. "He has seen what I have become, and I realize where he has come from."

Both Joy and Robin noted how their father dotes on his eight grandchildren.

Ken said the key to raising his family has been respect: "Like any family, all-in-all, it requires a lot of understanding, a lot of give and take."●

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 BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on May 10, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following bill:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bill was signed by the President pro tempore (Mr. BYRD) on May 10, 2001.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the following enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. BYRD) on May 10, 2002:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue in Chicago, Illinois, as the "Paul Simon Chicago Jobs Corp Center."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 10, 2002, she had presented to the President of the United States the following enrolled bill:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue in Chicago, Illinois, as the "Paul Simon Chicago Jobs Corp Center."

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-6848. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, there report of a nomination confirmed for the position of Assistant Administrator, Bureau for Economic Growth, received on May 8, 2002; to the Committee on Foreign Relations.

EC-6849. A communication from the Secretary of Labor, transmitting, pursuant to law, the Annual Report concerning employment and training programs for veterans during program year 1999 and Fiscal Year 2000; to the Committee on Veterans' Affairs.

EC-6850. A communication from the Chief Financial Officer, Government of the District of Columbia, transmitting, the report of a violation of the Antideficiency Act concerning the Public Education System and Receiverships; to the Committee on Appropriations.

EC-6851. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Reporting Forms Implementing FEC Rules Transmitted on March 15, 2002" received on May 8, 2002; to the Committee on Rules and Administration.

EC-6852. A communication from the Secretary of Defense, transmitting, pursuant to law, the Sixteenth Report of the Federal Voting Assistance Program; to the Committee on Rules and Administration.

EC-6853. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Defense Environmental Restoration Program for Fiscal Year 2001; to the Committee on Armed Services.

EC-6854. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report regarding the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the United States Marine Corps H-1 Upgrades Program exceed the Acquisition Program Baseline values by more than 25 percent; to the Committee on Armed Services.

EC-6855. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report regarding the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the V-22 Program exceed the Acquisition Program Baseline values by more than 15 percent; to the Committee on Armed Services.

EC-6856. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Performance-Based Contracting Using Federal Acquisition Regulation Part 12 Procedures" (DFARS Case 2000-D306) received on May 8, 2002; to the Committee on Armed Services.

EC-6857. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the

report of a rule entitled "Multiyear Contracting" (DFARS Case 2000-D303/304) received on May 8, 2002; to the Committee on Armed Services.

EC-6858. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report concerning Department of Defense process for decision-making in cases of false claims; to the Committee on Armed Services.

EC-6859. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a interim report on the development of regulations to improve privacy protections of medical records held by the Department of Defense; to the Committee on Armed Services.

EC-6860. A communication from the General Counsel of the Air Force, Office of General Counsel, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled "Wake Island Code" (RIN0701-AA65) received on May 8, 2002; to the Committee on Armed Services.

EC-6861. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report regarding Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions; to the Committee on Armed Services.

EC-6862. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report concerning the Five-Year Plan for the Manufacturing Technology Program for Fiscal Years 2002 through 2006; to the Committee on Armed Services.

EC-6863. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director of National Drug Control Policy, received on April 30, 2002; to the Committee on the Judiciary.

EC-6864. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Supply Reduction, received on April 30, 2002; to the Committee on the Judiciary.

EC-6865. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of nomination for the position of Deputy Director for State and Local Affairs, received on April 30, 2002; to the Committee on the Judiciary.

EC-6866. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Director for Supply Reduction, received on April 30, 2002; to the Committee on the Judiciary.

EC-6867. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Comprehensive Methamphetamine Act of 1966; Regulation of Pseudoephedrine, Phenylpropanolamine and Combination Ephedrine Drug Products and Reports of Certain Transactions" (RIN 1117-AA44) received on May 9, 2002; to the Committee on the Judiciary.

EC-6868. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Section 212(c) Relief for Certain Aliens in Deportation Proceedings Before

April 24, 1996" (RIN 1125-AA29) received on May 9, 2002; to the Committee on the Judiciary.

EC-6869. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulate" (22 CFR Parts 22 and 51) received on May 7, 2002; to the Committee on Foreign Relations.

EC-6870. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, a report relative to Development Assistance, Child Survival and Disease Programs, Assistance for Eastern Europe and the Baltic States, Assistance for the Independent States of the Former Soviet Union and the Economic Support Fund; to the Committee on Foreign Relations.

EC-6871. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the Report on Economic Conditions in Egypt for 2001; to the Committee on Foreign Relations.

EC-6872. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$50,000,000 or more to Australia; to the Committee on Foreign Relations.

EC-6873. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Asia and the Near East, received on May 8, 2002; to the Committee on Foreign Relations.

EC-6874. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, the report of the texts and background statements of intentional agreements, other than treaties; to the Committee on Foreign Relations.

EC-6875. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation "to prescribe adjust, and collect fees to cover the costs incurred by the Secretary to produce national and international reagents and references and make them available to the industry on a fee basis"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6876. A communication from the Administrator, Cotton Program, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Cotton Research and Promotion Program: Procedures for Conduct of Sign-Up Period" (Doc. No. CN-01-007) received on May 7, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6877. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al.; Final Free and Restricted Percentages for the 2001-2002 Crop Year for Tart Cherries" (Doc. No. FV 02-930-1 FR) received on May 7, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6878. A communication from the Administrator, Farms Service Agency, Farm Loan Program Loan Marketing Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Streamlining of the Emergency Farm Loan Program Loan Regulations" (RIN 0560-AF72)

received on May 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6879. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Annual Program Performance Report of Fiscal Year 2001, the Annual Performance Plan for Fiscal Year 2003 and the Revised Plan for Fiscal Year 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6880. A communication from the Administrator, Farm Loan Programs, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Loan Programs Account Servicing Policies—Reduction of Amortized Shared Appreciation Recapture Amortization Rate" (RIN 0560-AG43) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6881. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Silica, Amorphous, Fumed (Crystalline Free); Exemption from the Requirement of a Tolerance" (FRL 6835-5) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6882. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Removal of Duplicative or Expired Time-Limited Tolerances for Emergency Exemptions" (FRL6835-7) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6883. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a notice entitled "Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 182"; to the Committee on Energy and Natural Resources.

EC-6884. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Personnel Security Program Manual" (DOE M 472.1-1B) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6885. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiological Worker Training" (DOE-HDBK-1130-98 Change Notice 1) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6886. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Technical and Administrative Amendments" (RIN1991-AB51) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6887. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities" (DOE N 450.7) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6888. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Guide of Good Practices for Occupational

Radiological Protection in Uranium Facilities" (DOE-STD-1136-2000, Change Notice 1, 2, and 3) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6889. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Security Amendments to Implement Executive Order 12829, National Industrial Security Program" (RIN1991-AB42) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6890. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Industrial Hygiene Practices" (DOE-STD-6005-2001) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6891. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Management Assessment and Independent Assessment Guide" (DOE G 414.1-1A) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC-6892. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "International Energy Outlook 2002"; to the Committee on Energy and Natural Resources.

EC-6893. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Determining Adjusted Income in HUD Programs Serving Persons with Disabilities: Requiring Mandatory Deductions for Certain Expenses; and Disallowance for Earned Income—Technical Amendments" ((RIN2501-AC72)(FR-4608-F-04)) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6894. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Interpretive Ruling and Policy Statement 02-1, 'Supervisory Review Committee'" received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6895. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date of Amendments to Home Mortgage Disclosure (Regulation C)" received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6896. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 FR 10046" (CFR Part 65) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6897. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 FR 11049" (Doc. No. FEMA-D-7521) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6898. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood

Insurance Program (NFIP); Inspection of Insured Structures by Communities" (RIN3067-AD16) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6899. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 FR 11053" received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6900. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7777) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6901. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 CFR 5232" (44 CFR Part 67) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6902. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5222" (44 CFR Part 65) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6903. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5224" (44 CFR Part 65) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6904. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 CFR Part 5234" (44 CFR Part 67) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6905. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5227" (Doc. No. FEMA-B-7426) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6906. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5230" (Doc. No. FEMA-D-7519) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6907. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 FR 12479" (44 CFR Part 67) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6908. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7779) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6909. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Unsecured Credit

Limits for Federal Home Loan Banks" (RIN3069-AB11) received on May 9, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6910. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Capacity Building for Traditionally Underserved Populations" (CFDA Num. 84.315) received on May 7, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6911. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on the Loan Repayment Program on Health Disparities Research (HDR-LPR) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-6912. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of the National Institutes of Health Loan Repayment Program for Research Generally (GR-LRP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-6913. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of the National Institutes of Health AIDS Research Loan Repayment Program (LRP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-6914. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report for Fiscal Year 2001 of the National Institutes of Health Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds (CR-LRP) and the Extramural Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds (ECR-LRP); to the Committee on Health, Education, Labor, and Pensions.

EC-6915. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6916. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph" (RIN0910-AA01) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6917. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of the National Institute of Child Health and Human Development (NICHD) Contraception and Infertility Research Loan Repayment Program (CIR-LRP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-6918. A communication from the Acting Chairman, National Endowment for the Arts and Member Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the Annual Report on the Arts and Arts Indemnity Program for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-6919. A communication from the Director, Regulations Policy and Management

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment of Regulations Regarding Certain Label Statements on Prescription Drugs" (Doc. No. 00N-0086) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6920. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Doc. No. 01F-0233) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6921. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Public Information; Cross Reference to Other Regulations; Technical Amendment" (Doc. No. 02N-0086) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6922. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on Performance Improvement 2002: Evaluation Activities of the U.S. Department of Health and Human Services for 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6923. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Institutes of Health Contraception and Infertility Research Loan Repayment Program" (RIN0925-AA19) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6924. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a nomination for the position of Inspector General, received on May 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6925. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6926. A communication from the Program Analyst, Directorate of Civil Works, Operations Division, Army Corps of Engineers, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Hampton Roads and Willoughby Bay, Virginia" received on May 8, 2002; to the Committee on Environment and Public Works.

EC-6927. A communication from the Program Analyst, Directorate of Civil Works, Operations Division, Army Corps of Engineers, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Elizabeth River Virginia" received on May 8, 2002; to the Committee on Environment and Public Works.

EC-6928. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Administrator for Enforcement and Compliance Assurance, received on May 8, 2002; to the Committee on Environment and Public Works.

EC-6929. A communication from the Acting Assistant Administrator, Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Environmental Information, received on May 8, 2002; to the Committee on Environment and Public Works.

EC-6930. A communication from the Acting Assistant Administrator, Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Solid Waste and Emergency Response, received on May 8, 2002; to the Committee on Environment and Public Works.

EC-6931. A communication from the Deputy Administrator, General Service Administration, transmitting, pursuant to law, a Report of Building Project Survey, Green Bay, WI; to the Committee on Environment and Public Works.

EC-6932. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Revisions to the Clean Water Act Regulatory Definitions of 'Fill Material' and 'Discharge of Fill Material'" (FRL7209-2) received on May 9, 2002; to the Committee on Environment and Public Works.

EC-6933. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois Emission Reporting" (FRL7164-4) received on May 9, 2002; to the Committee on Environment and Public Works.

EC-6934. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL7174-5) received on May 9, 2002; to the Committee on Environment and Public Works.

EC-6935. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota" (FRL7165-7) received on May 9, 2002; to the Committee on Environment and Public Works.

EC-6936. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Nitrogen Oxides Budget Program" (FRL7208-4) received on May 9, 2002; to the Committee on Environment and Public Works.

EC-6937. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Final Approval of Operating Permits Program; State of Connecticut" (FRL7210-9) received on May 9, 2002; to the Committee on Environment and Public Works.

EC-6938. A communication from the Administrator, General Service Administration, transmitting, a report on the Capital Investment and Leasing Program for Fiscal Year 2003; to the Committee on Environment and Public Works.

EC-6939. A communication from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Decommissioning Activities" (RIN1010-AC65) received on May 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6940. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Atlantic Highly Migratory Species; Fisheries of the Northeastern United States; Implementation of the Shark Finning Prohibition Act" (RIN0648-AP21) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6941. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technology Opportunities Program" (RIN0660-ZA06) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6942. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of the Expiration Date of and Emergency Interim Rule for the Atlantic Deep-Sea Red Crab Fishery" (RIN0648-AP10) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6943. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 67 to the Fishery Management Plan for the Groundfish Fisheries of the Bering Sea and Aleutian Island Area (License Limitation Program to Stabilize the Pacific Cod Fishery)" (RIN0648-AM40) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6944. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Children's Online Privacy Protection Rule" (RIN3084-AA88) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6945. A communication from the Acting Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice—Coastal Services Center Broad Area Announcement Fiscal Year 2002 Programs" (RIN0648-ZA94) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6946. A communication from the Administrator, Farm Loan Program, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Streamlining of the Emergency Farm Loan Program Loan Regulations; Correction" (RIN0560-AF72) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6947. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the

Atlantic Deep-Sea Red Crab Fishery" (RIN0648-AP10) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6948. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reopening of the Directed Fishery for Pacific Mackerel" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6949. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Educational Partnership Program with Minority Serving Institutions: Environmental Entrepreneurship Program—Request for Proposals for FY 2002" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6950. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Hawaii-Based Pelagic Longline Restrictions" (RIN0648-AP84) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6951. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, a report relative to Employment Investigations of Pilot Applicants; to the Committee on Commerce, Science, and Transportation.

EC-6952. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting, pursuant to law, the Corporation's Legislative Report and Grant Request for Fiscal Year 2003 and the Amtrak Business Plan for Fiscal Year 2002-03; to the Committee on Commerce, Science, and Transportation.

EC-6953. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Species in the Rock Sole/Flathead Sole/Other Flatfish Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area (BSAI). This Action is Necessary to Prevent Exceeding the First Seasonal Apportionment of the 2002 Pacific Halibut Bycatch Allowance Specified for the Trawl Rock Sole/Flathead Sole/other flatfish category" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6954. A communication from the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Proposal to Require Consolidated Reporting by Commonly Controlled Railroads" (STB Ex Parte No. 634) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6955. A communication from the DAA Fisheries Regulations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date for the Year-4 Default Management Measures for Small-Mesh Multispe-

cies" (RIN0648-AP32) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6956. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries Regulations; Pacific Tuna Fisheries; Establishment of Incidental Catch Limit for Yellowfin Tuna Taken by the U.S. Purse Seine Fishery in the Eastern Pacific Ocean" (ID 102401B) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6957. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes B Season Allowance of Pollock in Statistical Area 630, Gulf of Alaska" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6958. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes B Season Pacific Cod in Statistical Area 610, Gulf of Alaska" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6959. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of the Commercial Trip Limit in the Commercial Hook-and-Line Fishery for King Mackerel in the Southern Florida West Coast Subzone to 500lb of King Mackerel Per Day in or from the Exclusive Economic Zone" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6960. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6961. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Haddock Daily Trip Limit" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6962. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Closure of the Directed Fishery for Atlantic Herring for Management Area 1A" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6963. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Quota Transfers; General Category Daily Retention Limit Adjustment" (ID 101501B) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6964. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Coastwide General Category Closure" (ID 102201D) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6965. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fishery Closure" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6966. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Directed Fishing for Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6967. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Notice from NOAA's Ocean Exploration Program for FY 2002" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6968. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska (GOA). This Action is Necessary to Prevent Exceeding the A Season Amount of the Pacific Cod Total Allowable Catch (TAC) Apportioned to Vessels Catching Pacific Cod for Processing by the Inshore Component of the Central Regulatory Area of the GOA" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6969. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of the Commercial Trip Limit of Atlantic Group Spanish Mackerel in or from the EEZ in the Southern Zone to 1,500 lb. Per Day" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6970. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Safety and Health" (RIN2700-AC33) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6971. A communication from the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a Federal Funding Report relative to the Atlantic Coastal Fisheries Cooperative Management Act for 1999-2000; to the Committee on Commerce, Science, and Transportation.

EC-6972. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to

law, the report of a rule entitled "Safety/Security Zone Regulations: Potomac River, Washington Channel, Washington, DC" ((RIN2115-AA97)(2002-0071)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6973. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Maumee River, Lake Erie, Ohio" ((RIN2115-AA97)(2002-0070)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6974. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Cruise Ships, San Pedro Bay, California" ((RIN2115-AA97)(2002-0069)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6975. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port Neches Riverfest, Neches River, Port Neches, Texas" ((RIN2115-AA97)(2002-0072)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6976. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas: Savannah River, Georgia" ((RIN2115-AE84)(2002-0005)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6977. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reporting Prohibited Communication" (RIN2105-AD10) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6978. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations on Safety Integration Plans Governing Railroad Consolidations, Merger, and Acquisitions of Control; and Procedures for Surface Transportation Board Consideration of Safety Integration Plans in Cases Involving Railroad Consolidations, Mergers, and Acquisitions of Control" ((STB Ex. Parte No. 574)(RIN2140-AA50)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6979. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's inventory of commercial activities for 2001; to the Committee on Governmental Affairs.

EC-6980. A communication from the Executive Director, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Subcommittee's Annual Report for 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-6981. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commission's combined Government Performance and Results Act Annual Performance Report for Fiscal Year 2001 and the Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Select Committee on Intelligence, without amendment:

S. 2506: An original bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 107-149).

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. GRAHAM:

S. 2506. An original bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services.

By Mr. SMITH of New Hampshire (by request):

S. 2507. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. REED, and Mr. BINGAMAN):

S. 2508. A bill to preserve the effectiveness of medically important antibiotics by restricting their use as additives to animal feed; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUE, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, and Mr. SMITH of New Hampshire):

S. 2509. A bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 266. A resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day"; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs.

HUTCHISON, Mrs. BOXER, Mr. DASCHLE, Ms. CANTWELL, Ms. COLLINS, Mr. SARBANES, Mr. REID, Mr. WARNER, Mr. BAYH, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. DURBIN, Mr. GRAHAM, Mr. STEVENS, Mr. DAYTON, Mr. COCHRAN, Mr. ENSIGN, Mr. REED, Mr. SPECTER, Mrs.

MURRAY, Mr. BOND, Mr. CRAIG, Mr. HUTCHINSON, Mr. KERRY, Mr. DODD, Mr. CORZINE, Mr. WELLSTONE, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. WYDEN, Mr. AKAKA, Mr. HATCH, Mr. NELSON of Florida, Mr. BUNNING, Mr. SANTORUM, Mr. FEINGOLD, Mr. ALLEN, Mr. HOLLINGS, Mr. DEWINE, Mrs. CLINTON, Mrs. LINCOLN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Ms. SNOWE, Mr. CLELAND, Mr. BREAUX, Mrs. CARNAHAN, Mr. DOMENICI, Ms. MIKULSKI, Mr. JOHNSON, and Mr. LIEBERMAN):

S. Con. Res. 110. A concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 724

At the request of Mr. BREAUX, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 864

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 864, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1022

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

S. 1140

At the request of Mr. HATCH, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1931

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 2051

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2055

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2055, a bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes.

S. 2122

At the request of Mrs. CARNAHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2184

At the request of Mr. BREAUX, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2244

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.

2244, a bill to permit commercial importation of prescription drugs from Canada, and for other purposes.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2389, a bill to designate the facility of the United States Postal Service located at 205 South Main Street in Culpeper, Virginia, as the "D. French Slaughter, Jr. Post Office Building."

S. 2425

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2428

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2428, *supra*.

At the request of Mr. REID, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2428, *supra*.

S. 2431

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2431, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

S. 2454

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2454, a bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

S. 2490

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2494

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2494, a bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Mississippi (Mr. LOTT) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. Res. 185, a resolution recognizing the historical

significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 253

At the request of Mr. SMITH of Oregon, the name of the Senator from Illinois (Mr. DURBIN) was added as a co-sponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. REED, and Mr. BINGAMAN):

S. 2508. A bill to preserve the effectiveness of medically important antibiotics by restricting their use as additives to animal feed; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is with great pleasure that I join my distinguished colleagues, Senator JACK REED and Senator JEFF BINGAMAN, in introducing "The Preservation of Antibiotics for Human Treatment Act of 2002." This important legislation will protect the health of millions of Americans by preserving the effectiveness of antibiotics.

We rely on antibiotics to protect our health from deadly infections and to help safeguard the nation's security from the threat of bioterrorism. Yet we are squandering the effectiveness of these precious medications by using them indiscriminately as additives to animal feed.

Study after study has shown that the practice of using antibiotics to promote growth and fatten livestock erodes the effectiveness of these important pharmaceuticals. Mounting scientific evidence shows that this non-therapeutic use of antibiotics in agricultural animals can lead to development of antibiotic-resistant bacteria that can be transferred to people, making it harder to treat dangerous infections.

In July 1998, the National Academy of Sciences, in a report prepared at the request of the United States Department of Agriculture and the Food and Drug Administration, concluded "there is a link between the use of antibiotics in food animals, the development of bacterial resistance to these drugs, and human disease." In 1997 and again in 2000, the World Health Organization recommended that antibiotics used to treat humans should not also be used to promote animal growth, although such antibiotics could still be used to treat sick animals.

In January 2001, a Federal inter-agency task force on antibiotic resistance concluded that "drug-resistant pathogens are a growing menace to all people, regardless of age, gender, or socio-economic background. If we do not act to address the problem . . . [d]rug choices for the treatment of common infections will become increasingly limited and expensive—and, in some cases, nonexistent."

Major medical associations have taken a stand against antibiotic use in animal agriculture. In June 2001, the American Medical Association adopted a resolution opposing nontherapeutic use of antibiotics in animal agriculture. Medical professional organizations that have taken a similar position include the American College of Preventive Medicine, the American Public Health Association, and the Council of State and Territorial Epidemiologists. I ask for unanimous consent to include a letter of endorsement for our legislation from the American Public Health Association in the RECORD.

Most developed countries in the world, with the exception of the United States and Canada, restrict the use of antibiotics for growth promotion in raising livestock. In July 1999, the European Union banned the use for animal growth promotion of remaining human-use antibiotics still in use to promote animal growth. Prior to that action, individual European countries, including the United Kingdom, Denmark, Finland, and Sweden, had banned the use in animal feed of specific antibiotics.

The Preservation of Antibiotics for Human Treatment Act of 2002 will protect the health of Americans by phasing out the non-therapeutic use in livestock of medically important antibiotics, unless their manufacturers can show that they pose no danger to the public health. The Act requires this same tough standard of new applications for approval of animal antibiotics. The Act does not restrict use of antibiotics to treat sick animals or to treat pets and other animals not used for food.

In October 2000, FDA found that one class of antibiotics posed such a grave danger to the public health that they issued an order to withdraw these drugs from animal use. Yet, over 18 months later, tons of these drugs are still being used, because their manufacturer has refused to comply with FDA's order. The Act takes immediate action to implement the decision of FDA to withdraw these drugs from our food supply.

The National Academy of Sciences has found that eliminating the use of antibiotics as feed additives would cost each American consumer not more than \$5 to \$10 per year. Nonetheless, the legislation recognizes that there may be economic costs to farmers in making the transition to antibiotics-free farming practices. For this reason, the Act provides for Federal payments to farmers to defray their costs in switching to antibiotic-free husbandry practices, with a preference given to family farms.

Antibiotics are one of the crown jewels of modern medicine. If we squander their effectiveness, the health of millions of Americans will be put at risk. The most vulnerable among us, children, the elderly, persons with HIV/AIDS, are particularly endangered by

resistant infections. I urge my colleagues to support this needed legislation to protect the health of all Americans and preserve the effectiveness of antibiotics.

I ask unanimous consent that a letter of support and an analysis of the bill be printed in the RECORD.

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

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, May 1, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MISTER CHAIRMAN: On behalf of the 50,000 members of the American Public Health Association, I am writing to express our strongest support for the Preservation of Antibiotics for Human Treatment Act of 2002. The Act proposes to withdraw certain antibiotics used in healthy food animals to enhance their growth, as well as a class of antibiotics related to the anthrax drug Cipro and used in poultry. These withdrawals will help prevent transmission of antibiotic resistant bacteria in food.

It is common to add antibiotics to the feed of cattle, pigs, and poultry to speed their growth. But it also speeds the development of antibiotic resistant bacteria on farms, that can then contaminate the meat and cause food-borne illnesses for which treatment options are then limited. The evidence of harm to public health resulting from this practice has only grown. It is time for Congress to make the health of consumers a priority and put an end to this practice.

According to the Centers for Disease Control and Prevention, there are 1.4 million cases of Salmonella infection in the U.S. each year. Most of these infections are acquired from food, and many of them are resistant to five or more antibiotics. The Salmonella found in commercial meat and poultry products has already become resistant to a number of the most commonly used antibiotics. Your bill would phase out each of these drugs as a feed additive for healthy animals.

The bill also calls for withdrawal of a precious class of antibiotics now used to treat pneumonia in poultry. Since the approval of the fluoroquinolone antibiotics in 1995, *Campylobacter*, the most common food-borne infection, has developed resistance, and FDA has called for the drug's withdrawal in poultry. APHA has gone on record supporting the FDA's action.

We are pleased to support this important piece of legislation, and will work with you to see that it is passed. Please contact Natalie Raynor for further information.

Sincerely,
MOHAMMAD N. AKHTER,
Executive Director.

THE PRESERVATION OF ANTIBIOTICS FOR HUMAN TREATMENT ACT OF 2002 BACKGROUND

The widespread use of antibiotics beginning in the 1940's provided, for the first time in history, effective treatments for infectious diseases. These miracle drugs have saved countless lives, but they are losing their effectiveness. Antibiotics that once had the power to cure dangerous infections are now often useless, because microbes have become resistant to all but the newest and most expensive drugs, and some "superbugs" are impervious to any weapons in the medical arsenal. Resistance to antibiotics takes a heavy toll on patients across the Nation.

The World Health Organization estimates that 14,000 Americans die every year from drug-resistant infections. This means that one American dies from a resistant infection every 38 minutes.

It seems scarcely believable that these precious medications could be fed by the ton to chickens and pigs, but that's exactly what's happening in farms all over America. Over 20 million pounds of antibiotics are fed to farm animals every year. That's more than is used in all of medicine. These precious drugs aren't even used to treat sick animals. They are used to fatten pigs and speed the growth of chickens. The result of this rampant overuse is clear: meat contaminated with drug-resistant bacteria sits on supermarket shelves all over America. Every family is potentially at risk. The most vulnerable among us, children, the elderly, persons with HIV/AIDS, are particularly endangered by resistant infections.

At a time when the Nation is relying on antibiotics and other medications to protect our homeland's security from the grave threat of bioterrorism, we can no longer squander these precious weapons in the fight against disease by feeding them indiscriminately to livestock.

PROVISIONS OF THE LEGISLATION

The Preservation of Antibiotics for Human Treatment Act of 2002 will protect the health of Americans by phasing out the non-therapeutic use in livestock of medically important antibiotics, unless their manufacturers can show that they pose no danger to the public health. The Act requires this same tough standard of new applications for approval of animal antibiotics.

The Act does not restrict use of antibiotics to treat sick animals or to treat pets and other animals not used for food.

In October 2000, FDA found that one class of antibiotics posed such a grave danger to the public health that they issued an order to withdraw these drugs from animal use. Yet, over 18 months later, tons of these drugs are still being used, because their manufacturer has refused to comply with FDA's order. The Act takes immediate action to implement the decision of FDA to withdraw these drugs from our food supply.

The Act provides for Federal payments to farmers to defray their costs in switching to antibiotic-free husbandry practices, with a preference given to family farms.

Mr. REED. Mr. President, I rise today to join my colleagues, Senator KENNEDY of Massachusetts and Senator BINGAMAN of New Mexico, in introducing this timely and important legislation. The Preservation of Antibiotics for Human Treatment Act of 2002 will address a critical public health concern facing our nation.

There has been mounting scientific evidence that the overuse in animal husbandry of certain antibiotics is increasing the resistance to those antibiotics of bacteria that cause human disease. In farming, the drugs are often added to the feed of healthy animals to promote growth and productivity.

In 1997 and again in 2000, the World Health Organization recommended that antibiotics used to treat humans should not be used to promote animal growth, though the drugs could still be used to treat sick animals. Most developed countries, other than the United States and Canada, restrict the use of antimicrobials in growth promotion.

In July 1998, the National Academy of Sciences concluded in a report that

there is a link among the use of antibiotics in food animals, the development of bacterial resistance to these drugs and human disease.

Our legislation will require that an animal drug in the fluoroquinolone class of antibiotics, such as ciprofloxacin, and another critical drug, such as penicillin and tetracycline, will be considered unsafe as an additive in animal feed unless the drug's manufacturer can demonstrate that use in animal feed of the drug does not pose a harm to human health. In addition, the legislation will require that the Food and Drug Administration refuse to approve a veterinary drug application for any antimicrobial drug critical to human health care. For drugs that are currently added to animal feed, the legislation will require that the drug's use be phased out over the next two years.

It should be noted that three large commercial poultry producers have recently volunteered to significantly reduce or stop the use of antibiotics in their healthy chickens. In addition, the New York Times reported in February that the industry is stopping the use of a particular drug that is related to Cipro, which is used to treat anthrax in humans. The Times reported as well that some corporate consumers including McDonalds, Wendy's and Popeye's are refusing to buy chicken treated with that drug.

Some will be concerned that our legislation may impose a heavy burden on family farmers. As a means to reduce any burden, the legislation will also authorize payment to producers of livestock or poultry that substantially reduce their nontherapeutic use of antimicrobials in animal feed. Family-owned and family-operated farms or ranches will get priority in the awarding of these payments. And while we understand the concerns of those farmers, we anticipate that the legislation will be a significant step in helping the public health system maintain an effective arsenal against serious diseases, including anthrax, sepsis, strep and salmonella, many of which result in serious illness or death in both children and adults.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUE, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, and Mr. SMITH of New Hampshire):

S. 2509. A bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes; to the Committee of Armed Services.

Mrs. HUTCHISON. Mr. President, I rise today to offer legislation that addresses an issue of great concern to our Nation's current and future security as well as to hundreds of communities across our country.

We have endeavored to reduce the excess infrastructure of our armed forces four times in the past 15 years through the appointment of a BRAC commission whose charter was to recommend the elimination or realignment of unneeded bases. Four times these commissions have made recommendations to the President resulting in the closure of 106 major bases. I would like to agree that in each instance, the best decision was made and the military is now better off without these facilities; however, this is not the case. Mistakes have been made.

While most of these selections were proper, some have resulted in significant, unintended consequences. Staggering costs to clean up the environmental liabilities left behind is one such example. At the former Navy Station Long Beach, CA, post-closure clean up costs have consumed hundreds of millions of dollars more than had been anticipated. The final cost of closing that base remains unknown. How can the savings of closing this base be cited when even seven years later the costs continue to grow?

The lack of facilities now available to properly train our remaining forces is another. When justifying the closure of Reese Air Force Base in 1995, the commission's report stated that "the Air Force has a surplus of undergraduate pilot training facilities." However, only five years later, this service had a shortage of over 1,200 pilots. To make up for that shortfall, the Air Force was compelled to hastily establish another training base, at tremendous cost to the taxpayer.

The severe economic impact that small, rural communities have endured is yet another unintended consequence. The '95 commission's decision to convey Fort Chaffee to the local community was scandalous. How was a small, rural community like Barling, AR supposed to turn a post like Chaffee, pockmarked with over 700 World War II-era buildings, each contaminated with lead paint and Asbestos, into an economic asset to the community? They couldn't. While the closure of Chaffee may have saved the Pentagon money, it saddled a small town with an expensive, environmentally hazardous burden.

I am convinced the root cause of these regrettable selections was vague and inefficient criteria which the commissions used in their efforts to select candidates for closure or realignment. To ensure we do not repeat these mistakes, I have worked closely with a number of my colleagues, particularly Senator BINGAMAN, to develop legislation that would refine the minimum criteria the commission must consider. Among the new criteria are: the impact on homeland security; the effects on co-located Federal agencies; and lessons learned in the previous rounds of closures. This measure also promotes greater transparency by requiring the weighting of these criteria be published well before a commission recommends any base for closure.

I know the outcome of the 2005 BRAC is of utmost importance to both the military and the communities outside the fence. I urge my colleagues to support this bill to ensure that the proper decisions are made, and that they are made for the proper reasons.

I ask unanimous consent 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. 2509

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 "Transparent and Enhanced Criteria Act of 2002".

SEC. 2. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) ADDITIONAL SELECTION CRITERIA.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1344), is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

"(1) Force structure and mission requirements through 2020, as specified by the document entitled 'Joint Vision 2020' issued by the Joint Chiefs of Staff, including—

"(A) mobilization requirements; and

"(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

"(i) joint use by two or more Armed Forces; and

"(ii) use by one or more reserve components.

"(2) The availability and condition of facilities, land, and associated airspace, including—

"(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

"(B) current, planned, and programmed military construction.

"(3) Considerations regarding ranges and airspace, including—

"(A) uniqueness; and

"(B) existing or potential physical, electromagnetic, or other encroachment.

"(4) Force protection.

"(5) Costs and effects of relocating critical infrastructure, including—

"(A) military construction costs at receiving military installations and facilities;

"(B) environmental costs, including costs of compliance with Federal and State environmental laws;

"(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department;

"(D) effects on co-located entities of the Department;

"(E) effects on co-located Federal agencies;

"(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

"(6) Homeland security requirements.

"(7) State or local support for a continued presence by the Department, including—

"(A) current or potential public or private partnerships in support of Department activities; and

"(B) the capacity of States and localities to respond positively to economic effects and other effects.

"(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

"(9) Anticipated savings and other benefits, including—

"(A) enhancement of capabilities through improved use of remaining infrastructure; and

"(B) the capacity to relocate units and other assets.

"(10) Any other considerations that the Secretary of Defense considers appropriate."

(b) WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.—Subsection (a) of such section 2913 is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) WEIGHTING OF CRITERIA.—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005."

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—DESIGNATING OCTOBER 10, 2002, AS "PUT THE BRAKES ON FATALITIES DAY"

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

S. RES. 266

Whereas traffic fatalities needlessly claim the lives of more than 40,000 Americans each year;

Whereas traffic crashes are the leading cause of death in the United States for people ages 6 to 28 years;

Whereas 63 percent of those killed in traffic crashes are not wearing safety belts;

Whereas roadside hazards, substandard road conditions, and obsolete roadway designs contribute to more than 15,000 highway deaths annually—nearly 1/3 of all fatal crashes;

Whereas more than 3,000,000 people are injured in traffic crashes in the United States each year;

Whereas there are more than 6,000,000 nonfatal traffic crashes in the United States each year;

Whereas deaths and injuries on highways in the United States cost society more than \$230,000,000,000 annually;

Whereas approximately 4,900 pedestrians and 750 bicyclists are killed annually in traffic related crashes;

Whereas safer driving behaviors through the use of seat belts, not drinking and driving, and obeying traffic laws need to be encouraged;

Whereas use of simple, cost-effective roadway safety improvements such as all weather signing and marking, traffic signals, skid

resistant pavements, and removal of roadside hazards would greatly reduce crashes;

Whereas continued development of ever-safer vehicles, protective equipment, and roadways would reduce traffic-related fatalities and injuries; and

Whereas cooperation between Federal, State, and local governments, private companies, and associations is essential to increasing highway safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 10, 2002, as "Put the Brakes on Fatalities Day"; and

(2) requests that the President issue a proclamation urging the people of the United States and interested groups to encourage safe driving and other roadway use.

SENATE CONCURRENT RESOLUTION 110—HONORING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS ON A DAILY BASIS

Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. DASCHLE, Ms. CANTWELL, Ms. COLLINS, Mr. SARBANES, Mr. REID, Mr. WARNER, Mr. BAYH, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. DURBIN, Mr. GRAHAM, Mr. STEVENS, Mr. DAYTON, Mr. COCHRAN, Mr. ENSIGN, Mr. REED, Mr. SPECTER, Mrs. MURRAY, Mr. BOND, Mr. CRAIG, Mr. HUTCHINSON, Mr. KERRY, Mr. DODD, Mr. CORZINE, Mr. WELLSTONE, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. WYDEN, Mr. AKAKA, Mr. HATCH, Mr. NELSON of Florida, Mr. BUNNING, Mr. SANTORUM, Mr. FEINGOLD, Mr. ALLEN, Mr. HOLLINGS, Mr. DEWINE, Mrs. CLINTON, Mrs. LINCOLN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Ms. SNOWE, Mr. CLELAND, Mr. BREAUX, Mrs. CARNAHAN, Mr. DOMENICI, Ms. MIKULSKI, Mr. JOHNSON, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 110

Whereas over 100,000 men and women in the United States serve as flight attendants;

Whereas flight attendants dedicate themselves to serving and protecting their passengers;

Whereas flight attendants react to dangerous situations as the first line of defense of airline passengers;

Whereas safety and security are the primary concerns of flight attendants;

Whereas flight attendants evacuate passengers from an airplane in emergency situations;

Whereas flight attendants defend passengers against hijackers, terrorists, and abusive passengers;

Whereas flight attendants handle in-flight medical emergencies;

Whereas flight attendants perform routine safety and service duties on board the aircraft;

Whereas 25 flight attendants lost their lives aboard 4 hijacked flights on September 11, 2001;

Whereas 5 flight attendants helped to prevent United Flight 93 from reaching its intended target on September 11, 2001;

Whereas flight attendants provided assistance to passengers across the United States who had their flights diverted on September 11, 2001;

Whereas flight attendants on American Airlines Flight 63 helped to subdue Richard

Reid on December 22, 2001, thereby preventing him from detonating an explosive device in his shoe intended to bring down the airplane and kill all 185 passengers and 12 crew members on board; and

Whereas flight attendants helped to prevent Pablo Moreira, a Uruguayan citizen, from breaking into the cockpit on February 7, 2002 during United Flight 855 from Miami to Buenos Aires: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its profound gratitude for the faithful service provided by flight attendants to make air travel safe;

(2) honors the courage and dedication of flight attendants;

(3) supports all the flight attendants who continue to display heroism on a daily basis, as they had been doing before, during, and after September 11, 2001; and

(4) shall send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a concurrent resolution honoring flight attendants for the courage, dedication, and heroism they display on a daily basis as the first line of defense against trouble and terror in our skies.

From the events of September 11, we have all taken great pride in the heroism and courage displayed by rescue workers, firemen, and first responders. These were the men and women running into the burning and collapsing buildings to help those who were running out get to safety. Who knows what the death toll would have been that dreadful day without the help of these brave heroes.

Since September 11, the United States has rallied behind the courage and dedication of our troops abroad who are rooting out terrorism. American soldiers are protecting the United States from future terrorist attacks and as we all know, lives have been lost.

I cannot say enough about what the policemen, firemen, rescue workers, and the men and women of our armed services have done to protect all of us.

However, one group of American heroes that I also want to make sure receive their proper recognition are the approximately 100,000 men and women who serve as flight attendants in the United States today.

Flight attendants dedicate themselves to serving and protecting their passengers.

Flight attendants react to dangerous situations on airplanes as the first line of defense of airline passengers and the pilots in the cockpit.

Flight attendants evacuate passengers from the airplane in emergency situations.

Flight attendants have defended passengers against hijackers, terrorists, and abusive passengers.

Flight attendants handle in-flight medical emergencies.

And as we all know, many flight attendants lost their lives on September 11 as they fought with terrorists.

Clearly flight attendants do more than serve food and drinks on the plane.

They are the police, the fire department, the paramedics, and the bomb squad at 30,000 feet above ground. Just one of these responsibilities would overwhelm most people. Yet, flight attendants manage to balance these roles day in and day out.

Flight attendants have enormous responsibilities and they face tremendous dangers in flight.

To honor the dedication, courage, and commitment flight attendants made everyday, I am offering this resolution to: 1. Express the gratitude of Congress for the faithful service provided by flight attendants to make air travel safe; 2. Honor the courage and dedication of flight attendants; 3. Support flight attendants as they continue to display heroism on a daily basis; and 4. Send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

In this resolution, we mention three specific instances where flight attendants have courageously intervened to save the lives of others.

We all know about the heroic passengers and crew of Flight 93 on September 11, 2001. The flight from Newark, New Jersey to San Francisco was hijacked that dreadful morning. Yet the terrorists were prevented from crashing the airplane into its intended target by brave passengers and crew. Among the crew that sacrificed their lives were five United Airlines flight attendants.

A few months later, terrorist Richard Reid tried to blow up American Airlines Flight 63. He too was stopped with the help of flight attendants as he tried to light explosives in his shoes.

Speaking of the flight attendants aboard flight 93, one passenger said, "There's no question that all of us on board owe our lives to them. [Reid] was fighting to the death."

And in February of this year, flight attendants and pilots aboard United Airlines Flight 855 prevented a passenger from breaking into the cockpit while the plan was traveling from Miami to Buenos Aires.

There are only a few examples of times when flight attendants have stepped forward to risk their lives to protect others. And unfortunately there will always be a tremendous amount of risk for the men and women who work aboard airplanes every day.

I want to point out that this resolution is the result of a letter by a flight attendant in Sacramento, California who wrote to me. I would like to insert the letter into the RECORD and read some of it aloud.

Heather Lauter-Clay, a United Airlines flight attendant, wrote,

From the deepest part of my heart, I am asking for your support in carrying a resolution to honor Flight Attendants. It would mean so much to Flight Attendants to be given the respect and support that they so deserve.

Heather, I completely agree and I am proud to offer this resolution to honor our flight attendants.

I also want to enter this note into the RECORD. It was given to me by Kristin Spivey, a United flight attendant, on my trip home over the weekend. I was especially touched by Ms. Spivey's note, which was written on an airplane cocktail napkin. The note reads:

"Senator Feinstein: I am so pleased to have you on our flight today. It has been an honor to serve you—just to meet you. Thank you for sponsoring the bill to acknowledge flight attendants' contributions on September 11th. It was very difficult to lose so many flying partners to something so senseless.

In the aftermath it was hard to go on, despite the fact that I love my job and would not give it up, because so few seemed to understand my sense of loss. It is also comforting to believe that all those onboard flight 93 died for a reason—to save many others in Washington.

You do then a great honor in remembering that. I know you can help others understand all this. Thank you for speaking for us. I know my fallen colleagues would be proud.

Kristin Spivey (D.C. based)

I think this note from Ms. Spivey makes it clear that this resolution is very important and I hope the Congress will pass this legislation soon.

To the flight attendants serving today and every day: Thank You.

I ask unanimous consent that letters of support for this resolution be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DAVIS, CA.

DEAR SENATOR DIANNE FEINSTEIN: I am a United Airlines Flight Attendant. On September 11th, our United Family was forever changed. In the weeks and months following the tragedy, we have been mourning the loss of our colleagues and loss of ourselves. Our world as we knew it has been forever changed.

On that fateful day, the grief was immense for us. We lost 16 or our crewmembers in one hour, on one day. We were stricken with feelings of sadness, fear, confusion and panic. Many of us were stranded, away from home. As the unknown lingered, we still held onto the thoughts of what our colleagues faced in their last moments. Meanwhile, knowing that we too would soon be boarding an airplane.

As a flight attendant, we have taken an oath "to provide comfort, care and safety" to our passengers. On September 11th, our flight attendants were doing their job. All of the previous protocols that were in place for hijacking situations failed them. They died protecting their passengers in the best way that they knew how. As we know, in the last moments of flight, they were unselfishly caring for others. Flight Attendants assisted in bringing down UAL 93 by boiling water to throw on the hijackers and others were on the phones to supervisors detailing what was transpiring on the planes.

As we approach 4 months since Sept. 11th, our flight attendants are still continuing to be faced with sadness, grief, and mourning. The skies as we now know them, are a host to uncertainty. Possible terrorist threats are continually present. Airline safety is still compromised. United has laid off thousands of flight attendants and job security is wavering.

Over these past months, firefighters, policemen, postal workers and others have

been honored for their heroism and dedication to Sept 11th. Flight Attendants have not and this hurts us. We too, go to work each day, to serve and protect, knowing that we may not come home to our loved ones. We too know the importance of carrying on with our job, despite what we may encounter, even the possibility of death. Our commitment, bravery and dedication to the public have never ceased during and after the events of September 11th. Our crews of UAL 93 and UAL 175 died unsung heroes.

From the deepest part of my heart, I am asking for your support in carrying a resolution to honor Flight Attendants. It would mean so much to Flight Attendants to be given the respect and support that they so deserve. The crews of UAL 93, UAL 175, AA 11, and AA 77 died unsung heroes. The countless Flight Attendants who have been flying since Sept. 11th continually display valor, gallantry, courage, and bravery in the midst of a world that is forever changed.

Senator Feinstein, thank you for your consideration.

Sincerely,

HEATHER LAUTER-CLAY.

SENATOR FEINSTEIN: I am so pleased to have you on our flight today. It has been an honor to serve you—just to meet you. Thank you for sponsoring the bill to acknowledge flight attendants' contributions on September 11th. It was very difficult to lose so many flying partners to something so senseless. In the aftermath it was hard to go on, despite the fact that I love my job and would not give it up, because so few seemed to understand my sense of loss. It is also comforting to believe that all those onboard flight 93 died for a reason—to save many others in Washington. You do them a great honor in remembering that. I know you can help others understand all this. Thank you for speaking for us. I know my fallen colleagues would be proud.

L. KRISTIN SPIVEY,
D.C. based.

TRANSPORT WORKERS UNION OF
AMERICA, AFL-CIO, AIR TRANS-
PORT LOCAL 556,

Dallas, TX, May 13, 2002.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: As President of Transport Workers Union Local 556 representing the 7000+ hard working Flight Attendants at Southwest Airlines, I am writing in support of your proposed resolution honoring all Flight Attendants.

Before September 11, 2001, Flight Attendants insured the safety and comfort of airline passengers. On September 11, 2001, Flight Attendants were the first to sacrifice their lives for the safety of the aircraft and passengers. Since September 11, 2001, Flight Attendants have been first in enabling airplanes and passengers to the skies. For many Flight Attendants, their only reward since September 11, 2001 has been a "pink slip" as they were also among the first to lose their jobs in cutbacks related to the "Attack on America".

Thank you for your leadership and for sponsoring a resolution which will bring well-deserved recognition to the over 100,000 Flight Attendants in America who make me proud to wear my wings.

Respectfully,

THOM MCDANIEL,
TWU Local 556 President.

Mrs. HUTCHISON. Mr. President, I rise today with Senator FEINSTEIN and 50 of my colleagues to submit a resolution to honor the service and profes-

sionalism of the men and women in the United States who serve as flight attendants.

A career as a flight attendant requires a deep commitment. Their schedules are unpredictable, their work hours are long and intense, and the nature of the job causes long absences from the company of family and friends. Not too many years ago, a flight attendant, or "stewardess", could be fired for getting married or becoming pregnant. Happily, those dark ages are over, thanks to the sacrifices made by generations of flight attendants who have served all of us.

Today's flight attendants are dedicated men and women who are charged with many important responsibilities. Of course, they serve food and beverages to passengers under cramped and difficult conditions. They also assist children traveling alone, as well as elderly and disabled passengers. When required, they administer first aid, including CPR and artificial respiration. Most of all, they are responsible for the safety and security of the passengers from the time the aircraft pulls away from the gate, and they are on duty until the plane arrives at its destination.

On September 11, terrorism struck the United States as hijacked aircraft were used as massive weapons of destruction. Despite being trained merely to comply with the hijackers' demands and to calm the passengers, many went above and beyond these limitations and displayed great courage. Using cell phones to relay information to ground crews, crews aboard American Airlines Flights 11 and 77 and United Airlines Flights 93 and 175 assisted law enforcement officials in identifying the hijackers and assessing the nature of the threats. Despite the ultimate loss of their lives, the crews of these flights took heroic steps trying to thwart the terrorists' intentions and prevented further destruction. It is humbling to realize that many of our lives, as well as our beloved Capitol building, may have been saved by the sacrifices of the crew of flight 93.

On October 1, another potentially disastrous event was averted on American Airlines Flight 1238 traveling from Los Angeles to Chicago, when a passenger attempted to break through the cockpit door to attack the flight crew. The cabin crew helped stop the attempt and ingeniously placed serving carts to secure the cockpit.

On December 28, 2001, quick thinking flight attendants made the difference on American Airlines Flight 63 en route from Paris to Miami, when Richard Reid, an accused al Qaeda-trained terrorist, attempted to light a powerful explosive concealed in his shoes. An alert flight attendant led the rest of the cabin crew in a successful struggle to prevent a devastating explosion. Reid was restrained and ultimately arrested, but not before several flight attendants were injured in the battle to subdue Reid.

I encourage flight attendants to continue to provide America's travelers with the service and security we need to revive our aviation industry. I urge my Senate colleagues to join with me in saluting and honoring America's flight attendants and by passing this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3402. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3403. Mr. KENNEDY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3404. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3405. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. WYDEN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3406. Mr. ALLEN (for himself, Mr. EDWARDS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3407. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3402. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 3(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or

qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

SA 3403. Mr. KENNEDY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 2102(b)(4) is amended by adding at the end the following new subparagraph:

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

SA 3404. Mr. KENNEDY (for himself and Mrs. DEWINE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new title:

TITLE —BUSINESS INCUBATION

SEC. —01. SHORT TITLE; FINDINGS.

(a) **SHORT TITLE.**—This title may be cited as the “Linking Educators and Developing Entrepreneurs for Reaching Success Act of 2002”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Business incubators housed in academic settings provide unique educational opportunities for students, provide entrepreneurs with enhanced access to a skilled workforce, and bring a wealth of resources to business, academia, and communities.

(2) Academic affiliated incubators bridge the missions of academic institutions by bringing together education, economic development, and technology commercialization efforts.

(3) Studies have shown that incubator tenant companies have an average success rate of 87 percent, and 90 percent for technology-based incubator tenant companies. These success rates are dramatically higher than the success rates for companies in the general economy.

(4) Incubator companies are also more likely to remain in the same communities as they grow and to provide high paying jobs and benefits to their employees.

(5) Business incubators help academic institutions contribute to local goals of sustaining economic development in their surrounding communities.

(6) Education in entrepreneurship and other business formation skills is essential to business success and sustainable economic development.

(7) Studies have shown that every 50 jobs created by a business in an incubator generate another 25 jobs in that incubator's community.

(8) Business incubators are of particular value in communities that have seen significant job displacement due to overwhelming competition from exports.

SEC. —02. PURPOSE.

The purpose of this title is to encourage entrepreneurship by increasing the role for

academia in entrepreneurship by providing space and expertise in an academic setting to house and support new and emerging small businesses.

SEC. —03. DEFINITIONS.

In this title:

(1) **DEGREE-GRANTING INSTITUTION.**—The term “degree-granting institution” means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that awards an associate or baccalaureate degree.

(2) **INCUBATOR.**—The term “incubator” means an entity affiliated with or housed in a degree-granting institution that provides space and coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phase, including providing services such as shared office space and services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, and other coordinated business or technical support services.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

SEC. —04. PROGRAM AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized to support the establishment and development of incubators.

(b) **ALLOCATION OF FUNDS.**—From the amount appropriated under section —09, the Secretary—

(1) shall reserve 80 percent of the amount to—

(A) make awards, on a competitive basis, in amounts of \$500,000 to \$750,000, to help acquire or renovate space for incubators; and

(B) make awards, on a competitive basis, in amounts of \$50,000 to \$150,000, for—

(i) developing curricula;

(ii) providing services, including—

(I) preparing corporate charters, partnership agreements, and basic contracts;

(II) assisting with patents, trademarks, and copyrights; and

(III) providing technology acquisition services; or

(iii) providing programming for entrepreneurs housed in an incubator;

(2) shall reserve 10 percent of the amount to make awards, on a competitive basis, in amounts of \$50,000 to \$150,000, for feasibility studies for determining the need for or siting of incubators; and

(3) shall reserve 10 percent for research regarding best practices for incubator programs, including the development of a benchmarking system based on uniform measures, and for dissemination of information regarding such practices.

(c) **CONTRACTS.**—The Secretary is authorized to contract with organizations with expertise in business incubation practices for the purposes of carrying out subsection (b)(3).

(d) **RECIPIENTS.**—The Secretary shall make an award—

(1) described in subsection (b)(1) to a nonprofit entity that has a strong affiliation with a degree-granting institution and manages or provides technical assistance to the degree-granting institution's affiliated incubator, or if no nonprofit entity manages or provides technical assistance to the incubator, to the degree-granting institution managing the incubator; or

(2) described in subsection (b)(2) to a degree-granting institution, or a nonprofit municipality, city, township, or community development organization.

SEC. —05. USES OF FUNDS.

Funds awarded under section —04(b)(1)(B) may be used for—

(1) curriculum, training, or technical assistance developed by academic faculty with

participation from entrepreneurship experts and local government leaders;

(2) programming that contributes to a coordinated set of business assistance tools, such as developing management teams, providing workforce development, forming strategic alliances, developing capital formation networks, and developing customized plans to help entrepreneurs meet the challenges of doing business in their specific communities; or

(3) hiring staff to coordinate the activities described in paragraph (1) or (2) or for curriculum development.

SEC. —06. APPLICATIONS.

(a) **IN GENERAL.**—Each entity desiring assistance under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) **CONTENTS.**—Each application shall contain an assurance that the activities to be assisted—

(1) have the support of the municipality, city, or township in which the incubator is housed or proposed to be housed; and

(2) are consistent with the local economic development or strategic master plan.

(c) **PRIORITY.**—The Secretary shall give priority to funding applications under this title that provide strong educational opportunities to students in entrepreneurship, and that require significant collaboration between businesses, academia, and local government and economic development leaders.

(d) CONSIDERATION.—

(1) **IN GENERAL.**—The Secretary may give consideration to funding applications under this title that support—

(A) the building of new incubators;

(B) incubators located in economically distressed areas;

(C) incubators with successful graduation rates for tenant companies;

(D) incubators that have shown demonstrable economic benefits in their surrounding communities;

(E) incubators that work with faculty entrepreneurs or university-based research; or

(F) incubators located in rural areas, inner city areas, Indian reservations or pueblos, where the presence of an incubator may enhance and diversify the area's economy through expanded technology commercialization.

(2) **DEFINITION OF CONSIDERATION.**—In this subsection the term “consideration” means thought and does not mean priority.

SEC. —07. MATCHING FUNDS.

Each entity receiving Federal assistance under section —04(b)(1) shall contribute matching funds, in an amount equal to the amount of Federal assistance received under this title, toward the costs of the activities assisted under this title. The non-Federal share required under this section may be provided in the form of in-kind contributions.

SEC. —08. REPORT.

The Secretary, at the end of the third year for which assistance is provided under this title, shall prepare and submit to Congress a report that—

(1) describes the most effective or innovative additions to curricula developed under this title;

(2) contains a comparison of small business survival rates for small businesses that started up in incubators versus small businesses that did not so start;

(3) describes factors leading to the success of incubator businesses (if any);

(4) describes the best role for degree-granting institutions in business incubation; and

(5) contains a comparison of academic-affiliated incubators of specific missions and

ages supported under this title with incubators with similar missions and ages that are not supported under this title.

SEC. 99. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$20,000,000 for each of the fiscal years 2003, 2004, and 2005.

SA 3405. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. WYDEN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 229, line 23, strike all through "United States," on line 25, and insert the following: "foreign investors in the United States are not accorded greater rights than United States investors in the United States,".

SA 3406. Mr. ALLEN (for himself, Mr. EDWARDS, and Mr. WARREN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate location, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

SEC. 2. MORTGAGE PAYMENT ASSISTANCE PILOT PROGRAM—

(a) **ESTABLISHMENT OF PILOT PROGRAM.**—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a pilot program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) **ELIGIBILITY.**—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be an individual who—

(A) is determined by the Secretary to be a member of a group of workers described in section 250(a)(1) of the Trade Act of 1974 (19 U.S.C. 2331);

(B) is an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of such Act (19 U.S.C. 2271 et seq.); and

(C) is receiving adjustment assistance under such chapter;

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) **LOAN REQUIREMENTS.**—

(1) **IN GENERAL.**—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) **ACCOUNT.**—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) **REPAYMENT.**—

(1) **IN GENERAL.**—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) **REPAYMENT PERIOD AND AMOUNT.**—

(A) **REPAYMENT PERIOD.**—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) **AMOUNT.**—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to prohibit an individual from—

(1) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) **REGULATIONS.**—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2003 through 2007.

(g) **TERMINATION.**—The program established under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

SA 3407. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows

On page 275, strike line 17 and all that follows through line 22, and insert the following:

(2) **CONDITIONS.**—A trade agreement may be entered into under this subsection only if such agreement—

(A) makes progress in meeting the applicable objectives described in section 2102 (a) and (b) and the President satisfies the conditions set forth in section 2104; and

(B) does not infringe upon the right to bear arms protected by the second amendment to the Constitution of the United States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Saturday, May 18, beginning at 10 a.m. at the Forest Service Region 2 auditorium, located at 740 Simms St. in Golden, CO.

The purpose of the hearing is to assess the Federal, local, and State coordination with respect to the National Fire Plan and review the existing Federal fire-related partnership programs to enhance cooperation and efficiencies with non-Federal entities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelleybrown@energy.senate.gov or fax it to (202) 224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to inform my colleagues and the public of a hearing postponement.

The committee hearing originally scheduled for Tuesday, May 14, at 9:30 a.m. in SH-216 concerning S.J. Res. 34, a joint resolution approving the site at Yucca Mountain, NV, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982, will be held on Wednesday, May 22, at 9:30 a.m., in SD-106.

For further information, please contact Sam Fowler 202/224-7571 of the committee staff.

NOTICE—PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 2002. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC, 20510. The Public Records office will be open from 8:00 a.m. until 6:00 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14th. Any questions regarding the availability of reports should be directed to the Public Records office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President,

pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Minnesota, Mr. DAYTON, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 107th Congress, to be held in Newport, Rhode Island, May 16-20, 2002: The Senator from Hawaii, Mr. AKAKA, Chairman; the Senator from Montana, Mr. BURNS; and the Senator from Ohio, Mr. DEWINE.

ORDERS FOR TUESDAY, MAY 14, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., Tuesday, May 14; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time from 9:30 until 10 under the control of the Republican leader or his designee and the time from 10 to 10:30 under the control of the majority leader or his designee; that at 10:30 a.m., the Senate resume consideration of the trade bill with 10 minutes of debate in relation to the pending Baucus-Grassley amendment regarding investors, prior to the vote in relation to the amendment, with no second-degree amendment in order prior to the vote, and that following disposition of that amendment, Senator DAYTON be recognized to offer his amendment on his behalf and Senator CRAIG regarding unfair trade practices; further, the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. REID. Mr. President, the two managers of the bill are here. This is important legislation. We have worked very hard. Everyone has worked very hard to get to the point we now are. Senators should be ready to work into the evenings during this week. The majority leader wants to make progress on this bill. I certainly hope, as does the majority leader, that it will be unnecessary to file a cloture motion on this bill. We should be able to finish it. I hope everyone will offer amendments,

have fair debate on it, vote on that, and move on. We have so much to do before the Memorial Day recess, which is a week from Friday.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:03 p.m., recessed until Tuesday, May 14, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 2002:

FARM CREDIT ADMINISTRATION

DOUGLAS L. FLORY, OF VIRGINIA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2006, VICE MICHAEL V. DUNN.

DEPARTMENT OF STATE

GENE B. CHRISTY, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

KRISTIE ANNE KENNEY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

BARBARA CALANDRA MOORE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

THE JUDICIARY

JAMES E. BOASBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE GREGORY E. MIZE, RETIRED.

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BETH SUSAN SLAVET.

NATIONAL INSTITUTE FOR LITERACY

PHYLLIS C. HUNTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A 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

MIKEAL S. STAIRER, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK C. DUGGER, 0000
JEFFREY A. FRANKO, 0000
GERALDINE J. HENELY, 0000
ROBERT F. HOCKENSMITH, 0000
DAVID J. LARY, 0000
ROBERT D. LUNDY, 0000
JAMES E. MOUNTAIN JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. COMFORT, 0000
BRIAN K. MITCHELL, 0000
WILLIAM E. SAULS, 0000
PATRICK K. WYMAN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH R. BOEHM, 0000
RICHARD D. HARDIN, 0000
GEORGE M. SEXTON, 0000
GABRIEL J. TORRES, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL P. DANHIRES, 0000
GREGORY D. EDWARDS, 0000
TODD E. KUNST, 0000
CHARLES E. PARHAM JR., 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTHONY M. BROOKER, 0000
STEVEN P. COUTURE, 0000
PAUL A. FOX, 0000
JESSE MCRAE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEFAN GRABAS, 0000
CHARLES L. THRIFT, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ALONZO H. MAYS, 0000
JOHN D. PAULIN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JODY D. PAULSON, 0000
ELLEN P. TIPPETT, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEBORAH A. PEREIRA, 0000
JOYCE V. WOODS, 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 captain

GREGORY K. COPELAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEPHEN G. KRAWCZYK, 0000

CONFIRMATION

Executive nomination confirmed by the Senate May 13, 2002:

THE JUDICIARY

PAUL G. CASSELL, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.