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Senate

The Senate met at 3 p.m. and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

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

Almighty God, in a world of crises and change, we are grateful that You are the same, yesterday, today, and forever! Your love is constant and never changes. You have called us to belong to You, to trust You, and to serve You.

With renewed dependence on You we accept our Nation's role as a defender of freedom in the world. We need Your guidance and strength for the present war against terrorism. We have been attacked by a terrorist movement with religious fanaticism. They call us infidels and harbor historic hatred against us. Our deep commitment is to free Afghanistan from the tyranny of the Taliban and the terrorism of al Qaeda. When our enemy claims to have divine approbation for its destructive cause, we reaffirm our historic conviction that our Nation's calling is to seek to be on Your side, rather than glibly presume that You are always on our side. Help us to keep our priorities straight: to seek to serve You first above all and to battle for righteousness, justice, and freedom. Bless our President and all who work with him in sorting out the strategy of this just war. Lead on, O Sovereign Lord; we are one Nation under You, indivisible and invincible only with Your power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN 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, November 5, 2001.

To the Senate:

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

ROBERT C. BYRD,
PRESIDENT PRO TEMPORE.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 5:45 p.m., and the time is to be equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. As the Chair announced, there will be a period of morning business until 5:45. At that time, the Senate will begin consideration of the nomination of Executive Calendar No. 515, Larry Hicks, to be a United States district judge. There will be 15 minutes of debate equally divided between the chair and ranking member of the Judiciary Committee or their designees, and we will vote at 6 p.m.

I ask my friend from Wyoming if he wishes to speak. I will give a few remarks that will take a little bit of time. I do not want to have the Senator wait.

Mr. THOMAS. Go right ahead. I am not in any hurry and I am desperate to hear the remarks of the Senator.

GRATITUDE TO SENATE EMPLOYEES

Mr. REID. Mr. President, we in the Senate take a number of things for granted that we should not. There have been a number of speeches and remarks made on the floor and other public venues regarding how we depend on our Capitol Police. They do such a remarkably good job. Since September 11 they have worked endless hours, night and day, literally, 7 days a week, making not only Members feel secure, but the thousands of people who visit this Capitol complex and the thousands of employees we have. We have 26,000 employees working in the 3 Senate office buildings and 3 House office buildings. Again, I underscore and emphasize how indebted we are to the Capitol Police.

Within the Senate we have a lot of people who render invaluable service to the Senate. One of the most important features of the Senate is that we are always in line on parliamentary issues. The Chair rules, but at the present time we have just two Parliamentarians who are experts on the rules of the Senate. They do a remarkably good job. They are bipartisan in nature. Their rulings are grounded in precedent and have no regard for party affiliation. We never hear the Parliamentarians say a word yet their duties are essential to the operation of the U.S. Senate. The Chair rules, and always rules correctly. The reason for that is they have the backup of these two fine Parliamentarians, Alan Frumin and Elizabeth MacDonough. I am speaking for the entire Senate when I say what an outstanding job they do day in and day out. Perhaps we take these two people, this fine young woman Elizabeth MacDonough and this fine man,

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



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Alan Frumin, for granted. We should not do that. They do outstanding work. If the Senate is in session, Elizabeth and Alan are on duty. These past couple of months have been trying times for many. These two outstanding individuals have risen to the occasion. Their tireless service to the Senate deserves our recognition and expressions of appreciation. Their job is not easy and often involves making the toughest of the calls. They are fair, balanced and wise and their invaluable contribution to the U.S. Senate merits our praise.

WOMEN IN AFGHANISTAN

Mr. REID. Mr. President, in America, for all the advances that have been made, women still have a little ways to go. They still earn only 74 cents for every \$1 a man makes doing the exact same work. Women pay 68 percent more in out-of-pocket costs for health care than men. Almost half of all large health plans do not cover any form of contraception. Although women make up over half of our population, Federal funding for specific illnesses that relate to women has not kept pace with health needs. That is an understatement.

While I cannot overstate the importance of achieving gender equality in the United States, these issues pale in comparison to the gender apartheid the Afghan women experience under the Taliban. The difference between the problems of American and Afghan women is the difference in height of Mount Everest and Death Valley. The separation is as large as it can be on this Earth, the difference between night and day.

Gender apartheid is not unlike racial apartheid in South Africa where the black majority suffered appalling human rights violations. In South Africa, people of color were deprived of legal and economic rights, mixed marriages were forbidden by law, residential areas were segregated, and many were forced to live in slums. One of the most far-reaching consequences of apartheid in South Africa was its impact on education. Children of color were educated at a very low level, if at all. Children were taught things such as dishwashing and weeding flower beds.

It is difficult to imagine a system worse than apartheid in South Africa. Sadly, this is the case for Afghan women suffering unthinkable violations of their most basic human rights. While I don't in any way diminish what went on in South Africa, what is going on in Afghanistan is every bit as bad as, if not worse than, what went on in South Africa.

Why do I say that? By virtue of decrees by the Government in power, the Taliban, every aspect of a woman's right in Afghanistan, from their behavior to their dress, is under edict, under rule. For example, women cannot work outside the home. Women are not al-

lowed to receive any education. They cannot even be home schooled; that is a violation of law. Women in Afghanistan today cannot leave their homes unless they are accompanied by a close male relative such as a father, a brother, or a husband. When they do leave their homes, women must be covered from head to toe in a burqa. When I say head to toe, I mean they cannot have a strand of hair showing. Their eyes do not show.

Every Senator will get in the next day or so a little package that shows this piece of cloth with holes in it. This is what the women wear over their eyes so that people cannot see their eyes. Think of how unsanitary, how humiliating it is to have every inch of their skin covered. But that is the way it is in Afghanistan. Every woman must have every part of her skin covered.

So when they do leave their homes, they are covered from head to toe. Women who disobey this rule will be subject to verbal abuse, beatings, whippings. There was a film put out by the Feminist Majority, and I watched Friday in my home this videotape of the treatment of women. It is hard to comprehend in this modern world that women are beaten with sticks; they are stoned, stoned to death on occasion, for doing things that are not within the rules.

Women cannot deal with male shopkeepers. If they go out, even with their husband or brother or father, they still cannot buy anything unless the transaction is made by somebody who is with them. They cannot be treated by male doctors. Women who let their ankles show for some reason—they stumble, they fall, they sit, and an ankle shows—are whipped, and they are not whipped privately; they are whipped in public. Women accused of having sex outside of marriage—accused of having sex outside of marriage—by their husband or someone else will be stoned. I saw this on the videotape. They are killed by being stoned.

No cosmetics. This includes deodorant, and certainly nothing on their face. Women who have their nails painted have had their fingers cut off. Women are banned from talking or shaking hands with men. Women are prohibited from laughing. No stranger should hear a woman's voice.

I wish I were making this up, but I am not. Women cannot wear high heels. But even to carry this to a further extreme, you cannot hear a woman when they walk. A man must not hear a woman's footsteps. They cannot ride in a taxi without a close male relative. A woman's presence in radio, television, or public outings of any kind is forbidden. Women certainly can't play in sports, enter a sports club. Women are banned from riding bicycles or motorcycles, even with a close relative. And remember, that is the only mode of transportation in some places.

Women cannot wear brightly colored clothes, even though the burqa covers

every part of their body, because in Taliban terms these are considered sexually attracting clothes—bright colors. Women are prohibited from gathering for festive occasions or for any recreational purpose. Women cannot wash clothes in rivers or in public places. Women are banned from appearing even on balconies of their apartments or houses. And to carry it even further, in homes where the women live, you have to paint the windows so that people cannot see in, for fear you could see a woman inside the home. Male tailors cannot take women's measurements or sew women's clothes.

One of the few things women could participate in was to take baths. They don't have private baths but they have public baths. No more. Since 1995 that is all through. No more public baths. Males and females cannot travel on the same bus. Public buses are designated "males only" or "females only." Flared or wide-legged pant legs even under their burqas are not allowed. Women cannot be photographed or filmed. Women's pictures cannot appear in newspapers or books or even be hung on walls in houses or shops.

The only thing worse than these restrictions that the Taliban Government has placed against women is the punishments of those who dare to disobey. Penalties include public beatings, torture, stoning, as I have already talked about, and of course executions.

Let's be very clear. This is not a question of cultural differences. The Taliban's inhumane treatment of women has nothing to do with religion and everything to do with power. Nowhere does the Islamic religion say women cannot be educated or employed. In fact, the President of the world's largest Islamic nation, Indonesia, is a woman.

The toll the Taliban's rule has taken on Afghan women is profound. The rate of illiteracy among girls now is over 90 percent. Women have no access to health care. As a result, an estimated 45 women die every day from pregnancy-related causes.

Afghanistan—there may be other countries—is the only country I know where the life expectancy for a woman is shorter than for a man. To show what that country has gone through and is going through, the average life expectancy for a man is 48 years. For a woman it is lower.

Ninety percent of Afghan women suffer from severe depression, and the suicide rate among the Afghan women is too large to count. Sadly, many women resort to killing themselves, and what they have found is, they use caustic soda that burns away the throat; it takes 3 torturous days for a woman to die. The only surgeon who can do anything about this in Afghanistan is in a hospital that is closed to women.

In Kabul there are over 40,000 widows as a result of the war. Because the Taliban forbids women from working, they are forced into begging, and under penalty of death some of these women

resort to prostitution; it is the only way they can support themselves and their children. That does not last very long because they normally are caught and killed.

The tragedy is intensified by the fact that prior to the Taliban takeover of the country, Afghan women were 70 percent of the Nation's schoolteachers, 40 percent of the Nation's doctors, 50 percent of the civilian government workers, and 50 percent of the college students in Kabul were women.

Just a few years ago, Afghan women were scientists, professors, members of Parliament, and university professors. They led corporations and nonprofit organizations. Today, these same women cannot show their faces in public or leave their homes alone.

In spite of the Taliban's harsh edicts, some Afghan women are risking their lives and some have lost their lives trying to run home schools and health clinics.

Let me read a few accounts of Afghan women. This is a woman who escaped a Taliban death decree. She said:

"The Taliban's take over of Afghanistan affected women more than any other sector of Afghan society. Women suffer in Afghanistan because they are forced to abandon their social lives and live as prisoners in their own homes. Women suffer in Afghanistan because they no longer have their freedom of movement, freedom to work, freedom to be educated and the right to live free from violence. Widows, often times are the sole providers for their families and suffer even more because of the Taliban's edicts that outlaw women's employment. Women watch their children suffer from malnutrition, disease, and even death. Women in Afghanistan suffer from war crimes because they are raped, murdered, trafficked, kidnapped, and forced to marry against their will.

A lot of them are 10-year-old girls. This is an account of a teenager when the Taliban took control of her village.

The Taliban's rule in Afghanistan has been the most terrifying experience in my life. I remember with fear that day in 1995 when the Taliban took over my city, and life for women forever changed. I remember the day that I was forced to wear the burqa, the day schools were closed to women, the day learning and work became forbidden to women; and darkness engulfed the lives of all women living in Afghanistan. I remember that I was beaten by the Taliban for going to the public bath and the day women in my city demonstrated against the closing of public baths and schools. The Taliban retaliated by murdering ten of those women and arresting forty others, who since that day have not been seen nor located.

This is by an Afghan woman who was beaten by the Taliban.

"During the first week of the Taliban's capture of Kabul, friends and neighbors helped my family with shopping because I only had sisters and no brothers and my father was dead. One day I decided to go for shopping alone because my neighbors could no longer help out with shopping. I wore a long dress and covered my face and head with the chadori. I went shopping for food at a market near my home. When I arrived at the market I was approached by a man with a long beard, a black turban, a gun on his shoulder, and a long stick in his hand. This man was Taliban. He asked me why I was out

alone and who else was with me. When he saw that there was no man with me, I immediately tried to explain that I had no man in my house and that my family was without food to eat. The Talib would not listen to my explanations. He began to beat me with his stick as he shouted at me to go home and leave here. My entire body ached from the bruises and slashes of the stick.

In Afghanistan, women have been stripped of their most basic human rights. The Taliban has prohibited women and girls from working, attending school and leaving their home without a close male relative. Women's punishment for violation of Taliban decrees include brutal beatings, imprisonment and even death.

As we continue life after the terrible day of September 11 and try to bring our life to some degree of normalcy, we cannot forget that the women of Afghanistan are the first victims of the Taliban. Every day, we are doing things to free that country and to restore its government. Our Government has no desire to have any degree of governmental control over Afghanistan. Our war is not against the people of Afghanistan, but it is against the Taliban. They are cruel and unusual in their dealings with people. But they are worse than that in their dealings with women. Every day that we do something to bring about the restoration of the Afghan Government which doesn't involve the Taliban, we are doing society a favor. The women are the first victims of the Taliban.

We must demonstrate our support through humanitarian relief for the women of Afghanistan and the scores of Afghan refugees in the surrounding regions. As we look toward the future of Afghanistan, we have to recognize that women must play a role in rebuilding of the post-Taliban Afghanistan.

There are people who were educated, and they are still educated. They are not being educated, but they are educated. They are women who were teachers, doctors, nurses, and scientists. They should play a part in that new government. And there will be a new government.

We simply can't forget that women are being brutalized by the Taliban, and we must redouble our efforts to help restore human rights to the people of Afghanistan, and especially the women of Afghanistan.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I certainly appreciate the comments of my friend from Nevada. I agree with what he has to say. He certainly describes one of the reasons that we are involved in seeking to find out where those terrorists are, and those countries that harbor them, and doing something about terrorism around this world.

THE SENATE AGENDA

Mr. THOMAS. Mr. President, I would like to comment on where I think we are today and where I think we need to go.

Certainly I am very proud of Americans since September 11. I think it has been amazing how everyone in this country has come together with a commitment. I am proud of their work and their dedication to find where we are with these terrorists and to do something about it and to get rid of terrorism around the world.

As I go home to Wyoming, I am very pleased that even though Wyoming is quite a ways from here, those folks are just as committed, just as involved, and just as interested as the rest of us. I am very pleased about that.

When we are challenged and attacked by terrorists, this country demonstrates its commitment to freedom and its commitment to doing away with the things around the world that cause terrorism.

I am very proud of this Congress after September 11. Everyone in both parties in the House and the Senate came together to do the things that were necessary, to do the things the President asked of us regardless of party lines, to do the things for defense, and to do the things for New York and Virginia in terms of the need because of what happened, and then to continue to do that. I am very pleased about that.

Obviously, in the Senate and the Congress, everyone has different ideas about how we should go forward. Once we get past the emergency kinds of things, we, of course, go back to not having universal agreement on everything that we talked about doing. That is the way it is. That is the way it should be. We are here to represent different views as we have different views on things that should be undertaken.

I believe we have a number of things that we ought to accomplish before we leave, and indeed it seems to me that we should. One of the reasons we have done the things we have done is so that we can continue to live a relatively normal life as well as meet our emergencies. I think one of the things that calls for normalcy is for us to leave and go home after Thanksgiving and during Christmastime. I suspect that rather than sine die, we will be leaving at the call of the Chair. I will support that. If it is necessary for us to return, we could do that.

But we have a number of things we must do. One of them is certainly appropriations, on which the Presiding Officer has given leadership. Obviously, appropriations are a very important and vital part of what we do in Government. I think we completed 5 of the 13 appropriations bills. We are moving forward. We need to continue to do that.

We need to have an economic stimulus package. Our economy, of course, about a year ago began to weaken. Then, of course, with the September 11 tragedy, it took a rather sharp decline. We have to do something about that decline, and we can.

I think it is necessary for us to complete the airport safety bill that we

have passed in the Senate and now has been passed in the House. We have to come together on some differences that exist.

So these are the issues I think we need to complete. Quite frankly, most of the other issues we have before us are not necessarily issues that have to be done prior to the beginning of next year's session, in my opinion. Obviously, not everyone agrees with that opinion.

Also, at the end of a session—any session; and I think particularly this one where there are things that have to be passed—we are going to find ourselves with items that anyone has ever wanted to be passed hoping to be attached to a vehicle for passage. Frankly, that is wrong. We ought not to legislate that way.

I hope that in the appropriations process we stay within budget. Obviously, we are going to have special spending that is outside the budget. We recognize that. We have authorized that. I think we have spent \$55 billion in one of the first shots, and we will probably spend another \$75 billion, or more, in this stimulus package. Those are obviously special things that need to be addressed.

We have said we will stay within the budget except in times of emergency, and this is a time of emergency. But I hope we do not use this as a reason for expanding our normal spending, for building permanent programs that might only be needed right now. I believe it is quite important to be careful.

I believe the economic stimulus package should be defined as to what its purpose is, what we want to have accomplished with it, and that is basically to have some sort of immediate impact on the economy.

I have to admit—and I am a member of the committee that deals with this—even though we have talked to some of the most knowledgeable economists in the whole country, not everyone is quite sure what has the greatest impact immediately. But we need to do the best we can to make sure the things we do will have an immediate impact.

I hope we do not end up with a Christmas tree. There will be lots of interest in tacking on everything that anyone has ever thought of passing, whether it be long-term taxes or health care programs that will go on for whatever. I hope we will limit that spending basically to the package for which the President has asked. We should do that. It is not a time to put in a program that is attractive but will go on forever after the economic crisis is over.

We are going to have to put some dollars in the package. The tax proposals will not do it entirely. We have to put some dollars in there to help extend unemployment insurance for those who need it when that expires, although relatively few have had and will have theirs expire in the next several months.

We certainly have to do something about health insurance for those who are unemployed and have lost their health insurance. But I hope we do not develop a whole new Government health insurance program that goes on forever. We ought to use a technique to help people in this fairly short term of what we should do in an emergency.

Also, we are dealing, of course, with energy. I do not know whether it will happen—there is considerable difference of view about an energy bill—but I happen to think, in this instance, energy is one of the most important issues we have to deal with; it has been for some time. We have needed an energy policy. Now we have gotten involved in the Middle East; knowing that nearly 60 percent of our oil comes from overseas, we find ourselves more at risk. So energy has become part of this matter of economic development and security.

Here again, there seems to be a good deal of resistance over a couple of issues, such as ANWR and so on, which are not the biggest issues in the world but they seem to hold up something that might very well move right along as part of this package.

Interestingly enough, there is a good deal of discussion about agriculture and an Agriculture bill. The Agriculture bill that is presently in place does not expire until September of next year. Nevertheless, the House has passed a bill that would last for 10 years, as a matter of fact. I am hopeful we can do something that does not last quite that long so we can have another opportunity in 5 years to look at the issue; it has been our history to re-evaluate bills to see how they have worked.

There are lots of ideas and very little agreement on the Agriculture bill. I am hopeful, quite frankly, that we do not do it this year. I think we have to have more time to take a look at it. We have eight or nine different titles. We have only dealt with one title in terms of a markup. It would be a very stressed situation to now try to deal with all these different programs.

Most of all—and this is not something that is new nor unique to our situation now—I hope, as we look at these issues and we look at the problems, we will try to see if we can get a little forward vision into what we want to have happen over a period of time.

Over the last 6 or 8 months, I have had a series of meetings in Wyoming we have called Vision 20/20. We began to try to talk to people in communities about what they would like to see in terms of their families, in terms of their communities, in terms of their State in 10 or 20 years. Then, as they begin to get a vision of what they would like to see, where they would like to be, then it makes it much easier to make the decisions now and to measure whether those decisions, in fact, lead to where they want to go over time.

One of the real obvious issues this applies to is agriculture. What do we

want agriculture to be? Obviously, all of us who have farmers and ranchers—and I come from an agricultural background—want to make it economically suitable for them to exist, to be a very important part of our economy in Wyoming and other places as well.

We hope agriculture is part of a conservation movement where we have trees and fields and where we have planned growth in open spaces. Agriculture can contribute to that greatly. These are the things we want to see over time.

I think we want to see an economic safety net for agriculture. On the other hand, certainly we would like to see agriculture responding to the marketplace. That is where all businesses ought to be. We ought to be building more and more markets as we can overseas. We are going to have to have agriculture that fits with today's trade issues.

WTO is meeting right now. It is fairly easy to sit down and say: Hey, we have some real problems; we need to do this right now. But then you ask yourself, where will that lead.

It is the same thing with energy. Where do we want to be with energy? Obviously, we want to have energy available for us. It should be available, to a large extent, domestically so we are not totally dependent on imports. We ought to have energy that is created in an environmentally sound manner to have the multiple use of public lands, for example, having energy produced there as well as preserving the lands.

Those are the kinds of things that I think all of us want to see over time. We would like to have conservation so that we find ways to do the things we want to do in our lives with less energy, if we can. And I suspect we will find new ways over time.

I remember being in a meeting in Caspar, WY, years ago where somebody made a point which I have always remembered: We have never run out of a fuel. Before we run out, we always find something else that moves us forward. We started with wood, then coal, then gas. We have nuclear. We have had all these sources of fuel. We will continue to have sources of fuel, I am sure, over time.

I know it is difficult—and I certainly am not critical—but I do think it is necessary that we address ourselves to those issues that should have a priority for us before we leave this session of Congress somewhere near our normal time. I think it is up to the leadership and up to the rest of us to do that, and to get those issues on the floor and to come to some agreement—which is not easy, I understand—to deal with them. After that, we can then move on to do other things.

Mr. President, thank you for the time.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1629

are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. I ask unanimous consent that Senator KYL be recognized following my comments.

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

IMPORTANT ISSUES FACING CONGRESS

Mr. DORGAN. Mr. President, we will begin this week with a vote at 6 o'clock this evening, and we will turn to other issues. I want to make some comments about the most important issues we face in Congress and what I think we ought to be doing to address them.

I just flew in from Chicago a few moments ago and noticed in the Chicago papers this morning that yesterday a man got through the screening process at Chicago O'Hare Airport with nine knives and a stun gun. He was selected for advance screening at the gate in addition to going through the metal detectors.

When they opened the baggage of this particular person, they found nine knives and a stun gun that had been missed at the screening as the individual entered the concourses.

That ought to demonstrate, as so many other studies have demonstrated, that the current system for screening passenger baggage and passengers is not working. That is quite clear.

The largest company that employs workers to screen baggage at airports has been found guilty of violating all kinds of FAA rules and regulations. They have violated training. They have hired ex-criminals. They have not adequately supervised them. They have falsified records. They were fined by the Federal Government for their behavior and 2 years later, after being put on probation, were discovered to have violated their probation with the same problems. This is the largest company in this country that hires these workers. In fact, it is a foreign company, but it is the largest employer of screeners in America.

One wonders why this company is still working at airports screening passengers when it has already been fined, when it falsified reports and then violated the probation that was established for it.

My point is that we have just had a significant debate in the U.S. House of Representatives on the issue of airport security and baggage screening. We in

the Senate passed legislation 100-0—all Republicans and all Democrats supported it. Then we had a couple of our friends from a southern State, Texas, whom I shall not name, who decided that the legislation was not good and needed to be altered. God forbid somebody was going to make Federal workers out of the screeners. So they ramped up a huge effort in the House of Representatives to defeat the proposal we passed 100-0 in the Senate.

My hope is that in the next week or so—in the next few days, in fact—we will convene a conference and work aggressively and to immediately pass an aviation security bill. It is unforgivable we have taken this long. After September 11, everyone understood we had a new requirement, a new duty, and a new responsibility to pass an aviation security bill, and that legislation has not yet passed despite the fact we passed it through this body with every Republican and Democrat supporting it—100-0 only to have it languish week after week in the other body.

I regret the House did that, but now that they have passed legislation that will get us to conference, it is very important that we take this seriously and find a way to develop the compromise necessary so the American people will feel confident that when they walk through airports about to board an airplane, there is not some goofball someplace carrying nine knives and a stun gun.

This person explained he had forgotten. How do you forget you have nine knives and a stun gun, for God's sake? How do you forget you have that in your luggage? How do you qualify to fly if you have a mind like that—that you take nine knives and a stun gun to the airport?

In any event, having said that, that is just the latest information in this morning's paper. Last week, it was the audit that was done at Dulles Airport and the screeners who missed what they should have known.

Why does all this happen? Because people leave screening jobs to fry hamburgers so they can make more money. These are low-paying jobs. The people are ill trained by companies that want to put the least cost employees in those positions and make good money doing it.

I am not interested in that. I am interested in accountability and security for the American traveling public. That is all I am interested in. I am not interested in the debate about for whom they work. All I am interested in is accountability.

We have had a circumstance where these employees have been working for very large firms, one of which I already described that has been fined by the Federal Government and is guilty of falsifying records. We have already had that experience. We know that does not work. So perhaps we ought to try what the Senate has suggested in the legislation it passed 100-0.

That is what is in front of us in the next few days, and I hope, as a member of the committee that generated the bill that passed the Senate unanimously, with the help of Senator HOLLINGS and Senator MCCAIN leading the effort, we can find a way to solve this very quickly.

Let me turn to the next challenge we have in addition to aviation security. The other challenge we have is to pass a stimulus package. What does "stimulus" mean? Stimulus means pass legislation that will provide some incentives to help boost this economy of ours.

Last Friday, we received word that another 415,000 people lost their jobs in the last month. Mostly, these are people at the lower end of the economic ladder. These are not people making a lot of money, in most instances. These people and their families know about second jobs, secondhand, second mortgages, and second shifts. They are the same people who during tough times find they have lost their jobs. Then they find out, at least with some people in the U.S. Congress, they are also second choice. There are some people in Congress who do not want to help them very much because they say that would not provide the incentive for those families to look for work again.

In my judgment, these people who are laid off during a very difficult and soft economy require our help. We have always, during a severe economic downturn, extended our hand and said: We will extend unemployment benefits to help those who have lost their jobs and are down and out.

That is stimulative. That money is spent immediately by the families who have lost their incomes and are struggling. That is a way to stimulate this country's economy. We must do that when we construct a package of incentives to provide lift to this economy.

What are the other incentives we could provide that would help this economy? We can do traditional things, such as tax credits that would incentivize investment. We can do things that will incentivize consumption. We can do things that will incentivize production. There are all kinds of menus with which to do that: Expensing, bonus depreciation, and targeted investment tax credits, for example.

In addition to tax credits and other incentives in the Tax Code, we can stimulate economic activity by building roads and bridges, by repairing schools, and by making other public investments that put people back to work so that at the end of the time when we have enacted a stimulus package and made those investments, we can look back and say: We not only stimulated the economy, we have something to show for it.

My colleague, Senator BYRD, the chairman of the Appropriations Committee, is working with a number of us in the Senate. He has taken the leadership position on the infrastructure

needs and the investment in infrastructure as part of a stimulus package. That is important as well.

We have the issues of extending unemployment benefits, health care issues for the unemployed, the issue of what kind of tax cuts might be employed to stimulate and lift this economy, and then the issue of what kind of infrastructure investment we can make that puts people back to work building, repairing, and making things. All of these should come together in a package designed to stimulate this economy.

This economy is in much more trouble than most people understand. It was a very soft economy prior to September 11, and September 11 cut a hole right through the belly of this economy. We are beginning to see the evidence of that now each day with each additional number that describes the condition of our economy.

It is going to have an impact in every part of this country. It will touch virtually every family. So the question is, What can we do and how can we do it? How can we lift this drowning economy?

President Bush has said he wants Congress to act and act quickly. He is right about that. We should. We must. But just acting, if it is not the right thing, will not be the right approach. If we do not do the right thing, taking action is pretty irrelevant. What we need to do is take action now to do the right thing to give help to this country's economy. The House of Representatives passed what they called a stimulus package. I describe it as leftovers.

My mother used to talk about leftovers when she was talking about the supper table. What is for supper? We called it supper in my hometown. When she said leftovers, we all understood in our family what leftovers meant.

Well, I view the stimulus package that the House passed almost the same way, as leftovers. It is all the things they had left over from previous tax bills that they did not get, but they always wanted to do. It did not have very much at all to do with whether it is going to help this economy, whether it is going to stimulate this economy, whether it is going to lift this economy. It was just leftovers.

In fact, I will mention one. I will not go into great depth. One of them, at a cost of \$21 billion, was stuck in the House-passed stimulus package to incentivize investments overseas. Now, tell me how that stimulates the economy in this country. It is a big giveaway to companies that move and keep needed investment capital overseas and earn income overseas and do not want to repatriate the money. Now talk about the nth degree of goofy. At a time when our economy is on its knees, we have the U.S. House passing a tax provision that incentivizes additional investments overseas. Our investments ought to be to incentivize creating jobs in the United States, not elsewhere.

So we have a big job ahead of us to try to pass legislation that provides a

real lift to this economy. The President is right, we need to do it. It would be unforgivable, in my judgment, if Congress left town sometime between now and Christmas, whenever we finish our work, and had not passed a stimulus package to try to provide some lift to this country's economy.

I know some will argue we have economic stabilizers that we did not used to have in this economy and that recessions are not quite as deep as they used to be. We do not know that. We do not know what the consequences of September 11 will be on this economy. We do know that going into September 11, we were in the business cycle and we were on the contraction side of a business cycle. It is inevitable that there is expansion and contraction, and we were on the contraction side of that business cycle.

Then September 11 occurred. We shut down the airline industry. The entire travel industry in this country is in a huge amount of trouble. Some of us have proposed some loan guarantees to try to provide assistance in those areas. This economy took a huge body blow, and I think most do not understand how deep this likely recession could be or how long it could last if all of us do not now do the right thing.

This is not about Democrats or Republicans. It is about good ideas, having the capacity to employ opportunities for investment and consumption in this economy to try to rev this economic engine once again.

We went through unprecedented growth in our country for a good many years. We were blessed with that. In fact, some looked at those numbers and they looked at NASDAQ and the stock market and they thought this economy only goes one way.

It is true of the President. It was true of the Congress. Everybody said: You know something, we are going to have surpluses for 10 years in a row. The next 10 years we are going to do so great we are going to have surpluses every year. So let us put in a very large tax cut anticipating surpluses for the next 10 years.

That was just months ago. Those surpluses are very quickly vanishing, regrettably, and this economy has changed in a very significant way. I hope we can get back to the position where we have economic strength and opportunity, hope for American families who have lost their jobs and a growing economy that provides new opportunities for others in this country who are going to enter the job market. At this point, this Congress has no choice but to be with this President and, between the two parties, construct a stimulus package that really does give a lift and some hope to the American economy. If we do not do that, the American people should judge us harshly, in my judgment. Between now and when we leave this year, we have a responsibility to do that.

AMERICA'S FARMERS NEED A FARM BILL NOW

Mr. DORGAN. My colleague from Arizona is coming back to speak, but before he does I will mention the issue of the farm bill. We have had a substantial amount of discussion in recent days about the farm bill.

I mentioned aviation security, which we need to get done quickly. I mentioned the stimulus package, which we have a requirement to enact, and now a farm bill. We have the Secretary of Agriculture who has left, I believe, for Qatar. It is a country whose name most of us cannot pronounce. They are having the WTO meeting in Qatar because they cannot have them anywhere else. It is a country with very few hotel rooms, and so they will therefore accommodate very few demonstrators. These demonstrators tend to show up wherever they are discussing trade anywhere in the world, so they are having this meeting in Qatar. But we had hoped to meet with the Secretary of Agriculture last week.

We think it is very important to pass a farm bill in the next 3 or 4 weeks. The House of Representatives did so. It is better than current law. It is not good enough yet for wheat and feed grains and some of the things we need to do to improve it, but we have a responsibility to pass a farm bill, one that works for family farmers.

There are some who are counseling, as the Secretary of Agriculture, the head of the Office of Management and Budget and others have, that, oh, do not worry, do not do it now, do it next spring; the money will still be there. Nonsense. That money is in the budget this year, and it reserves a place this year and in future years, but it will not be there next year. Next year, we face an entirely different economy when we begin constructing a new budget. So we have a responsibility to do a farm bill in the next 2, 3 to 4 weeks as well, and some of us are going to fight like the devil to make that happen.

I prefer it be a farm bill that comes out of the Agriculture Committee. Senator HARKIN is leading the way, and I want to work with him. If it does not come out of the committee, then there is a farm bill sitting at the desk we could bring before the Senate and amend. It came from the House of Representatives. One way or another we owe it to the American farmers to write a farm bill that works.

I see my colleague from Arizona is in the Chamber, and I yield the floor.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Arizona.

ARIZONA DIAMONDBACKS, THE WORLD SERIES CHAMPS

Mr. KYL. Mr. President, I thank my colleague from North Dakota for arranging my time to speak. I will talk about two things: First is the victory last night in the bottom of the ninth inning of the Arizona Diamondbacks in

the baseball World Series. Naturally, we Arizonans are very proud of the Arizona Diamondbacks.

I am proud of the New York Yankees, and I am proud of the people of the city of New York. Ever since I was a little kid, I was a New York Yankees fan because my grandfather used to listen to the games on the radio back in the Midwest I became familiar with the statistics of all of the great players of the New York Yankees throughout the years, mostly through the good but through both the good and the bad.

They have been the most successful franchise in baseball history, of course, and when the events of September 11 occurred in New York City, all of America, in a sense, became New York Yankees fans. When they won the American league pennant and went to the World Series for the first time probably in their history, Americans were pulling for the New York Yankees rather than the other team which, of course, had always before been the underdog, and mostly Americans pulled for the underdog. But this time, they were pulling for the New York Yankees; everybody except, that is, the Arizona Diamondbacks fans.

Four years ago, Arizona got a baseball team. At that point, I became, at least in the National League, an Arizona Diamondbacks fan. My fantasy was to have a World Series that involved the American League champion, the New York Yankees, and the National League champion, the Arizona Diamondbacks, in which both teams would do very well and which would be won by the Arizona Diamondbacks in the bottom of the ninth inning of the seventh game.

Lo and behold, that is exactly what happened, a dream come true for a baseball fan all of my life and somebody who likes both of these teams very well.

Obviously, I rooted for the Diamondbacks. I understand the disappointment of the New Yorkers who lost but, of course, as we all know, New Yorkers have more often than not been on the other side and have tasted the fruits of victory.

All Americans appreciate the valiant battle both teams put up and certainly what the New York Yankees were trying to achieve for not only themselves as a team but the people of New York. In a larger sense, all Americans participated in this series fully aware of what it meant to the people of New York and, frankly, it meant that same thing for all of the people of America because we could not go to the series with the Yankees playing without thinking of the events of September 11.

Yet in another way, the series having been won by a new, fresh team, the Arizona Diamondbacks, I think also is a great thing for America. As a Diamondbacks fan, it is especially gratifying that after just 4 short years, the Arizona Diamondbacks won the baseball World Series, the shortest period of time ever in the history of baseball.

It was not by accident. The Arizona Diamondbacks wanted to play the very best in the World Series. They wanted to play the New York Yankees; they got that chance. They wanted to beat the very best, and in Mariano Rivera, the New York Yankees' relief pitcher, that is who they had to beat in the bottom of the ninth. And they did. It takes nothing away from Rivera or the rest of the Yankees who are truly a class act, but what it shows is that there has now begun a new dynasty in baseball—the Arizona Diamondbacks. They won 100 games in their second season, did not win the National League pennant but did very well.

Naturally, we were very proud of them. Now to win it all in the World Series really caps it off for Arizona fans.

My hat goes off to the general partner of the Arizona Diamondbacks, Jerry Colangelo. Jerry is known in the sports world as a very successful sports entrepreneur, a real fan, and also a participant. He himself played ball in his youth and, coming from Chicago, obviously was involved in the key franchise of the Chicago Bulls, came to Arizona, and helped create the Phoenix Suns, a very successful franchise in its own right.

He was the natural person to whom the leaders of Phoenix came when they wanted to put together a major league baseball team. And he said: I really have my hands full with the other things I'm doing, including the Phoenix Suns and in getting a new stadium, a new place for the Phoenix Suns to play ball; and he said: We would have to have a brand new ballpark: that would take a lot in terms of public support, and I would rather not be involved in it.

But he was the logical choice, and reluctantly he agreed to take the leadership in bringing together the Arizona baseball franchise. He did that. He raised the money. He provided the leadership. He got the BankOne ballpark built with a beautiful stadium in downtown Phoenix with a retractable roof that goes back and forth in 6 minutes, a beautiful natural turf ballpark in which to play.

His philosophy was to create a winner. Jerry Colangelo is about winning. He is not a guy who just wants to field a team and then perhaps take 20 years to get to the World Series. He thought the Arizona fans deserved a winner at the very beginning, and that is what he set about to create. Naturally, it did not come free, and as a result, because a new major league baseball franchise cannot participate in most of the revenues from the league for I think it is about 5 years, it was very costly to the people who supported the team, and financially, obviously, they are not in as good shape as some other teams that have been there a lot longer.

So this will be a big boon to them not just from a fan support base but financially as well. Therefore, I really appreciate what has happened for Jerry

Colangelo. He deserves the very best, as does his management team, his son Bryan, and all the others who worked to make that a great family and a great team in the State of Arizona.

I note that I talked to Jerry Colangelo this morning. He had received a congratulatory call from President Bush, himself a great baseball fan. And hopefully some of the Diamondbacks will be able to get to Washington in the not too distant future to meet with the President. He is also on the way to Chicago for the baseball owners meetings, and there are some big decisions the owners have to make about this great American pastime.

I just wanted to share with my colleagues my joy, and I am sure I speak for all the people in Arizona, the way they feel about the Arizona Diamondbacks this year, the way they have kept together as a team. They have had to play a very tough National League Western Division, the Los Angeles Dodgers and the San Francisco Giants, who were challenging them every step of the way. San Diego was a tough team for them, as were the Colorado Rockies.

All of those teams deserve a lot of credit. But in the end it was the Arizona Diamondbacks who marched through the other teams and ended up beating Atlanta to take the pennant and I think, in facing the New York Yankees, faced the best the American League had to offer. It was obviously a victory in which all of Arizona can take a great deal of pride. And I hope fans across the United States who may have been pulling for the Yankees for other sentimental reasons this year will take a good hard look at the upstart Arizona Diamondbacks who deserve a lot of credit, having beaten the best, and will be around for a long time to come as a great baseball team playing our great national pastime.

A final word on this. I was talking to somebody this morning who said: You know, during this series, which has to go down as one of the greatest series in the history of baseball, the way the games were won in Yankee Stadium and in the bottom of the ninth in the seventh game in Phoenix, a lot of America was focused on having fun with our national pastime and not thinking about some of the more serious and difficult issues we have had to face. One of the ways we can show the terrorists that they can have absolutely no chance of beating the American spirit is to continue to do what we enjoy, and that includes enjoying our great national pastime, baseball. So my hat is off to the Arizona Diamondbacks.

NOMINATION OF JOHN WALTERS

Mr. KYL. Mr. President, the other subject I want to talk about today is also, I hope, good news in that it involves what I think the Senate will be able to take up very soon, and that is

the nomination of the last of the President's Cabinet officers, who is John Walters to be the Director of the Office of National Drug Control Policy, often known as the drug czar.

John Walters has a great history of service in the area of drug control policy. He is a superb nomination of President Bush. His nomination has been around now for over 5 months. The President nominated him on June 5. We are now 5 months later and he has not yet been confirmed by the Senate.

His hearing was held on October 10, a month after it had originally been scheduled on September 11, and this hearing lasted I think over 3 hours. He was asked a lot of questions by a lot of the members. I think anything that had been on anybody's mind was adequately covered. I think subsequent to that time he has answered over 60 questions with a lot of subparts that have gone into further detail, including questions submitted by members not even of the Judiciary Committee chaired by the Presiding Officer.

I am hopeful that at our business meeting this week John Walters will be passed out of the Judiciary Committee so that he can be considered by the full Senate and we can have him confirmed and he can be in place before Thanksgiving. It seems to be not too much to ask of the Senate to confirm Cabinet officers before Thanksgiving of the year in which they are nominated, particularly when their nominations have been pending for so long.

Let me say a couple words about John Walters. And I have to say I am biased because I know this fine man.

I recently met his family. My daughter and his wife are friends. I know the Walters to be a very fine family. His service to this country has exemplified the values I know he cherishes. They are values that manifest themselves in trying to tell young people in this country why the path of drugs is the wrong path for them, trying to help people who have gotten involved in drugs get back on the right track through treatment and rehabilitation, trying to develop a national strategy that helps us keep drugs out of the country, that interdicts them and tries to deal with them in the places of their origin and tracks down the people who perpetrate the trade in drugs and traffic in them, selling them to young people, to provide punishment for those drug traffickers.

All of the aspects of the war on drugs—and that is an unfortunate term—require focus and attention by the Office of Drug Control Policy. When John Walters served in that office under President George Bush—the first President George Bush—later acting deputy director for 4 years in the Bush administration of the Office of Drug Policy, he became intimately familiar with all aspects of our war on drugs.

He participated significantly in the issues relating to drug treatment. I know one of the questions was whether

he was as strongly committed to drug treatment as he was to some of the other aspects of drug control policy.

I note that there are certain parts of drug policy that are the responsibility of the U.S. Government because as a nation we deal with drug interdiction and as a foreign policy matter we deal with eradication of drugs in foreign lands and their interdiction before they come into the United States. That is a Federal responsibility; it is not performed by, for example, the city of Phoenix.

But when we get to drug education, prevention, treatment, and rehabilitation, those are shared responsibilities starting with our local communities that have a great deal to say about how those programs get carried out in each individual community, supported by the States and ultimately also by the U.S. Government.

When one examines the role of the Federal Government and the people who have worked on this issue in Washington, it is important to separate those functions which are purely and strictly of the Federal Government as opposed to those jobs which are shared by other jurisdictions. Our focus needs to be primarily on the former. We share a responsibility with all of the other States and local communities with respect to the latter. That doesn't mean we are any less committed to antidrug education, treatment, and rehabilitation.

I think there was a sense that that was perhaps John Walters' philosophy. Absolutely nothing could be further from the truth. As a matter of fact, he was one of the architects of the new drug strategy and the Federal spending plan that targeted drug treatment and treatment research when he was in the Bush administration. He was certainly behind the move to expand the budget and programs for drug prevention.

I think all of that became clarified during the hearing. There was a great deal of support in the Judiciary hearing for the President's commitment of additional resources. I believe the number is \$1.6 billion for these programs.

I specifically asked him whether or not he would be a strong advocate for administering this program as the President had outlined it. He said absolutely he would. I think there is no doubt about the fact that he is committed to treatment and prevention and will strongly support the President's plan in that regard.

His work, by the way, first began in the mid-1980s when he worked on drug policy matters at the U.S. Department of Education and was actually responsible in that position for a drug prevention guide. Over 1 million copies were distributed. That is when I first became aware of his work. But of course his later work was in the Office of Drug Control Policy itself, 4 years total serving as chief of staff from 1989 through 1991, and then deputy director for supply reduction from 1991 through 1992.

I hope somebody with the long experience he has had in this area can quickly be confirmed by the Senate to assist the President in this war on drugs and to fill out the last Cabinet position in the Bush administration.

There is one other reason I come to the floor today: To make the point that has to do with our war on terrorism.

As we know—and as we can discuss in a lot more detail than we are permitted to do here in public—terrorists in several places in the world are significantly supported financially through the drug trade. It is therefore important for us, while we are fighting this war on terrorism, to not forget that a key component of terrorism financing in many places in the world is the drug trade. That is the responsibility of the Office of Drug Control Policy, primarily coordinating the different agencies of the U.S. Government in fighting the war on terrorism. It is yet another reason we need a leader at the top of that organization. It is true we have a lot of good people fighting that battle around the world today, but the direction that can come only from the director—a Cabinet officer of the President—I think is critical.

Therefore, if we are going to do everything we can in fighting the war on terrorism, which all of us like to say around here, one of the things we must do is to quickly confirm John Walters as the drug czar.

One of the key components of fighting drugs is also fighting the war on terror. That is why I conclude by urging my colleagues on the Judiciary Committee to confirm John Walters when we vote on him, presumably this week, and to quickly get his nomination before the Senate so that all 100 Senators can have a vote on the confirmation of John Walters as drug czar. I would love to have that vote before the end of this week. I am sure the President would as well. But we have to do it within the next few days, in any event. If there is any concern or objection to John Walters, I hope Members will bring those concerns to me so I can do whatever I can to ensure that he can satisfy those concerns.

The bottom line is that we need this position filled since he is the right man for the job. He has the President's confidence, and it is about time we confirmed him as drug czar. I hope my colleagues will act on that quickly.

Those are two bits of good news: The victory of the Arizona Diamondbacks and my hope that we will quickly confirm John Walters and conclude the confirmation process of the President's Cabinet.

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

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

NICARAGUAN PRESIDENTIAL ELECTION

Mr. DEWINE. Mr. President, yesterday our neighbors to the south in Nicaragua went to the polls to elect a new President. The liberal party candidate, Enrique Bolanos, appears to be the winner. With part of the vote counted this afternoon, he has 53 percent of the vote, while Sandinista leader, Daniel Ortega, trails with 45 percent. Although votes still remain to be counted, Ortega has conceded defeat.

But right up to yesterday, when people actually went to the polls in Nicaragua, the candidates were running neck and neck, we are told, in a very heated and very tight race. It is disconcerting that the race was even close at all. The very fact that Ortega, a Marxist Communist sympathizer, could come close to regaining power tells us that it is time for the United States to wake up and start paying attention to our neighbor to the south. If we do not, we will see Daniel Ortega or another leftist radical regain power sometime in the future.

The fact is that unless we pay attention, unless we take notice, history may well repeat itself. Sometimes we in the United States have a tendency to go from crisis to crisis. We try to deal with the crisis and then, once the crisis is over, we forget about that region or that part of the world or that country. That is what I think we have done in Central America.

In the 1980s, when I was a member of the House Foreign Affairs Committee, the world's spotlight, and this Congress' spotlight, the country's spotlight was on Nicaragua; it was on El Salvador; it was on many of our neighbors in South and Central America.

The 1980s and the 1990s brought a very significant increase in democracy in this hemisphere. Many of us have come to the Chamber and talked about that. We have talked about the fact that this hemisphere is so much more democratic today than it has ever been in the past. Today, all but one of our region's 33 countries have democratically elected heads of state. But we have seen a retrenching of that in the last few years.

While we justifiably are worried about many other parts of the world, we should not forget about our neighbors to the south. In fact, a recent poll indicates a steep decline in support for democracy among Latin American and Central American countries. If we look at Nicaragua, that same poll shows that only 43 percent of Nicaraguans support democracy. That figure was at 72 percent just 3 years before, nearly a 30-percent drop.

In the same poll, Nicaragua registered the largest increase in support for authoritarian government, a 16-percent increase over the previous year's figure.

Maybe these startling figures should come as no surprise. History does offer us a sober reminder that oppressive regimes often spring from misery, despair, and joblessness. Nicaragua has never recovered from the war of the 1980s, the earthquake of the early 1970s, the droughts, the hurricanes, the political corruption, the economic collapse. If we look at the per capita income today, what we find is per capita income in Nicaragua in real terms is still less than 25 percent of the level reached in the 1970s—an absolutely unbelievable figure.

Nicaragua today is still the second poorest country in the hemisphere behind Haiti.

There is something wrong with this picture. Yes, democracy won out in Nicaragua in the 1980s, but the economic environment and political leadership were not stable enough to allow that democracy to fully take hold and thrive. In the recent election, the apparent winner was clearly handicapped by the fact that he had been Vice President for President Aleman, who has certainly been a disappointment to his country and a disappointment to the United States and other people who care about democracy.

We should think about this. Just yesterday that nation, Nicaragua, came all too close to sending Daniel Ortega back to the Presidency, the very leader under whose direction inflation rose as high as 33,000 percent.

Regretfully, the United States has not done as much as we should have over the last decade. We have done some things. We have been involved. We tried to help but, candidly, not as much as we should have. We tried to implement judicial reforms and change in the rule of law, but democracy is not a hobby; it is a lifetime commitment. It is not enough to believe in it; it has to be practiced every day, day in and day out.

Yesterday's elections represent a close call but also a new opportunity for democracy in Nicaragua. I believe the United States must do what we can to help our friends in Nicaragua.

With the election of Enrique Bolanos, we have a unique opportunity to bring about lasting change for the people of Nicaragua. We need to support and work closely with USAID in that effort to create economic and social conditions that will produce a greater margin of safety for the poor. Hurricane Mitch demonstrated how vulnerable the country is to natural disasters. Overall economic losses were estimated at \$1.5 billion.

While growth rebounded to about 7 percent in 1999, low world coffee prices and an internal financial sector crisis caused Nicaragua more than 10-percent drop in GDP in the year 2000. There is an urgent need for Nicaragua to pay systematic and immediate attention to environmental issues and problems, including watershed management, natural resource management, reforestation, and land use. We also need to ex-

pand our food-for-work programs, strengthen our education and training initiatives, and encourage alternative crop development.

Furthermore, we need to foster economic growth by strengthening our microenterprise programs and increasing the number of rural credit unions. I know my colleague in the Chair has been a great supporter of microenterprise programs. They work in Nicaragua as they work around the world. I think we have to do more to promote them.

These are efforts that we have supported in the past, and we need to support in the future. We need to provide individual Nicaraguans the tools to permanently free themselves from poverty. We should also support soon-to-be-President Bolanos in any attempt to scale back some of the electoral and judicial reforms brought about in the late 1999 pact between the Aleman government and the Sandinistas. Specifically, we need to work towards: No. 1, restoring the autonomy of the judicial branch; No. 2, restoring the autonomy of the comptroller; No. 3, reducing barriers for third party participation and increased accountability of the Supreme Electoral Council; and finally, we need to also develop increased accountability of government officials and make aid contingent on a transparent government that proactively works to root out corruption.

Finally, we should take advantage of opportunities for bilateral and multilateral counterdrug operations with the Nicaraguan military. Operations such as these, closely monitored, not only can produce tangible results in the form of interdictions and deterrence but also could help increase the skills and professionalism of the indigenous forces in Nicaragua.

Ultimately, we need to keep a very close watch on the entire hemisphere to see what we can do to help the democratic forces. They need our help. It is in the best interests of the United States to see these countries remain democratic.

We also need to understand how very closely economic progress for the poor is tied to democracy. If we expect democracy to flourish and to grow in our neighbors to the south, it is essential that we do what we can to help their economies grow so everyone in those countries, whether it be Nicaragua, El Salvador, Honduras, or any of our neighbors to the south, anyone who lives in these countries will see they do have opportunity under democracy.

Mr. President, I yield the floor and 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. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The distinguished Senator from Michigan.

THE ABM TREATY

Mr. LEVIN. Mr. President, until recently, the Bush administration appeared to be engaged in a headlong rush to unilaterally withdraw from the Anti-Ballistic Missile Treaty—the ABM Treaty—and deploy a national missile defense system. That headlong rush had some serious negative implications for the security of the United States and for our relations with other nations.

If the United States decided to unilaterally withdraw from the ABM Treaty, it could:

First, lead Russia to stop dismantling nuclear weapons, and to retain or eventually increase its multiple warheads on long-range missiles;

Second, lead other nations, such as China, to speed the deployment, or increase the number, of their long-range nuclear missiles; and

Third, strain our relations with allies and friends in Europe and Asia who recognize that the ABM Treaty has allowed nuclear arms reductions and has promoted stability for many decades.

Those reactions to a unilateral withdrawal from the treaty on our part would be serious because they could result in more nuclear warheads on the territory of other nations and could lead to an increased risk of the theft or proliferation of such warheads or their materials to rogue states or terrorists.

In addition, Russia and China could respond to unilateral United States withdrawal from the ABM Treaty by producing, deploying, and possibly even selling missile defense countermeasures and decoys to our potential adversaries. A spiraling competition of countermeasures and counter-countermeasures could then ensue.

I have believed for some time that these serious negative consequences for our national security argued against our unilateral withdrawal from the ABM Treaty, and I have long been concerned by the Bush administration's unilateralist approach to this question.

As recently as August 23 of this year, for instance, President Bush declared, "We will withdraw from the ABM Treaty on our timetable, at a time convenient to America."

Then came the horrific attacks of September 11. To its credit, the administration then set out to build and sustain a broad international coalition, which includes Russia, to fight terrorism. Despite its unilateralist go-it-alone approach so prevalent before those September 11 attacks, the administration appears to have recognized that in a world of terrorism and weapons of mass destruction, the United States is more secure when we work cooperatively with allies and with nations with whom we have common interests than we are if we go it alone.

We have already witnessed that welcome new approach to foreign policy in areas as diverse as the newfound support for South Korea's effort to improve relations with North Korea, and in the administration's recent reversal

and decision to join the international effort to improve the worldwide Biological Weapons Convention. This new approach has already influenced the administration's approach to national missile defense, the ABM Treaty, and our relationship with Russia, with whom the President seeks a "new strategic framework."

At his October 11 press conference, the President twice avoided giving direct answers to questions about whether he would unilaterally withdraw from the ABM Treaty. The discussions between Presidents Bush and Putin in Shanghai gave some hope that the United States and Russia can reach agreement on missile defense and reductions in offensive nuclear weapons.

Then, on October 25, Secretary of Defense Donald Rumsfeld announced that the administration had "decided not to go forward" with missile defense tests in late October and early November that might have violated the ABM Treaty. That is a significant change because the administration had said previously that we would not be constrained by the ABM Treaty but, rather, we would withdraw from it.

Last week, we read in the newspapers that the United States and Russia are near agreement on an interim arrangement that would achieve three things: No. 1, allow the administration to continue with its robust program of missile defense research, development, and testing; No. 2, preserve the ABM Treaty; and, No. 3, set goals for reducing by some two-thirds the number of each nation's strategic nuclear warheads. The story quoted one unnamed official as saying: "Testing will go on, but there will be no announcement of a U.S. withdrawal from the ABM Treaty."

If the administration has, in fact, now decided not to unilaterally dismantle a mutual security structure before a new structure is put in place, it would represent a wise shift in U.S. policy.

Presidents Bush and Putin would then have a genuine opportunity at their summit next week to make real progress towards a new security arrangement that permits both missile defense testing and significant nuclear arms reductions, and that would have strong bipartisan support in Congress.

As I mentioned, on October 25, Defense Secretary Donald Rumsfeld announced that the Pentagon had decided not to proceed with four planned missile defense test activities because they might conflict with the ABM Treaty. But, in fact, prior to Secretary Rumsfeld's announcement, the Pentagon had already decided to delay three of the test activities for technical reasons wholly unrelated to the ABM Treaty. In addition, the fourth test planned for November 14 was not a missile defense test, but a Navy radar tracking of a satellite launch vehicle, which is not covered by the ABM Treaty.

Confusing this history even further, back on June 13, LTG Ronald Kadish,

the Director of the Ballistic Missile Defense Organization, briefed the Armed Services Committee on the Defense Department's missile defense plans and informed the committee that, to the best of his knowledge, there were no ballistic missile defense activities planned for fiscal year 2002 that would be in conflict with the ABM Treaty.

Then, on July 17, Deputy Secretary of Defense, Paul Wolfowitz, testified before our Armed Services Committee that three missile defense activities could "bump up" against the ABM Treaty, in his words, "in months rather than in years." One of the examples was the use of a Navy Aegis SPY-1 radar to track a strategic ballistic missile. However, his written explanation of that possibility said plainly:

Plans to use an Aegis SPY-1 radar to track long-range ballistic missiles are currently under development and are only at a preliminary stage.

So after saying there were no tests planned that would violate the ABM Treaty, the administration then planned a series of tests that might violate the treaty. Then they changed direction for a second time on October 25 and said they would not proceed with tests that would violate the ABM Treaty. So why did the administration first strain to put these tests on the calendar and then strain to remove them from the calendar?

My analysis is shaped by my firm belief that the administration has decided it would be unwise to withdraw from the ABM Treaty anytime soon. In a number of ways, this double reversal in its course may help the President at the upcoming summit, while simultaneously avoiding criticism from those who have forcefully pressed for withdrawal from the ABM Treaty.

First, the administration looks more reasonable to the American people, the Russians, and the rest of the world, compared to their numerous declarations that they plan to unilaterally withdraw from the ABM Treaty. When the Secretary of Defense announced unilateral restraint on October 25—that is, announcing that we would forego missile defense testing in order to avoid violating the ABM Treaty—he made us look more reasonable and that may help pave the way to reach an agreement with Russia on missile defense issues.

Second, the administration has simultaneously made the case that the U.S. missile defense testing program is already now being constrained by the ABM Treaty. This could make it easier to justify a decision to withdraw from the treaty at a later time; in effect, to serve as a prelude to withdrawal in case there is no agreement with Russia.

Third, if, as expected, the administration reaches an agreement with Russia at the Crawford Summit that will permit its missile defense testing program to proceed, the Rumsfeld announcement would allow the administration to argue that the Crawford

agreement removed the ABM obstacle to the administration's missile defense testing plans. That would appear to be a victory, showing the critics of the treaty that the administration succeeded in clearing away the testing constraints in the ABM Treaty. That, in turn, would make it easier politically for the administration to agree with Russia to maintain a treaty so loathed by those same critics and from which those critics are pressing the President to withdraw.

If this tactic of straining to create premature conflict with the ABM Treaty and then straining to remove the conflict by deferring the tests helps the administration reach an agreement with Russia and helps assure them of political support for the agreement from the critics of the ABM Treaty, more power to them. If that is what it takes to do the right thing, so be it.

The important point is to work cooperatively with Russia to seek an agreement that will enhance our mutual security. It looks as if that is the path we are on. I hope so, and I hope we can stay on it.

Also hopefully, any new arrangement that emerges from the upcoming summit will be based on more than just the handshake of a gentleman's agreement. I hope the two leaders can agree on a new strategic framework that will include the following specific elements.

First, any agreement should include a reduction of strategic nuclear weapons—as the President has said—“to the lowest possible number consistent with our national security.” I agree with his assessment that “the premises of Cold War nuclear targeting should no longer dictate the size of our arsenals.”

I would also hope that any agreement on nuclear reductions would be transparent, predictable and difficult to reverse. There is no benefit in creating a situation where we worry that it would be easy and quick for either nation to increase its nuclear forces significantly. We would be better served with an agreement that gives each side confidence that its terms are being met by the other side, and cannot easily be reversed.

Congress should permit the President the flexibility to make these reductions. Current law prevents any reductions in our nuclear delivery systems below the needlessly high START I level. President Bush and President Putin are essentially moving toward a START IV, but Congress is keeping us at a START I, Cold War level of nuclear forces. Our senior uniformed military and civilian defense leaders have wanted Congress to remove these unnecessary restrictions for years. The Senate has already acted in this year's Defense Authorization bill to remove these restrictions, and I hope the House will accept the Senate position in the conference now underway.

Second, the framework for a new security arrangement set forth by President Bush included the issue of reducing the risk of accidental or unauthor-

ized launch of nuclear missiles. I would hope the two nations will explore a variety of steps that can move us in a more stable direction. There has already been good United States-Russian cooperation on data exchanges on missile launches, and we are improving our work on exchanging early warning data to reduce the risk of a false alert leading to a military crisis or a missile launch. We need to expand our cooperation and make sure that neither side maintains unnecessary and potentially destabilizing nuclear postures or practices. For example, both sides could agree to deactivate nuclear weapon systems that are awaiting dismantlement. As President Bush stated, “the United States should remove as many weapons as possible from high alert, hair-trigger status.”

Third, there is also a great need for enhanced and expanded cooperation on reducing the threats of proliferation. There is perhaps no more operationally effective and cost-effective means of reducing proliferation threats than assisting Russia in eliminating its nuclear and chemical weapons. Earlier this year, a task force led by former Senate Majority Leader Howard Baker and former White House Counsel Lloyd Cutler concluded that “the most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.” I hope the two nations can continue to make great progress in this area, since much remains to be done.

Finally, given the current anthrax attacks in the United States and our concerns about other potential biological terrorist attacks, we should be working much more closely with Russian scientists who have great expertise in biological warfare defense. They may be able to help us develop better defenses and vaccines, and also help us with the analysis of current biological threats. There is a unique and timely opportunity for major United States-Russian cooperation in this effort.

In short, I hope that President Bush and President Putin will be bold in their effort not just to bury the Cold War, but to forge a new alliance or a mutual security agreement against the terrorist menace that threatens both our nations and the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 515, which the clerk will report.

The legislative clerk read the nomination of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, time will be evenly divided until 6 o'clock, and controlled between the chairman and ranking member or their designees.

The Senator from Vermont.

Mr. LEAHY. Madam President, my wife was kind enough to remind me that 27 years ago today I was first elected to this body. I am not quite sure I knew at the time I was first elected what I might be doing here today.

I say to the distinguished Presiding Officer, when I took office, the Senate was comprised of 99 men, with one seat vacant because of a tied race in New Hampshire. Madam President, I must say, both on my feelings as a Vermonter and as a Senator with some seniority, I am delighted to see the changing face of the Senate that the distinguished Presiding Officer, and many others, have brought to it.

We should, of course, have a far better balance of both men and women in this body, just as we have those who range across the political spectrum.

Today we will confirm another judicial nominee—actually our 13th since July 20. Since becoming chairman of the Judiciary Committee, after the delay in Senate reorganization and assignment of Committee members, I have taken seriously the responsibility to fill these vacancies on the federal courts around the country with consensus nominees.

Larry Hicks is another candidate strongly supported by both of his home State Senators. One of his home State Senators is the deputy leader among Democrats, the other a well-respected, strong Republican.

We have confirmed as many court of appeals judges as were confirmed in the entire first year of the Clinton administration in 1993—actually four more than the zero total confirmed by the Senate under other control in all of the 1996 session. We are moving forward.

I think we have hearings on five more judicial nominees this week. Of these nominees, the ABA peer reviews on several were only completed and received last week.

I remind the White House that we still have at least 10 or so nominees who do not have their ABA ratings here, having been nominated on September 10 or thereafter. The consequences of the unilateral changes that the Administration made in March to the procedures that had governed the judicial confirmation process for more than 50 years are still being felt.

Others have not finished their paperwork. We are happy to help the White House with that.

In spite of the special circumstances that have arisen this year, we remain well ahead of the pace for the confirmation of judges during the first year of the first Bush administration and the first year of the Clinton administration.

I wanted to take the floor to thank both Senator REID and Senator ENSIGN for working so closely together to bring us someone with such strong bipartisan support. I also thank Larry Hicks. I think the White House is well intentioned, but he was given poor advice on his paperwork and how to answer the written follow up questions after his hearing. After a quick phone call from Senator REID to him, he immediately faxed a letter to help complete his paperwork—the only thing holding up the nomination. I hope that will be an example to others. It took about a 3-minute phone call and a fax, and we are done. I applaud both Senators for working this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN, is recognized.

Mr. ENSIGN. Madam President, let me start by thanking the chairman of the committee for moving this nomination forward. I also thank my fellow Senator, the distinguished Senator from the State of Nevada, for his support in helping to move this nomination forward. This was my first chance as a brand new Senator to have input on one of the most important things we do as Senators, and that is give recommendations to the President on who the Federal judges should be in our home States.

It is my pleasure this day to lend my support to a man of the highest legal and personal distinction, Larry Hicks. A virtually lifelong northern Nevada resident, Mr. Hicks studied business administration at the University of Nevada, Reno. While he left Nevada for a few years to receive his legal education, Nevadans won't hold that against him, as we did not yet have our law school. However, I am proud to say that today Nevadans no longer have to leave their home State to receive a distinguished legal education, for the University of Nevada Las Vegas Boyd School of Law has rapidly become a recognized law school. He has used his legal aptitude to serve his community, his State, and the Nation.

Immediately following graduation from law school, Mr. Hicks went to

work for one of Nevada's premier legal minds in the Washoe County District Attorney's Office. Soon, Mr. Hicks was working full time to keep northern Nevada streets safe in his capacity as the chief criminal deputy DA, a position he filled for 3 years before being elected by a substantial margin to the office of district attorney. He held this position for 4 years before entering private practice.

Mr. Hicks has been a partner in one of Nevada's largest law firms for over 20 years and has been chairman of its litigation section for the past 15. He is a fellow in the American College of Trial Lawyers, an organization which admits members by invitation only and is limited to no more than 1 percent of the lawyers in each State.

Mr. Hicks was on the Board of Governors for the State Bar of Nevada for the better part of a decade, during which time he served in many roles, most notably as president during 1993–94. In the legal community, to receive the Presidential nomination to a Federal judgeship is one of the highest honors. Mr. Hicks now has the honor of receiving such a nomination twice. President George H.W. Bush nominated Mr. Hicks to the Federal bench in 1992. Unfortunately, because of things that happened in that political year, his nomination was never acted upon. But today, Larry has the historical distinction of being nominated by that President's son, President George W. Bush.

Mr. Hicks not only takes pride in his work as a fine legal mind but also in his role as a husband and father. His three children have carried on their father's Nevada tradition and received their degrees from his alma mater, the University of Nevada, Reno. In fact, Larry's son Christopher carried on in his father's legal footsteps and attended the University of Nevada's Boyd School of Law.

Madam President, I know his wife Marianne and their children are proud of Larry, and I know Nevada is proud of Larry. Along with the senior Senator from the State of Nevada, HARRY REID, I believe Larry Hicks is someone who will make an outstanding judge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield such time to Senator REID as he may need.

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Madam President, first of all, I express my appreciation to my friend from Nevada. Senator ENSIGN is a doctor, not a lawyer but he could have not have picked anyone better than Larry Hicks. Larry Hicks is a fine lawyer. His brother is a lawyer. His brother Bud was my lawyer for a number of years when I was chairman of the Nevada Gaming Commission. He was an outstanding lawyer. They both have great personalities. He will have a fine demeanor from the bench.

Larry Hicks has wanted this job for a long time. He was almost confirmed be-

fore, but there was a change in administrations and a change in the makeup of the Senate. Even though he had been cleared by the White House, his name did not come forward. He has waited almost an additional 10 years to be a judge. He will be an outstanding judge. He now works for an outstanding firm. Some of the best lawyers in Nevada are part of the firm to which he belongs—McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks. The State of Nevada and the country will be better for having him serve.

I also appreciate my friend, Senator ENSIGN, running these names past me. I appreciate that very much. He and I have a relationship on judges that I think works well. He has reached out to me. With somebody such as Larry Hicks, it is easy. I could not have chosen anyone better than Larry Hicks myself.

Again, I applaud and commend Senator ENSIGN for this choice.

I ask unanimous consent that all time be yielded back and the vote begin now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. FRIST), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH), would vote "yea."

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

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 322 Ex.]

YEAS—83

Akaka	Domenici	Lott
Allard	Dorgan	Lugar
Allen	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Murkowski
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Nickles
Bunning	Graham	Reed
Burns	Gramm	Reid
Byrd	Grassley	Roberts
Campbell	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carnahan	Harkin	Sarbanes
Carper	Helms	Schumer
Chafee	Hollings	Sessions
Cleland	Hutchinson	Shelby
Clinton	Hutchison	Smith (NH)
Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Conrad	Johnson	Stabenow
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Leahy	Thompson
Dayton	Levin	Thurmond
DeWine	Lieberman	Warner
Dodd	Lincoln	

NOT VOTING—17

Baucus	Jeffords	Smith (OR)
Biden	Kennedy	Torricelli
Brownback	Kerry	Voinovich
Corzine	Landrieu	Wellstone
Frist	McCain	Wyden
Hatch	Miller	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AIRPORT SECURITY

Mr. DURBIN. Mr. President, I rise as if in morning business to address an issue which has been debated at length on Capitol Hill since September 11.

Since September 11, Americans have been focused on the issue of aviation security. There is no question that the system we used to cross America to that date was deficient. Whether stronger aviation security in our airports and around them might have averted that crisis is frankly unknown. But we all know that if we are going to be serious about limiting the opportunities for violence and terrorism on America's airlines we have to change the system in our airports.

Knowing that, we have taken a close look at the system of screening at our airports and the security that is available. Historically, the airlines were responsible for security in the airports. They would hire the people who

screened the passengers and the baggage. Of course, that system broke down. It broke down to the point that the General Accounting Office did a study and found there was a massive turnover of employees working at screening stations in the airports.

The worst case on record was at St. Louis Lambert Airport. In 1 year, there was over a 400-percent turnover in screening employees. We learned that the people who were working in those positions were being paid slightly more than a minimum wage. They were looking out of the corner of their eye for an opportunity at the local bakery or restaurant in the airport where help might be wanted so they could move up in their career with limited training and limited pay.

As a consequence, we didn't have the kind of security in law enforcement which we should expect, particularly in light of September 11.

In my hometown of Springfield and at many airports that I have gone through in Illinois, some of the people working in the current system could not be more conscientious. They really take their jobs seriously. I want to give them credit where it is due.

But let's be honest. In the major airports and major cities, the people who are attracted to these jobs are not the kind of people you would hire off the street for a law enforcement responsibility. This is clearly law enforcement.

I was happy when the Senate debated this issue and came forward with a bill. That was led by Senator FRITZ HOLLINGS, chairman of the Commerce Committee. It was also supported and cosponsored by his colleague and ranking member, Senator JOHN MCCAIN of Arizona. In a bipartisan fashion, it came to the Senate floor and passed by 100-0. That is rather unprecedented in this Chamber.

It was a unanimous vote to take this workforce in our airports and to say once and for all that we will hire them and train them as law enforcement professionals. They will be under the Federal Government's jurisdiction just as air traffic controllers are today. They will go through background checks. They will be subjected to training that is meaningful. They will be closely supervised by law enforcement experts. They will be held to national standards. That is what the Senate bill did, 100-0.

More than 3 weeks ago, we sent that bill to the House of Representatives, asking them to respond in a timely fashion because of the terrible problems in this industry and because of the fact that some business travelers and families didn't want to get back on airplanes.

Three weeks later, the House finally brought it to a vote at the end of last week.

In the meantime, the House majority whip, Mr. DELAY of Texas, and Mr. ARMEY, the majority leader in the House of Representatives, said they were opposed to the Senate approach.

In the words of Mr. ARMEY: Using the Senate approach will create 30,000 more union members who will work for the Federal Government.

I think that clearly told the story. That vote and that debate wasn't about the merits of the issue. It was, sadly, about politics, and it should not have been.

As a result, when it came up for a vote last week, the Senate version that passed unanimously on a bipartisan fashion was rejected by the House of Representatives by four votes. The alternative that was brought up for passage passed with a substantial margin. Now we are headed to conference.

The difference between the two bills is substantial. The Senate would take this workforce in the airports and hold them to Federal standards and Federal employment and hold them to supervision and training that is uniform across the Nation. The House makes it an option for any administration to decide what they would choose in any given airport.

I believe that was a terrible decision by the House of Representatives. It is one that doesn't reflect the reality of what families are thinking when they go to an airport and go to get on an airplane.

As one clear illustration of why the House approach to aviation security is so bad, I want to tell you what happened at O'Hare International Airport in Chicago on Saturday evening.

A gentleman from Nepal came to the airport. His name is Subash Gurung. He bought a ticket to fly from Chicago to Omaha. He went to board a United Airlines flight and went through the screening station. When he walked through the metal detector, it went off. They searched him and found that he was carrying two knives on his person. They took the knives away, and he left the screening station—after they found him with two knives. He took his bag and went to the gate.

At the gate, United Airlines employees, on a random basis, chose him to look at his bag. When they opened the bag, let me tell you what they found. At the boarding gate, the man who had two knives on his person when he went through the screening vision had in his bag seven other knives, a stun gun, and a can of mace.

This man had gone through security and had been found to be armed with dangerous weapons. His bag had gone through the screening device of the Argenbright firm that is in charge of the security at the airport. All of this was ignored. All of this slipped through. It was only because of that last search at the gate that they found those weapons on this man.

There are those who believe that while looking at this situation we can patch up the security system at American airports. I am not one of them. I don't believe law enforcement should go to the low bidder. I don't think the first line of defense against terrorism should be taken on the cheek. That is

what is happening in the current system.

I might add that Argenbright and other firms have changed some of the ways they are doing business. They used to pay these screeners \$6.75 an hour at O'Hare. They have now raised that wage to \$10 an hour. That is a substantial increase. But they are still not attracting the people we need to protect us and to protect everyone in America.

I am aware of a news story in Chicago that is going to come out with additional information about the breakdown of the private screening companies in terms of the preparation of their employees since September 11. I know of the story because they came to interview me last week. They told me what they found. It is shocking and it is disgraceful.

To think Members of the House of Representatives want us to take this flawed and failing system and say this is the best we can do in America is just plain wrong. The obvious question is, If there are going to be Federal employees at the airport, who is going to pay for them?

Let me suggest who is going to pay for them. The passengers on the airplanes. I don't think it is unreasonable that we would pay an additional \$5 as a security fee for a ticket so that we can have professional law enforcement at an airport not only screening passengers but protecting the perimeter around the airport, making certain that once and for all we put a system in place that we can trust.

I ask unanimous consent that these articles from the Chicago Tribune, the Chicago Sun-Times and USA Today dated today, November 5, be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. DURBIN. Mr. President, we know that private security contractors at airports can hire quickly. But we also know that with the turnover rates they have, they will have people who will come and go. That is not in the best interest of law enforcement.

In your hometown, you would never delegate the protection of your neighborhood or your city to a contract employee. We bring people on who are public servants, people who are dedicated to law enforcement, who take the job seriously and accept the challenge of that job.

Since September 11, we have seen stories of heroes and heroines across America, and so many times they have been public employees. Those firefighters who walked up the stairs in the World Trade Center, trying to rescue people, giving their lives in the process, were public employees. The men and women in law enforcement on the ground, who lost their lives as they stood at their post trying to help people evacuate, were public employees. Many of the medical rescue workers

were public employees. Sadly, the postal employees who died over the last several weeks from the anthrax bioterrorism were public employees.

It is a reminder to all of us that so many of the men and women whom we hold up in admiration and respect time and again for their dedication and courage since September 11 have been public employees.

I think the House approach to this problem is one that will not work. It will not protect America; it will not protect our airports; and it will not return people to our airlines, which we need to do so quickly.

I am going to urge Senator HOLLINGS and all the Senate conferees to stand firm and stand fast on this issue. This is a critically important issue. We need to do this and do it right. To do it in a halfhearted fashion, as the House of Representatives has suggested, is not going to restore the confidence of America's flying public.

It is important for every Member of the Senate to consider the experience at O'Hare on Saturday night, when the current system, which the House of Representatives wants to continue with some modifications and changes here and there, utterly failed and left vulnerable a lot of unsuspecting people who were just getting on an airplane for another flight from Chicago to Omaha. It is an important lesson to be learned.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Chicago Tribune, Nov. 5, 2001]

AIRPORT SECURITY: 7 O'HARE SCREENERS SUSPENDED OVER LAPSE

(By Tom McCann and Sean D. Hamill)

Seven O'Hare International Airport security workers were suspended Sunday and are likely to be fired after they let a Chicago man pass through a security checkpoint with seven knives, a stun gun and a can of mace in his carry-on luggage, according to city aviation officials.

The man was eventually stopped and the weapons were found before he was able to board a plane Saturday. But the incident, coming two days after the House rejected a plan adopted by the Senate to federalize airport security workers, in certain to stoke the debate over how to safeguard the nation's airports.

Subash Gurung, 27, a native of Nepal, was arrested about 7:30 p.m. Saturday while waiting to board a United Airlines flight to Omaha, said Chicago Department of Aviation spokeswoman Monique Bond. Airport police said Gurung bought a one-way ticket.

Airline employees discovered the weapons during a final bag check at the gate, Bond said, part of new procedures that several airlines have adopted since the Sept. 11 attacks.

But that was after two folding knives were discovered in Gurung's pocket when he walked through a security checkpoint metal detector, police said. Bond said the knives were confiscated and police were summoned, but Gurung was allowed to continue to his gate.

Meanwhile, his bag went through an X-ray machine, but the security staff did not notice the knives or other weapons, Bond said. A search of the bag wasn't conducted even after the two knives were found, she said.

Bond would not say what led to the later search of Gurung's bag.

"Something obviously went seriously wrong here, and we're trying to find out if it's the employees' fault or the security company's fault," Bond said. "If weapons were confiscated, he should never have been let through security."

The Federal Aviation Administration and Chicago Department of Aviation have both launched investigations into the incident and will consider whether the employees should be fired and whether United should pay a fine.

The suspended workers were all employees of Atlanta-based Argenbright Security Inc., the company that runs United's screening operations at O'Hare. Three veteran employees were working the checkpoint alongside three trainees, said FAA spokeswoman Elizabeth Isham Cory. The employees' supervisor was also suspended.

"We commend all our employees who acted to apprehend this man," said United spokesman Joe Hopkins. "They did an excellent job."

Despite heightened airport security in the aftermath of the attacks, the lapse on Saturday wasn't the first. Last month, a passenger on a Southwest Airlines flight accidentally brought a gun aboard a plane in his briefcase.

Lawmakers agree steps are still needed to improve baggage and passenger screening, but the House and Senate remain divided about how best to achieve that goal.

The Senate has approved a measure that would make security screeners federal employees. The House version adopted Thursday increased federal oversight of the 28,000 screeners, but stopped short of federalizing them.

"If the system can't detect a knife and a stun gun in luggage, then you have to ask yourself whether the people are doing their job right," said U.S. Sen. Dick Durbin (D-Ill.), who supports the Senate bill that gives the Justice Department responsibility for airport security.

"I think the technology works, but you can't pay someone minimum wage and ask them to act as a law enforcement officer on the front line fighting terrorism," said Durbin at a news conference Sunday, in which he also proposed legislation to allow federal agencies to share classified information with local police.

Gurung was charged with three misdemeanor counts of unlawful use of a weapon, attempting to board an aircraft with dangerous weapons and carrying dangerous weapons. A spokeswoman for the Cook County state's attorney's office said the case was still being evaluated and more serious charges could be brought.

Gurung was released early Sunday on \$1,000 bail and is scheduled to appear in court Dec. 19. He was questioned by the FBI, who turned him over to Chicago police.

Gurung could not be reached for comment Sunday. In comments to WLS-Ch. 7, he said "It just happened out of accident, in a hurry."

He said he has worked in a warehouse but was presently unemployed.

Gurung recently moved back to Chicago with his brother, Sushil, from Minnesota, said Adam Colfax, superintendent for the apartment building in the 5700 block of North Kenmore Avenue where the Gurung brothers lived until a year ago.

Colfax said Gurung previously lived in an apartment at 1025 W. Hollywood Ave., where Ayub Ali Khan once lived. Khan has been detained by authorities as a material witness in the Sept. 11 attacks but it is unclear whether he knew Gurung.

[From USA Today, Nov. 5, 2001]

WHY RELY ON LOW-BID AIRPORT SAFETY?

(By Paul C. Light)

Now that the House has passed its own airport-security bill, the stage is set for a showdown with the Senate over who gets the 28,000 jobs. The Senate wants federal employees at the baggage machines, while the House wants private contractors.

President Bush also favors private contractors. Only days after he expressed his appreciation to federal employees for "your dedication and integrity, your commitment to excellence and your love of our country," Bush was lobbying hard to prevent passage of a measure that would have set up a new federal workforce of airport screeners.

The Bush administration, facing a civil-service system that is slow on the hiring, weak on the firing, poor on the training and sluggish on the disciplining, believes there is no other choice. As Bush has explained, the House bill provides the "quickest, most effective way to increase aviation security," particularly by ensuring "that security managers can move aggressively to discipline or fire employees who fail to live up to the rigorous new standards."

Bush's support for a contract workforce crystallizes the problems facing the federal civil service. On the one hand, federal employees would almost certainly do a better job at airport security. According to recent surveys of federal and private employees by the Brookings Institution's Center for Public Service, a federal security service would be motivated more by the job's challenge and the public good, and less by pay. Federal employees would be more satisfied with benefits and job security, and therefore less likely to leave.

On the other hand, federal workers would be less likely than private employees to get the tools, training and technologies to do their jobs well. They would be hampered by a disciplinary process that their peers believe does little to address poor performance, and would join a workforce that is under-resourced, over-reformed and generally demoralized by a half-century of pay and hiring freezes.

New employees would be joining a federal workforce that is under duress. Three out of five federal workers told the Brookings center that their organizations only sometimes or rarely have the staff needed to perform well. Many believe the past few years of reinventing government made their jobs harder. And the vast majority say the federal hiring system is slow and confusing; a quarter refuse to call it fair.

The question is not whether federal employees often succeed against the odds; they do. Rather, the question is whether the federal government can find a private workforce that can outperform federal employees on anything other than fast hiring and firing.

The answer is mixed at best.

Private airport-security contractors can hire quickly, but they're poor at retaining. From 1998 to 1999, turnover among private contractors at the 19 largest U.S. airports averaged 126%, topped 200% at five and hit 416% at Lambert-St. Louis International.

Private contractors also have trouble complying with existing regulations. Just last year, one of the largest contractors, Argenbright Security, was fined more than \$1 million for assigning new employees to its screening check-points in Philadelphia without background checks or an audit system to detect what the U.S. attorney's office called "the astonishing and widespread criminal activities that occurred in this case."

In the best of all worlds, private contractors would hire and supervise federal employees, avoiding an awful civil-service hir-

ing and firing system that hasn't been reformed in decades. But given a choice between the two workforces, federal employees should get the job. No matter how stringent the oversight, airport security is too important to consign to the lowest bidder. That is how the security function fell into disrepair in the first place.

[From the Chicago Sun-Times, Nov. 5, 2001]

COPING WITH NEW TENSIONS

O'HARE ARREST TIED TO TERROR?

(By Susan Dodge)

A Nepalese man arrested at O'Hare Airport over the weekend with several knives, a stun gun and a can of Mace gave police the same home address that belonged to a suspect questioned in the Sept. 11 terrorist hijacking investigation.

But authorities were vague on whether there was any connection between Subash Gurung, who was arrested Saturday night at O'Hare, and Ayub Ali Khan, who is being held as a material witness to the attacks. Khan was one of two men with box cutters taken into federal custody Sept. 12 on a San Antonio-bound Amtrak train.

ABC-7 reported Sunday night that Gurung was being questioned for a second time by FBI officials.

He listed 1025 W. Hollywood, a Chicago apartment building, as his home address. Khan is believed to have lived at the same address for a time, authorities said. Khan, 34, is being held in a federal detention center in New York City.

Seven O'Hare Airport security workers—including a supervisor—who allegedly let Gurung pass through their checkpoint were fired Sunday, Chicago Aviation Department spokeswoman Monique Bond said.

Gurung was within minutes of boarding a United flight to Omaha, Neb., Saturday night when the stunning security breach was detected by airline employees who searched his carry-on bag, where the weapons were located, officials said.

Security officials confiscated two knives at a security check-point, but Gurung made it to the boarding gate with seven other knives, a stun gun and Mace in his carry-on, said Bond.

Police Supt. Terry Hillard and Thomas J. Kneir, head of the local FBI office, spoke about Gurung's arrest but decided they could not charge him with a federal crime "because he didn't board an airplane," said Chicago police spokesman David Bayless.

Gurung was arrested Saturday and charged with three misdemeanors: unlawful use of a weapon, attempting to board an aircraft with a weapon and carrying a dangerous weapon, said Chicago Police Officer Matthew Jackson, a department spokesman.

Exactly how did the 27-year-old Edgewater resident make it through the terminal checkpoint, which supposedly is more secure since the terrorist attacks?

"That's the million-dollar question," Bond said Sunday.

Equally uncertain was why Gurung was allegedly carrying the items.

The Federal Aviation Administration, the city's aviation department and United Airlines all were investigating the security breach.

United gate employees checked Gurung's carry-on bag as a random bag search, part of the airline's enhanced security measures, said United spokesman Joe Hopkins.

Gurung was questioned by the FBI and then released on bond early Sunday, police said. The FBI declined to comment Sunday, referring all questions to police.

Gurung 27, told police that he's unemployed and originally from Nepal. He is scheduled to appear in court Dec. 19.

The breach was the latest by Argenbright Security Inc., which operates the checkpoint for United and has been roundly criticized for lax security and hiring workers with criminal backgrounds.

It came as Congress debated how to tighten airport security. The security lapse bolsters the case for making airport security workers federal employees, who would be higher paid and better trained, Illinois Sen. Dick Durbin said, adding, "You can't do it on the cheap."

But House Republican leaders argue that federalizing the security would expand bureaucracy and make it tougher to fire bad workers. House and Senate officials are expected to come up with compromise legislation on airport security.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

VISA ENTRY REFORM ACT

Mr. THURMOND. Mr. President, I rise today to express my strong support for S. 1267, the Visa Entry Reform Act of 2001. I am pleased to be an original cosponsor and to have contributed to the drafting of this important immigration control measure.

This bill will help America get back control of our borders. Illegal immigration has long been a serious problem in our country. Census data indicates that there are now about 7 or 8 million illegal aliens in the United States, and the problem is getting worse. This is at least double the number of illegals that were here in 1990.

The terrorist attacks of September 11 have demonstrated how dangerous it can be for us to fail to know who is coming into our country. Of the 19 men who apparently hijacked the commercial airliners on September 11, the Director of Immigration and Naturalization Service last month testified that his agency had no record of how some of them came to the United States.

The legislation would create one centralized database of all noncitizens. It would be updated as aliens entered and left the United States through a modern system of quickly swiping a card at border crossings.

Also, the database would be integrated with law enforcement and intelligence information so that all relevant agencies could share and have access to critical data. Moreover, all airlines, cruise ships, and cross-border bus lines would have to submit passenger manifests prior to departure so that foreigners could be pre-screened on the database before their arrival.

This bill would help address the rampant problem of document fraud, especially for immigration documents. It would require that all Federal identification and immigration papers, including visas and social security cards,

be fraud and tamper-resistant. Using modern technology, immigration documents would have to contain biometric data, such as photographs and fingerprints.

Further, the legislation would impose greater controls on foreigners who are here on student visas. It is noteworthy that, according to media reports, one of the hijackers from September 11 came into this country on a student visa but did not attend classes. This bill would help prevent this problem by requiring schools to report quarterly to the INS on the student's classes and whether he or she had problems with law enforcement during that period. If a foreign student dropped out, or failed to register or attend classes, the school would be required to notify the INS immediately. Further, background checks would have to be conducted prior to visas being issued, and additional background checks could be done when visas were renewed. The increased government costs for the student reforms would be paid in part through increased application fees for foreign students.

Another important provision would prohibit any visas from being issued for students from terrorist countries. While this is a significant first step, I believe we need to go further in the future and prohibit any visas from being issued to terrorist nations, except for limited refugee and humanitarian reasons.

One provision of the bill that was included at my request requires a General Accounting Office study on returning to annual registration of aliens. Annual registration is needed to determine whether temporary aliens are actually here for the reasons they were authorized to enter, such as attend school. This was a World War II-era program that was essentially abandoned about twenty years ago, although the Attorney General maintains the authority to require any classes or groups to register. I believe this reform could be very beneficial to our security. The terrorism threat we face today is no less serious than the more conventional wars we fought in the past.

I would also like to note a related problem. Increasing penalties for illegal immigration has little meaning if the laws are not followed. In a hearing which I chaired in the last Congress in the Criminal Justice Oversight Subcommittee of the Senate Judiciary Committee, we showed that many criminals, especially illegal aliens at the Southwest Border, are routinely being sentenced far below what the law requires. To control the huge number of cases on the dockets in many border states, many defendants are being sentenced far below the ranges established in the Sentencing Guidelines in exchange for guilty pleas. Often, guilty pleas are for charges much less serious than the government could provide in court.

To address this problem, we need to increase judicial and related resources

in these areas. We should increase the number of authorized judgeships at the Southwest Border, which has already been proposed, and the Senate should quickly consider judicial nominations from the President for existing vacancies in these areas. Also, these areas have inconsistent policies, and the Justice Department needs to work with these districts to create consistency. It is critical that we strictly enforce the immigration laws that are already on the books.

We need to do more this year to address the growing threat of illegal immigration. This bill is an important part of that effort, and I encourage my colleagues to support it.

TRIBUTE TO DR. FRED SAALFELD

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision and public service of Dr. Fred Saalfeld who is retiring from the Senior Executive Service, SES, where he serves as Executive Director and Technical Director of the U.S. Navy Office of Naval Research, ONR. It is a privilege for me to recognize the many outstanding achievements he has provided the Office of Naval Research, the Navy, and our great Nation.

In times of adversity and challenge, America has always been blessed with men and women who have stepped forward to fight our battles and serve our country. Dr. Fred Saalfeld is such a man, much like those Founding Fathers who were patriot scientists and dedicated public servants. I wish we had more like him.

The foundation of his professional career was laid at Southeast Missouri State University where he earned a B.S. degree cum laude with majors in Chemistry, Physics and Mathematics in 1957 and was a standout intercollegiate basketball player as well. Fred Saalfeld matriculated to Iowa State University, where he earned his M.S. in 1959 and Ph.D. in 1961, majoring in Physical Chemistry, with minors in Inorganic Chemistry and Mathematics.

Dr. Saalfeld joined the Naval Research Laboratory, NRL, in 1962, where he conducted and directed research in physical chemistry. From 1963 to 1976, he headed the Mass Spectrometry Section and later, the Physical Chemistry Branch. His research led to innovations in atmospheric monitoring and life support now widely used in nuclear submarines, firefighting gear, spacecraft and other equipment using recirculated air. In 1976, he was selected as Superintendent of the NRL Chemistry Division, where he directed programs involving approximately 250 chemists and a \$16 million budget. Dr. Saalfeld was selected as Chief Scientist and Scientific Director at the ONR Branch Office in London for the period 1979 to 1980. He returned to NRL from this special assignment. By 1982, he was Associate Director of Research for Material Sciences and Component Technology, involving over 600 scientists and a \$90 million budget.

Dr. Saalfeld was appointed Director of ONR's Research Department in 1982 and Associate Director of ONR in 1985. He was responsible for the Navy's \$220 million contract research program mostly aimed at basic research in American universities. From 1987 until 1993, Dr. Saalfeld was Director of ONR, responsible for the Navy's basic research and NRL. In 1993, he was appointed Technical Director of ONR and Deputy Chief of Naval Research. The title changed to Executive Director and Technical Director in 1998. As such, Dr. Saalfeld became responsible for the Navy and Marine Corps science and technology program. In effect, Dr. Saalfeld was the Chief Operating Officer of the Office of Naval Research, a "Department of Navy Corporation," including a budget of nearly \$2 billion and oversight of three international offices and the renowned national laboratory, the Naval Research Laboratory.

Dr. Saalfeld became a charter member of the Senior Executive Service, SES, under President Carter. President Reagan named him to the Presidential Meritorious Executive Rank in 1986, named to the Presidential Distinguished Executive Rank by President Bush in 1989, and Presidential Distinguished Executive Rank for a second time by President Clinton in 1996.

Dr. Saalfeld has been awarded Department of the Navy Meritorious, Superior and Distinguished Civilian Service Awards, and the Department of Defense Distinguished Civilian Service Award. In addition, Dr. Saalfeld has been recognized with the Captain Robert Dexter Conrad Award, the Navy's highest award for scientific achievement. He has won the Southeast Missouri State University Alumni Merit Award in 1988, been recognized by Washington Technology as one of the area's top technologists in 1989, and selected by the Federal Executive Institute as Federal Executive of the Year in 1991.

During his long and exemplary career, Dr. Saalfeld authored and co-authored more than 500 research papers, reports and presentations. He is active in scientific societies, including the Society for Applied Spectroscopy, the American Society for Mass Spectrometry, and the American Chemical Society. He is a fellow of the American Association for the Advancement of Science, served as Secretary of the American Society for Mass Spectrometry, and served as President of the Chemical Society of Washington.

I could go on and on about the contributions made by Dr. Saalfeld throughout his long and distinguished career. There are almost too many to recount. I have in mind not only his professional, technical and scientific attainments and achievements, but also the courage with which he faces personal challenges, and the easy grace with which he wins friends. For Dr. Fred Saalfeld considers the entire community of military personnel, civilian employees and contractors who serve

at ONR headquarters, at the NRL, and ONR offices and facilities throughout the world to be his family. He supported their research, provided opportunities to exercise initiative in diverse scientific fields, and championed their achievements. But most importantly, he has been friend, counselor, and mentor to many hundreds of people in the Navy and scientific communities.

Dr. Saalfeld's most lasting legacy may not be his own discoveries, and may not even those that took place under his direction and supervision, although that record would be a great legacy for any person. His most lasting legacy may be achievements in science and technology that take place in the future, realized by scientists encouraged to serve the Navy and their country by following the example of Dr. Fred Saalfeld. Dr. Saalfeld has spent four decades ensuring our nation and its naval forces have been equipped with technological supremacy to ensure victory over America's enemies. As America enters the 21st Century and faces new and unsettling changes, the scientific discoveries and technological achievements Dr. Saalfeld has nurtured will continue to ensure our strength and freedom.

There are many impressive scientists and leaders in technological innovation in America. It is a feature that keeps America a global leader and a prosperous, secure society. There are few who have dedicated their lives to ensuring that we make necessary investments to guarantee future leadership. Fred Saalfeld is one who has exhibited this dedication. In the university and federal research community, Dr. Saalfeld is a living legend and the "soul of federal research investment."

We in the Senate wish Dr. Saalfeld all the best in his future endeavors, with fair winds and following seas as he sets off to address new challenges and makes even more contributions to this land of liberty. May God continue to bless Fred Saalfeld, his loving wife Liz, and the United States of America.

LEGISLATIVE BRANCH APPROPRIATIONS

Mr. DORGAN. Mr. President, I rise to thank the managers of this bill for including \$1.25 million for the Congressional Cemetery in the fiscal year 2002 legislative branch appropriations bill. I particularly want to recognize the good work of Chairman DURBIN and Carrie Apostolou of his staff for their efforts to include funding for repairs and upgrades to the Congressional Cemetery. I also appreciate the assistance I have received from the Architect of the Capitol and the Congressional Cemetery Association as I have worked with my colleagues to secure this funding.

Earlier this year, I spoke on the floor of the Senate about the need for some funding to make some repairs to the Congressional Cemetery east of Capitol Hill. The cemetery has fallen into some

disrepair over the years and it is in some ways a rather forlorn place. When I spoke on this issue last April, I asked my colleagues to find the resources to restore dignity to our Congressional Cemetery. I am very pleased that this bill contributes to this effort.

My interest in this funding began after seeing a Library of Congress exhibit on the Congressional Cemetery. In particular, I became interested in learning more about the Native Americans who are buried in that cemetery and through research, I came across the name of Scarlet Crow. Scarlet Crow, a member of the Wahpeton-Sisseton Sioux Tribe, died in Washington, DC, under mysterious circumstances in 1867, and was buried in the Congressional Cemetery.

So I visited the cemetery last spring to locate his tombstone. This visit prompted me to ask my colleagues on the Senate Appropriations Committee for this funding, and I am very pleased with their response.

It is my hope that this funding will honor the memory of Scarlet Crow by restoring dignity to his final resting place. This funding is a tribute to this dedicated Native American, Scarlet Crow, whose life came to such a tragic and untimely end in our Nation's Capital.

HOLD TO H.R. 3211

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have lodged an objection to the Senate proceeding to H.R. 3211 or any other legislation dealing with financial netting contracts inside and outside of bankruptcy. While I support these changes to financial netting, I strongly believe that these changes must be enacted as a part of the comprehensive bankruptcy reform bill. I would hate to see the opponents of bankruptcy reform our financial markets at risk solely to satisfy the ideological objections of some members of Congress.

My advice to those advocates of a netting-only bill is that if they would put as much effort into getting the entire bankruptcy bill passed as they have put into the separate netting bill, the netting provisions would have been law months ago.

ADDITIONAL STATEMENTS

SHOLL'S CAFETERIA

• Mr. CLELAND. Mr. President, I come before you today speaking not simply for myself, but on behalf of the countless thousands of people who have frequented Sholl's Cafeteria in the seventy years since it opened. It is easy enough to use the word "served" when speaking of what almost any restaurant does; when speaking about Sholl's, though, the word takes on a very special and unique meaning.

The history of Sholl's here in Washington is one of community, great food,

and a deep caring for all patrons. Aside from established prices that afford nearly everyone an opportunity to enjoy a hot meal, Sholl's also has a policy of never turning away a hungry person. As Sholl's fights against modern economics in hopes of staying alive, it is essential that we rally to help this great institution.

At this time I ask to have printed in the RECORD a letter from Jim McGrath to the Washington Post which I believe helps shed more light on what this establishment means to Washington and its citizens.

The letter follows.

As the nation mobilizes to combat the insidious foe of terrorism, another drama of a far different kind and scope is playing itself out in downtown Washington—the struggle for survival of Sholl's Cafeteria. Despite heroic sacrifice and Herculean labors by many—most notably its beloved proprietors, George and Van Fleishell—absent a substantial financial remedy, Sholl's will be forced to close its door as soon as Oct. 31.

The Sholl's story could easily get lost amid the tumult of our national preoccupation and suffering in the wake of September 11, but that would be a profound shame, because the cafeteria's story has been one of special triumphs: of old-fashioned, all-American food, wonderfully prepared and wonderfully served; of human pricing, so that nearly anyone can afford to eat there; of multiculturalism, with terrific employees, many there for generations, reflecting every spectrum of the human family; of kindness, with an atmosphere that welcomes everyone. It is a story of the triumph of charity, Sholl's has given away enough free food to feed an army 100 times over. During the past several years, however, Sholl's has suffered from the decline in downtown dining. Its tour-bus trade has eroded because of the weak economy. It has endured bus-unfriendly parking restrictions. It has had to deal with prolonged building renovation and reconstruction while paying a huge rent. It has been put through the economic wringer.

Now another mobilization is needed to save this beloved institution. I am not alone in expressing those sentiments. They have been voiced by many, from the high and the mighty to the mighty humble. They have come from legions of senior citizens, bus loads of squealing kids and homeless people.

On August 10, 1999, for example, the World Bank wrote to the cafeteria's owners: "You are correct to characterize Sholl's as a charitable landmark. It would be a significant loss to our neighborhood if you were to close your doors, particularly for the large number of senior citizens, young kids, disabled and homeless people whom you serve."

On July 8, 1998, U.S. Sen. Max Cleland of Georgia read into the Congressional Record, "Patrons of Sholl's have described members of the Sholl family, who have owned and operated Sholl's over the last 70 years, as having the biggest hearts in Washington."

On March 7, 1999, Mike Kirwan, the late, great apostle to the homeless, said, "The stories I've heard from people on the streets, their quiet moments of dignity, respect, warmth and a full and nourishing meal at the hands of this wonderful cafeteria could fill a book of essays."

Possibly, the one who said it best, though, was a child who, on arrival from Pennsylvania on a school bus, told a WTOP reporter, "If it weren't for Sholl's Cafeteria, we couldn't afford to come to Washington."

The hour is late, and the odds are long. Although some say the time for Sholl's has

past, I profoundly disagree, and I hope others do too. Long live Sholl's Cafeteria.●

COMMENDING THE SERVICE OF NORTHEAST-MIDWEST INSTI- TUTE BOARD MEMBER STEVE ADAMS

● Ms. COLLINS. Mr. President, I rise to commend the service of Steve Adams, who is ending his term on the Board of Directors for the Northeast-Midwest Institute. Steve has offered exceptional service to the Institute, and in the process helped to improve our region's economic development and environmental quality. The Northeast-Midwest Institute provides policy analysis for the bipartisan Northeast-Midwest Senate Coalition, which I co-chair with Senator JACK REED of Rhode Island. Steve Adams, whom I met when he directed the Maine State Planning Office, is now with the Pioneer Institute in Boston. He was formerly a vice president with the Initiative for a Competitive Inner City, debt management assistant in the Office of the Treasurer for the Commonwealth of Massachusetts, and a senior policy analyst with the Massachusetts Taxpayers Foundation.

I want to thank Steve Adams for his leadership on the Northeast-Midwest Institute's Board of Directors. He has provided valued service and helped increase that organization's reputation and effectiveness.●

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred June 18, 1993 in Auburn, AL. A gay man allegedly was taunted and beaten at a restaurant. The assailant, Wayne Johnson, was convicted of harassment, fined \$100 plus court costs and given a 30-day suspended sentence.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on November 2, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

Under the authority of the order the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on November 2, 2001.

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-4511. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the pending accession to the World Trade Organization of the Republic of Vanuatu; to the Committee on Finance.

EC-4512. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report relative to the notification of the growth of real gross national product during the third calendar quarter of 2001 indicated that growth was less than 1.0 percent; to the Committee on the Budget.

EC-4513. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Executive Office for Immigration Review; Review of Custody Determinations" (RIN1115-AG41) received on October 31, 2001; to the Committee on the Judiciary.

EC-4514. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Annual Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4515. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2002-03, relative to Waiver and Certification of Statutory Provisions Regarding the Pal-

estine Liberation Organization; to the Committee on Foreign Relations.

EC-4516. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Immigrants Under the Immigration and Nationality Act, As Amended—Issuance of New or Replacement Visas" (22 CFR Part 42) received on October 31, 2001; to the Committee on Foreign Relations.

EC-4517. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Labor Organization Convention Number 183 and Recommendation Number 191 concerning the Revision of the Maternity Protection Convention (Revised), 1952; to the Committee on Foreign Relations.

EC-4518. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4519. A communication from the Senior Regulations Analyst, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Disability in Air Travel" (RIN2105-AC81) received on October 29, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4520. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Denial of Vessel Transfer to Foreign Registry Upon Revocation of Fishery Endorsement" (RIN2133-AB44) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4521. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Mosby, MO; confirmation of effective date" ((RIN2120-AA66)(2001-0164)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4522. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Kalispell, MT" ((RIN2120-AA66)(2001-0163)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4523. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Operational Quality Assurance Program" ((RIN2120-AF04)(2001-0001)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4524. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stafford, VA" ((RIN2120-AA66)(2001-0167)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4525. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sharon, PA" ((RIN2120-AA66)(2001-0166)) received on October 31, 2001; to the

Committee on Commerce, Science, and Transportation.

EC-4526. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ankeny, IA; direct final rule; request for comments" ((RIN2120-AA66)(2001-0165)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4527. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Clinton, AR; direct final rule; confirmation of effective date" ((RIN2120-AA66)(2001-0170)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4528. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway V-358; TX" ((RIN2120-AA66)(2001-0163)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4529. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Pittsburgh, PA" ((RIN2120-AA66)(2001-0168)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4530. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta SpA Model A109E Helicopters" ((RIN2120-AA64)(2001-0537)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4531. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 206L-4 Helicopters" ((RIN2120-AA64)(2001-0536)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4532. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA 365N1, SA 365N2 and SA 366G1 Helicopters" ((RIN2120-AA64)(2001-0535)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Mark W. Everson, of Texas, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. DAYTON:

S. 1629. A bill to provide farmers with better prices and higher profits through the marketplace; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CARNAHAN (for herself, Mr. GRASSLEY, Mr. LEAHY, Mr. BOND, Mr. HARKIN, Mr. SESSIONS, and Mr. BROWNBACK):

S. 1630. A bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Mrs. CLINTON):

S. 1631. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to conduct a study to determine the resources that are needed for development of an effective nationwide communications system for emergency response personnel; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. 1632. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance of predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households; to the Committee on Environment and Public Works.

By Ms. COLLINS:

S. 1633. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS:

S. 1634. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated by the Commissioner of Food and Drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 895

At the request of Mr. KERRY, the names of the Senator from Connecticut

(Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 895, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1094

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1094, a bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1556

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1556, a bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001.

S. 1600

At the request of Mr. DAYTON, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1600, a bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs.

S. 1627

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 1627, a bill to enhance the security of the international borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAYTON:

S. 1629. A bill to provide farmers with better prices and higher profits through the marketplace; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DAYTON. Mr. President, I rise today to introduce The Farm Income Recovery Act. Its objective is to produce better prices and higher profits through the marketplace. It thus addresses the principal failures of the current farm law, the so-called Freedom to Farm bill which was passed by the Congress in 1996.

Freedom to Farm has, unfortunately, contributed to disastrously low market prices for agricultural commodities. Congress has thus been forced to appropriate disastrously high taxpayer subsidies in order to save American farmers from bankruptcy.

Mr. President, Freedom to Farm was conceived with a laudable goal—to get the Federal Government out of agriculture. Farmers were free to plant whatever crops they chose, and commodities supports were then to be phased out during the life of the legislation. Unfortunately, U.S. domestic farm prices collapsed in the aftermath of Freedom to Farm.

In October 1996, just before the Freedom to Farm legislation began, the price of a bushel of soybeans in Minnesota, my home State, was \$6.84. In October of 2001, just last month, the price of that same bushel of soybeans was \$4.05. In October of 1996, a bushel of corn brought Minnesota farmers \$2.68. In October of 2001, it was only \$1.60. The price of a bushel of wheat fell during those same 5 years from \$4.27 to \$3.

In order to prop up farm income, Federal payments have soared during these 5 years. Last year, total Federal payments for all of agriculture totaled nearly \$30 billion—by far, a record high—which almost equaled total net farm income. In other words, without Federal subsidies, there would be no net profit in American agriculture. Clearly, we must find another strategy, and that is the enormous task confronting the Senate Agriculture Committee, on which I am proud to serve.

Our distinguished chairman, Senator HARKIN, and the previous chairman, now our ranking member, Senator LUGAR, have held many worthwhile hearings throughout this year. Just about every farm organization has testified. My colleague from Minnesota, Senator PAUL WELLSTONE, also a member of the Agriculture Committee, and I have held field hearings throughout Minnesota. Additionally, both of us have held many meetings with groups of farmers, producers, and processors throughout our State.

The product of all of the hearings, meetings, and discussions with Minnesota farmers is, for me, this Farm Income Recovery Act. As I said before, its objective is to help produce higher prices in the U.S. domestic commodity markets so that farmers can earn real profits, thus reducing or eliminating the need for Government subsidies. That is the best way to reduce the costs of farm programs—to reduce the need for them. And until we restore market prices to profitable levels, our choice will continue to be between either more subsidies or more bankruptcies.

My Farm Income Recovery Act has four major components. The first is higher loan rates: \$3.88 for wheat, \$2.40 for corn, \$5.36 for a bushel of soybeans, \$2.40 for sorghum, \$2.40 for barley, \$60.65 a hundredweight for cotton, and \$8.61 a hundredweight for rice.

Secondly, it targets these higher loan rates, limiting them to certain amounts of production. It does not prevent farmers from producing more and more, but it says that we are going to limit these nonrecourse market loans to certain levels of production, which are set forth in the legislation. If a farmer wants to get bigger, wants to produce more and more of these commodities, he or she is certainly entitled to do so, but then they are on their own. The amount of production above these levels is subject to recourse loans, which have to be repaid with interest to the Federal Government. This means if the producers who want to get larger and larger decide to do so, they are not then going to be dependent upon the taxpayers of America; they are going to be standing on their own.

Third, it establishes commodity reserves in order to help control the supply and, thus, help farmers decide at what prices they want to sell their commodities. It re-establishes a farmer-owned reserve program, which was one of the best features of previous farm legislation and which was one of the unfortunate casualties of the 1996 farm bill.

It establishes a humanitarian food reserve fund through the Federal Government, through which the Federal Government can hold food commodities in reserve for the kinds of humanitarian efforts we see underway today in Afghanistan.

It sets up a renewable energy reserve—which ties in nicely with another important feature of the farm bill which Senator HARKIN has championed over the years and in our discussions of the last few months, alternative and renewable fuels in our country—to really boost the Federal incentives and support for ethanol, soy diesel, another promising biofuel which I have introduced other legislation to promote.

As we encourage the use of these alternative and renewable fuels in our country, we are going to need to hold food commodities in reserve so we can assure consumers that there are going

to be sufficient resources. We may reach the day in this country where we have such demand for ethanol and for soy diesel, that we need to go into this Government-held energy reserve in order to generate the additional supplies necessary to meet that demand. Not only would that be good for our oil independence, it would be a great contribution to a cleaner environment. It would boost domestic prices for corn, soybeans, and for other commodities that can be used for either ethanol or soy diesel production in ways that would, again, stimulate our domestic markets and reduce the need for taxpayer subsidies.

Finally, the Farm Income Recovery Act establishes a voluntary program that, in periods of increased supply, will allow the Secretary of Agriculture to raise these loan rates for farmers who voluntarily set aside a certain percentage of their acreage for conservation; thus, in combination with our existing conservation programs, it will encourage better conservation practices by farmers, again, through positive marketplace incentives.

Mr. President, I ask unanimous consent that a summary of my legislation, as well as the actual legislation, be printed in the RECORD at this point.

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

S. 1629

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

SEC. 101. DEFINITIONS.

Section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) **CONSIDERED PLANTED.**—The term ‘considered planted’ means—

(A) any acreage that producers on a farm were prevented from planting to a crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm; and

(B) such other acreage as the Secretary considers as fair and equitable”;

(1) by striking paragraph (4) and inserting the following:

“(4) **CONTRACT ACREAGE; LOAN ACREAGE.**—The terms ‘contract acreage’, and ‘loan acreage’ mean (at the option of eligible owners or producers on a farm)—

“(A) the total crop acreage bases established for all contract commodities and loan commodities under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) that would have been in effect for the 1996 crop (but for suspension under section 171 (b)(1)); or

“(B) the average number of acres planted and considered planted to all contract commodities and loan commodities, respectively, during the 1996 through 2001 crop years, excluding any crop year in which such commodities were not planted or considered planted, on the farm.”;

(2) by striking paragraph (9) and inserting the following:

“(9) **FARM PROGRAM PAYMENT YIELD.**—The term ‘farm program payment yield’ means the average yield per planted acre for a crop for a farm for the 1996 through 2001 crop years, excluding any crop year during which—

“(A) producers on the farm were prevented from planting the crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm; or

“(B) the crop was not planted or considered planted on the farm.

SEC. 201. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

AMENDMENT TO THE AGRICULTURAL MARKET TRANSITION ACT.—Title I of the Agricultural Market Transition Act (7 U.S.C. 7201) is amended by inserting after Subtitle H the following new subtitle:

“Subtitle I—Counter-Cyclical Economic Assistance for the 2002 Through 2008 Crops—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

“SEC. 131A. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS.

“(a) NONRECOURSE LOANS AVAILABLE.—For each of the 2002 through 2008 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 132A for the loan commodity.

“ELIGIBLE PRODUCTION.—Any production on a farm of a program participant of a loan commodity shall be eligible for a marketing assistance loan under subsection (a) subject to the limitations established in paragraphs (1), (1)(A), (1)(B) and (2) conditions established in section 202.

“(1) Except as provided in section 202, the producers on a farm shall be eligible for a marketing assistance loan for a quantity of a loan commodity for a crop year under subsection (a) obtained by multiplying—

“(A) the number of acres planted to each loan commodity on the farm; by

“(B) the farm program payment yield for the loan commodity on the farm.

“(2) MAXIMUM NUMBER OF ACRES.—The producers on a farm shall not be eligible for a marketing assistance loan for production on acres planted to loan commodities in excess of the total program crop loan acreage for the farm.

“(b) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with the applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

“(c) ADDITIONAL OUTLAYS PROHIBITED.—The Secretary shall carry out this subtitle in such a manner that there are no additional outlays as a result of the reconstitution of a farm that occurs as a result of the combination of another farm that does not contain eligible cropland covered by a production flexibility contract for the 1996 through 2002 crops.

“(d) OPTION TO PARTICIPATE WITH RESPECT TO 2002 CROP.—Under such terms and conditions as may be prescribed by the Secretary, a producer may terminate the production flexibility contract in effect for the 2002 crop, and thus forgo any right to a contract payment for the 2002 crop, in order to participate in the marketing loan assistance provided under this subtitle for the 2002 crop.

“(e) FULL PLANTING FLEXIBILITY PROVIDED.—Notwithstanding section 118 of Subtitle B, or any other provision of this Act, any commodity or crop may be planted on contract acreage or other acreage on a farm.

“(f) USE OF COMMODITY CERTIFICATES.—Notwithstanding any other provision of law, including section 115 of this Act, the Secretary may not make use of commodity certificates or the commodity loan redemption certificate program for the purposes of this subtitle, or any other purpose.

“SEC. 132A. LOAN RATES FOR MARKETING ASSISTANCE LOANS.

“(g) GENERALLY.—Loan rates for crops eligible for marketing assistance loans under section 131A for any loan commodity, as defined in section 102, to mean wheat, corn, grain sorghum, barley, oats, upland cotton, rice, extra long staple cotton, and oilseeds, including soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, and other oilseeds, if designated by the Secretary, shall be established in accordance with this section.

“(h) ANNUAL DETERMINATION.—The Secretary shall, for each of the 2002 through 2008 crops, make an annual determination, in accordance with subsections (c) and (d), to establish the national and individual loan rate for each loan commodity.

“(i) NATIONAL AVERAGE LOAN RATE.—The national average commodity marketing loan rate for each loan commodity shall be established at a rate—

(1) after making weighted county loan rate adjustments, that is not less than 80 percent of the three year moving average of the full economic cost of production per unit per planted acre, and annually adjusted for both the percentage change in variable production input expenses, and productivity changes as determined by the Economic Research Service using the best and most recently available data

“(2) for each of the 2002 crops, the national average loan rate is not less than—

“(A) for Wheat: \$3.88 per bushel;

“(B) for Corn: \$2.40 per bushel;

“(C) for Soybeans: \$5.36 per bushel;

“(D) for Upland Cotton: \$60.65 per hundredweight;

“(E) for Rice: \$8.61 per hundredweight; and

“(3) for the 2002–2011 crops of feed grains and other loan commodities closely related to those identified in paragraph (2), the Secretary shall determine the rate at a level that is fair and reasonable in relation to the rate provided for the closely related commodity.

“(j) For producers of program commodities who exceed the limitations established in Section 202 of this Act, the Secretary shall provide, recourse commodity marketing loans subject to the agreement of eligible producers as a condition for receiving such commodity marketing loans that the producer agrees to repay the Commodity Credit Corporation, on or before the maturity of such loans, the full amount of the loan principal plus any accrued interest on those loans.”

“INDIVIDUAL MARKETING LOAN RATES.—The national average commodity marketing loan rates established under subsection (c) shall be adjusted to establish individual marketing loan rates for eligible producers in accordance with the provisions of this subsection.

(1) “PAYMENTS IN LIEU OF LOANS.—For payments under this subtitle taken in lieu of loans, including loan deficiency payments made under section 135A of this subtitle, the Secretary shall develop a similar methodology as described in paragraphs (1) through (3). The methodology shall assume for the purposes of establishing the loan deficiency payment that the marketing loan was actually taken by the producer.”

“SEC. 133A. TERM OF LOANS.

“(a) TERM OF LOANS.—In the case of each loan commodity (other than upland cotton

and extra long staple cotton), a marketing assistance loan under section 131A shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

“(b) SPECIAL RULE FOR COTTON.—A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the month in which the loan is made.

“(c) EXTENSIONS ALLOWED.—The Secretary may extend the term of a marketing assistance loan for any loan commodity for the purpose of establishing or maintaining any of the commodity reserves established under the Agricultural Act of 1949.

“SEC. 134A. REPAYMENT OF LOANS.

“(d) REPAYMENT RATES FOR WHEAT, FEED GRAINS, AND OILSEEDS.—The Secretary shall permit a producer to repay a non-recourse marketing assistance loan under section 131A for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—

“(1) the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

“(2) a rate that the Secretary determines, consistent with the policies and purposes of section 110A of the Agricultural Act of 1949, will—

“(A) minimize potential loan forfeitures;

“(B) minimize the accumulation of stocks of the commodity by the Federal Government;

“(C) minimize the cost incurred by the Federal Government in storing the commodity; and

“(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

“(e) REPAYMENT RATES FOR UPLAND COTTON AND RICE.—The Secretary shall permit producers to repay a non-recourse marketing assistance loan under section 131A for upland cotton and rice at a rate that is the lesser of—

“(1) the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

“(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

“(f) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary).

“(g) PREVAILING WORLD MARKET PRICE.—For purposes of this section, the Secretary shall prescribe by regulation—

“(1) a formula to determine the prevailing world market price for each commodity, adjusted to United States quality and location;

“(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity;

“(3) further adjustments to the prevailing world market price for upland cotton, as described in subsection (e) of section 134 of this Act.

“SEC. 135A. LOAN DEFICIENCY PAYMENTS.

“(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a non-recourse marketing assistance loan under section 131A with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this section.

“(b) COMPUTATION.—A loan deficiency payment under this section shall be computed by multiplying—

“(1) the loan payment rate determined under subsection (c) for the loan commodity; by

“(2) the quantity of the loan commodity that the producers on a farm are eligible to place under the non-recourse commodity marketing loan but for which the producers forgo obtaining the loan in return for payments under this section.

“(c) LOAN PAYMENT RATE.—For purposes of this section, the loan payment rate shall be the amount by which—

“(1) the loan rate established under section 132A for the loan commodity; exceeds

“(2) the rate at which a loan for the commodity may be repaid under section 134A.

“(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.”.

SEC. 202. PROGRAM TARGETING.

(a) APPLICABILITY OF PAYMENT LIMITATIONS.—Except as provided in subsections (b-d), the provisions of sections 1001 through 1001C of the Food Security Act of 1985, as amended, shall be applicable to contract payments made under this Act for the 2002 crops.

(b) SINGLE ATTRIBUTION.—The Food Security Act of 1985 is amended by adding after section 1001E, the following section—

“(b) SINGLE ENTITY.—Notwithstanding any other provision of this Act, the limitations on payments provided in Sections 1001 through 1001C shall apply to a single farming or ranching entity. Payments to a single farming entity shall not exceed the payment limitations provided under this Act, the Agricultural Act of 1949, or any other law.

“(c) USE OF TAX IDENTIFICATION NUMBER.—The Secretary shall promulgate regulations to ensure that the payment limitations of this title are enforced through a single attribution rule. Payments to a single farming or ranching entity, as described or identified by employer tax identification number, shall not exceed the applicable payment limitation amount. Notwithstanding any other provision of law, such regulations issued by the Secretary shall eliminate the multiple or three-entity allowance.

“(d) PARTNERSHIPS AND RELATED ENTITIES.—With respect to partnerships and related entities which are not organized as sole-proprietorships, benefits available under the marketing loan provisions of Subtitle I of the Agricultural Act of 1949 shall be allocated according to the share of production and market risk assumed by each member of the entity.”.

(c) LIMITATION ON ELIGIBILITY OF OTHER ENTITIES.—No individual, organization or institution with annual gross income in excess of \$2 million shall be eligible for commodity marketing loan program benefits if agricultural production does not account for at least 75% of that entity's annual gross income.

(d) LIMITATION ON ELIGIBILITY FOR NON-RE-COURSE COMMODITY MARKETING ASSISTANCE LOANS.—Notwithstanding any other provisions of sections 1001 through 1001C of the Food Security Act of 1985 and subject to the provisions contained in Section 202, subsections (a) through (d) of this act, the Secretary shall establish a maximum number of commodity production units for each program crop per individual producer that are eligible for non-recourse commodity marketing assistance loans.

(e) In fulfilling the requirements of subsection (d), the Secretary shall ensure producer flexibility to determine which crops and the percentage volume of those crops on which the producer may receive program benefits, except that in no instance shall a producer be entitled to receive benefits on a volume of production that exceeds one hun-

dred percent of the production for an individual crop or the sum of percentages of the maximum eligible volume of production from two or more eligible crops.

(f) The quantity limitations established by the Secretary shall not be more than ten percent greater or ten percent less than the quantities for each crop described in subsection (a).

(a) Wheat—125,000 bushels, Corn—225,000 bushels, Sorghum—225,000 bushels, Barley—225,000 bushels, Oats—250,000 bushels, Rice—75,000 hundredweight, Upland Cotton—10,500 hundredweight, Extra Long Staple Cotton—12,500 hundredweight, Soybeans—100,000 bushels, Minor Oilseeds—60,000 hundredweight.

SEC. 203. COMMODITY RESERVES.

AMENDMENT TO THE AGRICULTURAL ACT OF 1949.—Title I of the Agricultural Act of 1949 is amended by adding after section 110 the following new section:

“(g) SEC. 110A. COMMODITY RESERVES.

FARMER OWNED PRODUCTION LOSS RESERVE.—

“(1) PURPOSE.—It is the purpose of this subsection to create a farmer owned reserve to provide—

“(A) stocks to be released to the marketplace when prices rise to appropriate levels; and

“(B) a reserve that may be utilized to provide additional production assurance and economic support to supplement the Federal Crop Insurance Program, and for other purposes.

“(2) ESTABLISHMENT.—The Secretary shall establish and administer a farmer-owned and farmer-stored reserve program under which producers of agricultural commodities will be able to—

“(A) store agricultural commodities when those commodities are in abundant supply;

“(B) extend the time period for the orderly marketing of the commodities;

“(C) provide for adequate carry over stocks to ensure a reliable supply of commodities;

“(D) replace lost production or declines in crop yields for agricultural producers that participate in the Federal Crop Insurance Program; and

“(E) such other purposes which will assist farmers bear the economic uncertainty of agricultural production, or provide for the orderly marketing of agricultural commodities.

“(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the “Farmer Owned Production Loss Reserve”.

“(4) RESERVE OPEN.—The reserve shall initially be open to all agricultural producers to enter up to 20 percent of average annual individual production of crops determined eligible by the Secretary. Additional amounts may be accepted up to the maximum allowable national level established under paragraph (9). No individual may enter more than 20 percent of average annual production of the commodity.

“(5) EQUITABLE PARTICIPATION.—The Secretary shall ensure that equitable participation opportunities are provided to all eligible producers within the limited scope of the reserve program authorized by this subsection.

“(6) PRICE SUPPORT LOANS AND DIRECT ENTRY.—In carrying out this section, the Secretary shall provide both—

“(A) for direct entry into the reserve; and

“(B) extended price support loans, and loan discounts, for agricultural commodities. An extended loan shall be made to a producer after the expiration of the original 9-month price support loan, and the loan shall be extended at no less favorable terms than the current rate of support for the commodity.

“(7) PRODUCTION LOSSES.—

“(A) GENERALLY.—The Secretary shall administer a program to utilize the commodity reserve authorized by this subsection to allow agricultural producers that participate in the Federal Crop Insurance Program to—

“(i) under certain conditions, redeem and market reserve commodities at a discount to the entry level price; and

“(ii) use stocks in the reserve to offset a portion of actual insurable production losses not indemnified through multi-peril or other buy-up crop insurance policies.

“(B) LOAN REPAYMENTS.—Under the program authorized by this paragraph, the Secretary shall discount the repayment amount of the loan or extended loan if the actual production of the commodity on the farm for any crop year, as provided in paragraph (C), is less than the actual production history established for the farm. The amount of this discount shall be determined by the Secretary after considering anticipated payments from the Federal Crop Insurance program, costs of production, and other factors in order to provide support to the producer for the full value of lost crop or reduced yield.

“(C) REPLACEMENT FOR PRODUCTION.—The Secretary shall utilize the reserve to fully replace lost production for a producer when actual production yields for the commodity for the crop year on the farm is less than 95 percent of the actual production history established for the farm.

“(D) LIMITATION.—At no time may the reserve be utilized to assist any producer in excess of 20 percent of individual annual production.

“(8) STORAGE PAYMENTS.—The Secretary shall also provide storage payments to producers of agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

“(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

“(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

“(C) not be less than comparable commercial rates, except as provided by paragraph (B).

“(9) QUANTITY OF COMMODITIES IN PROGRAM.—The Secretary shall establish maximum quantities of commodities that may receive loans and storage payments under this subsection in such reasonable amounts as will enable the purposes of the program to be achieved. In no event may the reserve exceed 20 percent of the average annual production of the agricultural commodity.

“(10) DISCRETIONARY EXIT.—A producer may repay a loan extended under this section at any time.

“(h) HUMANITARIAN FOOD ASSISTANCE RESERVE.

“(1) PURPOSES.—It is the purpose of this subsection to create a food reserve that will—

“(A) ensure the capacity of the United States to fulfill its current and future commitments for humanitarian nutrition assistance programs;

“(B) support the International School Lunch Program which will seek to prevent hunger and malnourishment and improve educational opportunities among the estimated 300 million needy school children around the world; and

“(C) for other purposes to meet domestic and international humanitarian food relief needs, and to establish and maintain a food reserve to enable the United States to meet its emergency food assistance needs.

“(2) ESTABLISHMENT.—The Secretary is authorized to establish and administer a government-owned and farmer-stored reserve

program under which producers of agricultural commodities will be able to—

“(A) sell agricultural commodities authorized by the Secretary into the reserve; and

“(B) store such agricultural commodities.

“(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the “Humanitarian Food Assistance Reserve”.

“(4) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

“(A) such commodities are in abundant supply; and

“(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

“(C) it is otherwise necessary to fulfill the needs and purposes of the domestic and international nutrition assistance programs administered or assisted by the Secretary.

“(5) LIMITATION.—Purchases under this subsection shall be limited to amounts of agricultural commodities needed to fill one-year estimated needs and commitments of the nutrition programs supported by the reserve. Otherwise, the Secretary may establish maximum quantities of commodities in such reasonable amounts as will enable the purposes of the program to be achieved.

“(6) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

“(7) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers that wish to store agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

“(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

“(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

“(C) not be less than comparable local commercial rates, except as may be provided by paragraph (B).

“(8) QUANTITY OF COMMODITIES IN PROGRAM.—The Secretary may establish maximum quantities of commodities that may receive loans and storage payments under this subsection in such reasonable amounts as will enable the purposes of the program to be achieved.

“(9) MANAGEMENT OF COMMODITIES.—When ever fungible commodities are stored under this subsection, the Secretary may buy and sell at an equivalent price, allowing for customary location and grade differentials, substantially equivalent quantities of commodities in different locations or warehouses to the extent needed to handle, rotate, distribute, and locate the commodities that the Commodity Credit Corporation own or controls. The Secretary shall make purchases to offset such sales within a reasonable time, and shall make public full disclosure of such transactions.

“(i) RENEWABLE ENERGY RESERVE.

“(1) PURPOSES.—It is the purpose of this subsection to create a reserve of agricultural commodities to—

“(A) provide feedstocks to support and further the production of the renewable energy; and

“(B) support the renewable energy industry in times when production is at risk of de-

cline due to reduced feedstock supplies or significant commodity price increases.

“(2) ESTABLISHMENT.—The Secretary is authorized to establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

“(A) sell agricultural commodities authorized by the Secretary into the reserve; and

“(B) store such agricultural commodities.

“(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the “Renewable Energy Reserve”.

“(4) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

“(A) such commodities are in abundant supply; and

“(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

“(C) it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

“(5) LIMITATION.—Purchases under this subsection shall be limited to—

“(A) the type and quantities of agricultural commodities necessary to provide approximately one-year's estimated utilization for renewable energy purposes;

“(B) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

“(C) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

“(6) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

“(7) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

“(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

“(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

“(C) not be less than comparable local commercial rates, except as may be provided by paragraph (B).

“(j) COMMODITY CREDIT CORPORATION.—The Secretary shall use the Commodity Credit Corporation, to fulfill the purposes of this subsection. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this subsection, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.”.

SEC. 204. DISCRETIONARY INVENTORY MANAGEMENT AND PROGRAM COST-CONTAINMENT.

(a) SHORT TITLE.—This section may be cited as the “Discretionary Inventory Management, Program Cost-Containment, and Fiscal Responsibility Act of 2001”.

(b) AMENDMENTS TO THE FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT.—

Subtitle F of title I of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7201) is amended by—

(1) striking out the subtitle heading and inserting the following new heading—

“Subtitle F—Permanent Authorities

“Chapter 1—Price Support; and

(2) by adding at the end the following new chapter—

“Chapter 2—Discretionary Inventory Management and Program Cost-Containment

“SEC. 173. DISCRETIONARY INVENTORY MANAGEMENT AUTHORITY.

“(a) GENERALLY.—Notwithstanding any other provision of this Act, or the Agricultural Act of 1949, the Secretary may establish a voluntary inventory management program for loan commodities under the provisions of this section. Such program shall be established on a whole farm basis and shall include total program crop acreage for the farm.

“(b) INCENTIVES OFFERED.—The Secretary may offer incentives, as defined in subsection (f), to agricultural producers of loan commodities that agree to forgo production on a specified percentage of the acreage planted to eligible commodities. The production management program may be announced when the Secretary determines that the estimated total supply of loan commodities for the next crop year, in the absence of such a program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

“(c) ACREAGE DEFINED.—Inventory management acreage must be acreage that either—

“(1) has previously been under a production flexibility contract, or

“(2) was previously planted an eligible loan commodities for at least three of the last five years.

“(d) CONSERVATION USES.—Inventory management acreage shall be devoted to approved conservation and wildlife uses, as defined by the Secretary. Adequate safeguards from weeds, and wind, soil, and water erosion must be provided.

“(e) ACREAGE OPTIONS.—If announced, the inventory management program shall offer the producer a range of acreage participation options. Under such a program, the Secretary shall offer producers the option to set-aside 5 percent, 10 percent, 15 percent, or 20 percent of total commodity acreage. Total program acreage shall include applicable inventory management acres from the previous crop year.

“(f) INCENTIVE DEFINED.—

“(1) The incentive offered by the Secretary for agreement to forgo production on a specified percentage of loan commodity production acres shall be an increase in the marketing loan rates for eligible commodities for the individual producer in an amount that is equal to one half of the percentage of the percentage inventory management or acreage option selected under subsection (e).

“(2) The increase in the marketing loan rate for an individual producer, shall be as follows—if the inventory management acreage is—

“(A) 5 percent, then the marketing loan rate shall be increased by 2.5 percent.

“(B) 10 percent, then the marketing loan rate shall be increased by 5 percent.

“(C) 15 percent, then the marketing loan rate shall be increased by 7.5 percent, and

“(D) 20 percent, then the marketing loan rate shall be increased by 10 percent.

“(g) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(h) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

CROSS COMPLIANCE AND OFFSETTING COMPLIANCE.—The Secretary shall require that compliance on a farm with the terms and conditions of any other commodity, conservation, or any other program is required as a condition of eligibility for inventory management incentives provided under authority of this section.”.

THE FARM INCOME RECOVERY ACT

BETTER PRICES AND HIGHER PROFITS THROUGH THE MARKETPLACE

Since the commodity market collapse in the late 1990's, farmers in Minnesota and the rest of the country have learned a hard lesson: the 1996 “Freedom to Farm” Act lacks an adequate safety net for farmers struggling with severe price fluctuations. As a result, year after year, the Federal Government has been forced to pass billions of dollars in emergency funding, barely enough to allow many of these farmers to survive.

We cannot continue this pattern—it is hurting our farmers, and it is fiscally irresponsible, costing taxpayers close to \$33 billion in emergency assistance over the past five years.

The goal of the Farm Income Recovery Act is to raise market prices for farmers, with the added benefit of reducing the cost of the taxpayer. It provides farmers with a secure safety net that can offset severe price fluctuations and can help manage uncertainties in the marketplace by boosting marketing assistance loan rates. It creates a sound reserve program, allowing producers to store their commodities when they are in abundant supply, so market prices do not continue to spiral downward. And it is counter cyclical, so it kicks in to help farmers when prices are low, but phases out when prices increase.

BOOSTING MARKETING ASSISTANCE LOAN RATES

The Farm Income Recovery Act boosts marketing loan rates, establishing an equitable, counter cyclical assistance program based on costs of production.

Instead of basing loan rate calculations on an arbitrary snapshot of community prices in a given year, the bill directs the Secretary of Agriculture to establish marketing loan rates at not less than 80 percent of the economic cost of production, allowing loans rate to adjust annually to changes in both producer input costs and productivity.

The loan rates in the Farm Income Recovery Act are far more equitable than current rates, as well as the rates proposed in the Farm Bill passed by the House of Representatives and even those being suggested by the Senate Agriculture Committee:

Crop and unit	Current loan rate	Farm Income Recovery Act	House passed	Senate Agriculture Committee ¹
Wheat (bushel)	\$2.58	\$3.88	\$2.24–2.58	2.94
Corn (bushel)	1.89	2.40	1.64–1.89	2.05
Sorghum (bushel)	1.71	2.40	1.44–1.89	1.98
Barley (bushel)	1.65	2.40	1.40–1.65	1.98
Soybeans (bushel)	5.26	5.36	4.06–4.92	5.20
Upland Cotton (Cwt)	51.92	60.65	51.92	54.50
Rice (Cwt)	6.50	8.61	6.50	6.90

¹ As of 10/31/01.

To discourage overproduction, the Farm Income Recovery Act directs the Secretary to establish limits on the crop amounts for which individual producers can receive non-recourse marketing loans. This limit is calculated by multiplying a producer's 1996–2001 crop years average acreage base by the 1996–2001 crop years average yield base.

TARGETING HELP TOWARD FAMILY FARMERS

The Farm Income Recovery Act is designed to target its benefits to family farmers by

limiting the amount of a crop for which farmers can receive nonrecourse loans. Production that exceeds limits would be eligible for recourse loans, which must be paid back, with interest, to the Federal Government: Wheat, 125,000 bushels; Corn, 225,000 bushels; Sorghum, 225,000 bushels; Barley, 225,000 bushels; Oats, 250,000 bushels; Soybeans, 100,000 bushels; Rice, 75,000 hundredweight; Upland Cotton, 10,500 hundredweight; Extra Long Staple Cotton, 12,500 hundredweight; and Minor Oilseeds, 60,000 hundredweight.

The targeting provision also prohibits program participation by anyone whose annual gross income exceeds \$2 million of which agricultural production accounts for less than 75 percent.

USING COMMODITY RESERVES TO ACHIEVE POLICY OBJECTIVES

In the past, commodity reserves languished in Government stockpiles unless high prices triggered their release into the market—which would often result in depressed prices.

Under the Farm Income Recovery Act, commodity reserves would not enter the free market, where they could have a depressive effect on prices; instead, they would be used exclusively to achieve other policy objectives as follows:

The Farmer-Owned Production Loss Reserve allows producers to store a specified amount (up to 20 percent of their annual production) of program commodities when they are in abundant supply, and supplements the Federal Crop Insurance Program by providing additional risk protection to producers who suffer production losses.

The Humanitarian Food Assistance Reserve allows the Federal Government to purchase, store, and utilize commodities to ensure the capacity of the United States to fulfill current and future humanitarian nutrition assistance commitments and stimulate economic development in the neediest parts of the world. The quantity that may be purchased by the government for the reserve is limited to approximately one-year's estimated commitments. Some examples of humanitarian programs that may benefit from this reserve are the Food for Peace Program, United Nation's World Food Programs, and the proposed McGovern/Dole Food for Education Program.

The Renewable Energy Reserve allows the Federal Government to purchase, store, and utilize commodities such as corn and soybeans that are used to create renewable fuels like ethanol and biodiesel when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases. The quantity that may be purchased by the government for the reserve is limited to approximately one-year's estimated utilization for renewable energy purposes.

COST CONTAINMENT THROUGH CONSERVATION

In times of overproduction, the Farm Income Recovery Act authorizes the Secretary of Agriculture to establish a voluntary program that would further increase loan rates for producers who voluntarily set aside a percentage of their acreage for conservation as follows:

Acreage set aside	Percent increase of loan rate
5 percent	2.5
10 percent	5
15 percent	7.5
20 percent	10

COST ESTIMATE

The Congressional Budget Office is currently calculating a cost estimate for the Farm Income Recovery Act. However, the Agricultural Policy Analysis Center at the Uni-

versity of Tennessee has estimated the 10-year cost of a very similar program at about \$50 billion over current expenditure levels for the next 10-year budget cycle. By comparison, the House Farm Bill's Commodity Title, which covers comparable issues, has been scored at \$48.8 billion.

Mr. DAYTON. In summary, this legislation, which was developed in close consultation with the National Farmers Union and the Minnesota Farmers Union, really bears the imprint of the farmers in Minnesota, with whom I have consulted over the last several months—really over the last 20 years. It accomplishes what farmer after farmer in Minnesota has told me that he or she is searching for, and that is a farm program that encourages market prices to levels where farmers can make a profit in the marketplace.

I come from a business family, and I know you don't stay in business if you cannot earn a profit for what you produce and sell. Unfortunately, the ability and the opportunity to earn a profit is what has been taken away from farmers in Minnesota and across this country.

I am humbled by the fact that for 60 years Members of this body, from both sides of the aisle, have endeavored to create a Federal agricultural policy that would best serve the interests of Minnesota and other American farmers. Sometimes they have succeeded in doing so; sometimes their efforts have fallen short.

I do not know if this legislation provides the right answer for all the farmers across this country, but I do know it is a step in a better direction from what we have today. It is a step toward higher prices in the marketplace; it is a step toward lower taxpayer subsidies; it is a step toward putting agriculture in this country back on its own economic feet so it is not dependent on Government programs and not dependent on every decision we make in Washington to dictate what the next course of action will be.

I look forward to working with colleagues on this legislation.

By Ms. COLLINS:

S. 1633. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of land in the north to the small woodlots of the south, forest land helps shape the character of our entire State. While our commitment to stewardship has preserved the forest for generations, there is a new threat to Maine's forest that requires a new approach.

The threat is suburban sprawl, which has already consumed tens-of-thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farm land cannot compete with the value of developed land. The problem is particularly acute here in southern Maine where a 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the "sprawl capital of the Northeast."

I am alarmed by the amount of working forest land and open space that has given way to strip malls and cul-de-sacs. Our State is trying to respond to this challenge. The people of Maine have approved a \$50-million bond to preserve land through the Land for Maine's Future Board, and continue to use scarce local funds and contribute their time and money to preserve important lands and to support our State's 88 land trusts.

The people of Maine are forging a new approach to preserving our working forest and protecting our communities from sprawl. It is time for the Federal Government to support these efforts.

Today I am introducing the Suburban and Community Forestry and Open Space Initiative Act. The legislation, which was drafted with the advice of land owners, conservation groups, and community planners, establishes a \$50-million grant program within the U.S. Forest Service to support locally-driven projects that preserve working forests. State and local governments, as well as nonprofit organizations, would compete for funds to purchase land or conservation easements to keep forest lands, threatened by development, in their traditional use.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. The legislation requires that Federal grant funds be matched dollar-for-dollar with State, local, or private resources. The grant program will help promote sustainable forestry and public access to forest lands. My legislation protects the rights of property owners with the inclusion of a "willing-seller" provision and it allows non-profits, States, and municipalities—but not the Federal Government—to hold title to land or easements purchased under the program.

The \$50 million that would be authorized by my bill would help achieve a number of stewardship objectives. First, my legislation would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most important industry. Second, the resources made available as part of my legislation would be a valuable tool in communities that are struggling to manage growth and prevent sprawl. Currently, if the town of Gorham, ME or another community trying to cope with the effects of sprawl turned to the

Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decision-making at the State and local level.

We can all be proud of the work being done in Maine to protect our working forests for the next generation, and I am grateful that many of the people and organizations that are leading this effort are supporting my legislation. By enacting the Suburban and Community Forestry and Open Space Initiative Act Congress can provide a real boost to conservation initiatives, help preserve sprawl, and help sustain the vitality of natural resource-based industries.

By Ms. COLLINS:

S. 1634. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated by the Commissioner of Food and Drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce The Imported Food Safety Act of 2001. Food safety has been a serious public health concern in America for some time, but our awareness of the vulnerability of our food supply has been heightened since September 11.

I have long been concerned about the adequacy of our Nation's imported food supply system. In 1998, in my capacity as chairman of the Permanent Subcommittee on Investigations, I began an in-depth 16 month investigation into the safety of food imports. This investigation revealed much about the government's flawed food safety net. Regrettably, in the intervening three years, little has changed, and now we must acknowledge that those systemic shortcomings can also be used by those who wish to perpetrate acts of bioterrorism.

As part of the investigation, I requested the GAO to evaluate the federal government's efforts to ensure the safety of imported foods. In its April 1998 report, the GAO concluded that "federal efforts to ensure the safety of imported foods are inconsistent and unreliable." Just last month, the GAO reiterated that conclusion in testimony before the Senate's Subcommittee on Oversight of Government Management.

During five days of Subcommittee hearings, we heard testimony from 29 witnesses, including scientists, industry and consumer representatives, government officials, the General Accounting Office, and two persons with first-hand knowledge of the seamier side of the imported food industry, a convicted Customs broker and a convicted former FDA inspector.

Let me briefly recount some of the Subcommittee's findings which make it clear why this legislation is so ur-

gently needed: weaknesses in FDA import controls, specifically the ability of importers to control food shipments from the port to the point of distribution, make the system vulnerable to fraud and deception and clearly to a terrorist attack; the bonds required to be posted by importers who violate food safety laws are so low that they are considered by some unscrupulous importers as the cost of doing business; maintaining the food safety net for imported food is an increasingly complex task, made more complicated by previously unknown foodborne pathogens, like *Cyclospora*, that are difficult to detect; our recent experience with anthrax has taught us that there is much more public health officials need to know to ensure the safety of our food; because some imported food can be contaminated by substances that cannot be detected by visual inspection, grant programs need to be established that will encourage the rapid development of food safety monitoring sensors that are capable of detecting chemical and biological contaminants; since contamination of imported food can occur at many different places from the farm to the table, the ability to trace outbreaks of foodborne illnesses back to the source of contamination requires more coordinated effort among Federal, State, and local agencies responsible for ensuring food safety, as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses. Again, our recent experience with anthrax underscores the need for better coordination and education.

Since the terrorist attacks that occurred just weeks ago, we have been living in a changed world. We are battling enemies who show no regard for the value of human life, and whose twisted minds seek to destroy those who embody democracy and freedom. It has never been as important as it is now to ensure that our food supplies are adequately protected against contamination, both inadvertent and intentional.

President Bush and his Administration are acting swiftly and decisively on all fronts. Among the responsibilities of the Office of Homeland Security is the protection of our livestock and agricultural systems from terrorist attack. And the Secretary of Health and Human Services, Tommy Thompson, has been working tirelessly to obtain the additional tools necessary to combat bioterrorism.

On October 17, 2001, Secretary Thompson appeared before the Senate's Governmental Affairs Committee, and testified about the Federal Government's efforts to ensure that the country is adequately prepared to respond to bioterrorist threats. He identified food safety and, in particular, imported foods, as vulnerable areas that require further strengthening. Similarly, at a recent hearing before the Health, Education, Labor, and Pensions Committee, public health experts were

unanimous in expressing concern about the vulnerability of our food.

Weak import controls make our system all too easy to circumvent. After all, FDA only inspects fewer than one percent of all imported food shipments that arrive in our country. Those shipments are sent from countries around the world, most of whom wish us no harm. Yet, because of the hard lessons we have had to learn since September 11, we must be more vigilant about protecting ourselves. It is vital that we take the necessary steps to close the loopholes that unscrupulous shippers have used in the past and that bioterrorists could exploit now.

I first became concerned about the safety of the U.S. food supply in 1998 when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illnesses that sickened thousands of Americans. Regrettably, those type of outbreaks are far too common. The Centers for Disease Control and Prevention, CDC, estimate that 76 million cases of foodborne illnesses occur each year. Fortunately, the majority of these incidents are mild and cause symptoms for only a day or two. Less fortunately, the CDC also estimates that over 325,000 hospitalizations and 5,000 deaths result from those 76 million cases. And as astonishingly high as those numbers are, they are estimates, and the truth may be even more deadly.

It was because of my concern that I began the Subcommittee's investigation of the adequacy of our country's imported food safety system. During the Subcommittee's hearings, the testimony I heard was troubling. The United States Customs Service told us of one particularly egregious situation. It involves contaminated fish and illustrates the challenges facing federal regulators who are charged with ensuring the safety of our Nation's food supply.

In 1996, Federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, Salmonella, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by Federal authorities. Alarming, in fact, it had arrived at our border two years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for two years before attempting to bring it into the country again, by a different route.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose we should be thankful that the perpetrators were caught in this

case. After all, the unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Custom's bond, which some importers now consider no more than a "cost of doing business," does little to deter unscrupulous importers from trying to slip tainted fish that is two years old past overworked Customs agents.

It is imperative that Congress provide our Federal agencies with the direction, resources, and authority necessary to protect our food supply from acts of bioterrorism and to keep unsafe, unsanitary food out of the United States.

I have worked with the FDA, the Customs Service, and the CDC to ensure that my legislation corrects many of the vulnerabilities that have been identified in our imported food safety system. Let me describe what this bill is designed to accomplish.

My legislation will fill the existing gaps in the food import system and provide the FDA with stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. My bill would authorize FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences, and is likely without systemic changes to cause disease again.

Second, this legislation would enable the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce. Unscrupulous shippers who have demonstrated a willingness to knowingly send tainted food to our country cannot be overlooked as potential sources of bioterrorist acts. My bill would also prohibit the practice of "port-shopping," and would require that boxes containing violative foods that have been refused entry into our country be clearly marked. This latter authority is currently used with success by the U.S. Department of Agriculture. My bill also would require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety.

Third, the legislation would direct the FDA to develop criteria for use by private laboratories to collect and analyze samples of food offered for import. This will ensure the integrity of the testing process.

Fourth, the bill would give "teeth" to the current food import system by establishing two strong deterrents, the threats of higher bonds and of debarment, for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's "bad actors" be able to profit from endangering the health of American consumers.

Finally, my bill would authorize the CDC to award grants to state and local

public health agencies to strengthen the public health infrastructure by updating essential items such as laboratory and electronic-reporting equipment. Grants would also be available for universities, non-profit corporations, and industrial partners to develop new and improved sensors and tests to detect pathogens and for professional schools and professional societies to develop programs to increase the awareness of foodborne illness among healthcare providers and the public.

We are truly fortunate that the American food supply is one of the safest in the world. But our system for safeguarding our people from imported food that has been tainted, either intentionally or inadvertently, is flawed.

Finally, I am very pleased to also be working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply and public health. I believe that the measures provided for in my Imported Food Safety Act of 2001, and the bipartisan bioterrorism bill, will significantly reduce the threat to our country. I hope that we will pass both pieces of legislation this year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2088. Mr. INOUE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2088. Mr. INOUE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table; as follows.

On page 47, line 19, strike the closing quotation marks and the second period.

On page 47, between lines 19 and 20, insert the following:

"SEC. 1403. ALLOCATION OF RESOURCES

"In carrying out this title, the Secretary of Transportation shall ensure that not less than \$2,000,000 in loans and loan guarantees under section 1401, and not less than \$6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(k)(8)) during each of the fiscal years 2002 through 2006."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee

on Agriculture, Nutrition, and Forestry will meet on November 6, 7, and 8, 2001, in SR-328A at 8:30 a.m. The purpose of these business meetings will be to continue discussion on the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, November 14, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Kathleen Clarke to be Director of the Bureau of Land Management, Department of the Interior.

Those wishing to submit written testimony for the hearing record should e-mail it to Sam_Fowler@Energy.Senate.Gov or fax it to 202-224-9026.

For further information, please call Sam Fowler on 202/224-7571.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, November 14, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

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 shelley_brown@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.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, November 5, 2001, at approximately 6:15 p.m., following the first vote of the day, for a business meeting to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

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

DISCHARGE AND REFERRAL—S.
1586

Mr. REID. Mr. President, I ask unanimous consent that the Energy Com-

mittee be discharged from further consideration of S. 1586, and the measure then be referred to the Committee on Environment and Public Works.

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

ORDERS FOR TUESDAY,
NOVEMBER 6, 2001

Mr. REID. Madam President, I ask unanimous consent that the previous order regarding the convening hour of the Senate, on Tuesday, November 6, be changed to 2:15 p.m.; that there be 15 minutes of debate equally divided between Senators DASCHLE and LOTT or their designees in relation to the Daschle-Kennedy collective bargaining amendment to the Labor-HHS Appropriations Act prior to a 2:30 p.m. cloture vote on the amendment; further, that the remaining provisions of the previous order remain in effect.

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

PROGRAM

Mr. REID. Madam President, as a reminder, notwithstanding the convening hour of the Senate on Tuesday, second-degree amendments to the Daschle-Kennedy amendment must be filed prior to 1 p.m.

I say to those within the sound of my voice, both parties will still have their usual Tuesday caucuses from 12:30 p.m. to 2:15 p.m. There is a lot of other Senate business that can be conducted prior to the 2:30 vote.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, with the exception that Senator NICKLES be allowed to speak for up to 12 minutes and the Senator from Tennessee, Mr. THOMPSON, be allowed to speak for up to 12 minutes.

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

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank the Chair and my colleague, Senator REID, for his cooperation.

THE DASCHLE-KENNEDY AMENDMENT TO LABOR-HHS APPROPRIATIONS

Mr. NICKLES. Madam President, tomorrow, at 2:30 p.m., the Senate will vote on the Daschle-Kennedy amendment which deals with collective bargaining for municipal employees. I say "municipal employees," meaning public safety employees in the States.

I used to be a State legislator. I was in the State senate for 2 years. We dealt with collective bargaining in my State. Almost every State has dealt

with that issue. Some States prohibit collective bargaining for police, firefighters, sheriffs, and emergency personnel. Most States allow it.

But I am looking at the legislation that Senator KENNEDY and Senator DASCHLE are trying to put on the Labor-HHS appropriations bill, and they go a lot further than most of the States.

Then I think, wait a minute; one, we are not supposed to legislate on appropriations bills. We passed a rule, Senate rule XVI, saying we are not going to legislate on appropriations bills. This is clearly legislation on an appropriations bill. It is brand new legislation creating a new title. It says this title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001." It is brandnew legislation. It is dealing with collective bargaining on public safety employees. It does not belong on this bill. It has been reported out of the Labor Committee.

Senator DASCHLE is the majority leader. He can call it up at any time. It should not be on an appropriations bill. I checked the parliamentary procedures, and I was told the Parliamentarian would say there is underlying language in the House bill, so maybe it would be germane, and therefore we would have a vote on germaneness. In other words, it is OK to legislate on this appropriations bill. I do not agree with the result, but, anyway, the net result is, we are talking about legislating on dealing with collective bargaining that almost all the States do. Why are we doing it on the Federal level?

I read the Constitution and the 10th amendment to the constitution says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Why is the Federal Government getting ready to do something that it has never done? We are going to take over what the States and what the cities have done. We are going to dictate collective bargaining rights; there is a whole series of rights. I do not disagree with any of them particularly; I just think it should be done by the State, not by the Federal Government.

I have no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States' laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be a Federal statute. It should not be a Federal cause of action. There should not be things in this legislation that most States do not have.

There is language in this bill that most States are not aware of and most individual Senators, who may have said they would support this amendment, are not aware of. There is requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

I will tell you, as State legislators, we fought for a long time on whether

we would have binding arbitration. This amendment is basically saying you have to have something like binding arbitration. Wow. I wonder if people are aware of that.

My point is, this amendment that we are going to be voting on, the Kennedy-Daschle amendment, dealing with public safety, employer-employee relations, is not a Federal issue. It has never been a Federal issue. Yet some people are trying to make it that. And they didn't do a very good job legislating.

I mention that they dictate a lot of things that a lot of States do not have. They affect a lot of individuals who have never been in collective bargaining.

They go to very small cities. Somebody says: We exempt those small cities. Yes, a population of less than 5,000. That is way too small. Oh, yes, we will exempt employee groups if they have 25 people or less.

Wait a minute. The Federal Government is going to now get involved in employer-employee negotiations on units in small towns with a population that is greater than 5,000 people? Or if they have 26 or more employees, we are going to dictate: Here are your collective bargaining procedures? And, yes, there is a new Federal agency that is going to dictate the rules for negotiating contracts for elections. We are going to make that a Federal issue?

There is no reason to do it. There are lots of reasons not to do it.

I urge my colleagues to look at these letters. I will ask to have them printed in the RECORD.

I will read part of the letter from The United States Conference of Mayors:

However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

The National Volunteer Fire Council:

The National Volunteer Fire Council is a non-profit membership association representing the more than 800,000 of America's volunteer fire, EMS, and rescue services.

They are not exempt in this bill. As a matter of fact, the unions that this bill purportedly is trying to help do not really care for volunteers. As a matter of fact, people who join their union cannot be a volunteer. Lots of small communities have volunteer firefighters, volunteer police organizations, sheriff volunteers. The volunteers—I will just read from the letter—are very opposed to this amendment. Part of the letter says:

As you know, firefighters, 75% of which are volunteers, are our nation's first responders to all types of emergencies. . . .

Currently, the International Association of Fire Fighters Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions

in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters.

The National Volunteer Fire Council believes these provisions are a violation of first amendment rights: "Once again, we urge you to oppose the Daschle amendment unless language is inserted to" exempt volunteers.

For my colleagues' information, if cloture is invoked, we are going to have a lot of amendments to fix this language. It should not be in here. I have already stated that this is legislation on an appropriations bill. This is the right jurisdiction for the States, not the Federal Government. If we are going to legislate, we are going to do it right. So we are going to have a lot of amendments. I am aware of the fact that Senator SPECTER kept offering amendments that were going to be hotly debated and contested and take a long time.

If cloture is invoked tomorrow, then we are going to have a lot of amendments. I think having an exemption that says 25 or fewer is way too small. I am going to have an amendment to increase that. I think the exemption for communities being as small as 5,000 is way too low. So I am going to have an amendment to increase that. I am going to have an amendment, along with Senator GRAMM, making sure people are not coerced into joining the union. Nobody should be compelled to do that. Some might say: Wait a minute; why is that a Federal issue? It should not be, but this bill tries to turn it into a Federal issue.

We are also going to have an amendment to make sure people are not compelled to pay dues. If they want to, that is great; I have no objection to that. We want to have an amendment making sure volunteers are exempt. We should not discourage volunteers, but that is the net impact of this legislation. This legislation doesn't belong on this bill. The States have legislative bodies. Let them decide. They have done it. Already two States have said, no, they don't believe in collective bargaining for public service employees. Those States are North Carolina and Virginia. The volunteers, the firefighters, and safety employees of Virginia did an outstanding job. So whether they are union or nonunion, they did a great job. I compliment all of the relief workers. We had relief workers from Oklahoma in New York, and they were union and nonunion.

This amendment should not be on this bill. We should allow the States, as the Constitution provides in the 10th amendment, to dictate this policy. It should not be resolved on the Federal side. But if it is, we are going to have to have several amendments on the Kennedy-Daschle amendment to improve it substantially, to exempt volunteers and smaller communities, and a greater number of people and allow

people the freedom to join unions and/or the freedom not to pay dues.

I urge my colleagues, let's not preempt States, tell the States we know better with one quickly drawn amendment that does not belong here, and that we are going to superimpose our will on the States. Many of them have wrestled with collective bargaining for their cities and counties. I would venture to say most sheriffs departments are not unionized in most States. Under this bill, they would be encouraged to do so. I don't think that is our job. Let the States decide that. And the same goes for emergency workers, ambulance workers, and so on. If they want to unionize, let the States wrestle with that issue. We should not be making those decisions. Allow the States to decide what groups should have collective bargaining rights, how far the rights should go, and whether they should have binding arbitration or other remedies as provided for in this bill.

I don't think this bill is right. I think it should be preserved to the States. I encourage people, if you want to unionize, do it under State laws. Almost all States allow collective bargaining but not in the same manner as dictated in the amendment proposed by Senators DASCHLE and KENNEDY.

Finally, this side has shown some restraint on nonemergency amendments to the underlying bill. I urge our majority leader, Senator KENNEDY, and others to show restraint as well and hopefully withdraw this amendment. If not, I urge my colleagues to vote no on cloture tomorrow at 2:30.

I ask unanimous consent to have the letters I have referred to printed in the RECORD.

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

THE UNITED STATES CONFERENCE
OF MAYORS,

Washington, DC, November 5, 2001.

Hon. DON NICKLES,
Assistant Republican Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The United States Conference of Mayors opposes Amendment 2044 to the Labor-Health and Human Services-Education Appropriations bill.

It is our position that this measure, if passed, would be a preemption of local authority and would impose an unfunded mandate on a large number of our nation's cities. While the costs may not be evident at first glance, they would be significant in that time-tested working personnel systems would have to be significantly modified.

No one can dispute the valuable contribution our public safety forces make daily, especially after their outstanding work in the wake of the September 11 attacks on our Nation where their contributions received deservedly high level attention. However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

On behalf of The U.S. Conference of Mayors, I thank you for your assistance on this important matter. If you have any questions,

please contact Ed Somers or Roger Dahl with the Conference staff at (202) 297-7330.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, October 31, 2001.

Hon. DON NICKLES,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR NICKLES: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the more than 800,000 members of America's volunteer fire, EMS, and rescue services. Organized in 1976, the NVFC serves as the voice of America's volunteer fire personnel in over 28,000 departments across the country. On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of Public Safety Employer-Employee Cooperation Act (S. 952/H.R. 1475) to the Labor-HHS-Education Appropriations Bill (H.R. 3061).

As you know, firefighters, 75% of which are volunteers, are our nation's first responders to all types of emergencies. Most volunteer departments serve small, rural communities and are quite often the only line of defense in those communities. The brave men and women of these departments, who risk their lives in the name of public service, save local taxpayers an estimated \$36 billion per year.

Currently, the International Association of Fire Fighters (IAFF) Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters. The NVFC feels that these types of provisions are a violation of First Amendment rights.

One of the largest problems faced by America's volunteer fire service is recruitment and retention. Even though fire department call volumes continue to increase, the number of volunteer firefighters has declined over 10% since 1983. Major factors contributing to the decline include increased fundraising and time demands, more rigorous training standards, and the proliferation of two-income families whose members don't have the time to volunteer. Therefore, any legislation that may lead to the prohibition of volunteerism is contrary to the interests of the volunteer fire service and must be opposed by the NVFC and its membership.

Once again, we urge you to oppose the Daschle amendment unless language is inserted to explicitly protect a person's right to serve as a public safety volunteer. If you have any questions, please contact Craig Sharman, NVFC's Government Affairs Representative, at (202) 887-5700. We appreciate your continued support of America's volunteer fire service.

Sincerely,

PHILIP C. STITTLEBURG,
Chairman.

NATIONAL RIGHT TO WORK COMMITTEE,
Springfield, VA, November 1, 2001.

DEAR SENATOR: On behalf of the 2.2 million members of the National Right to Work Committee, I am writing you today to request your full-fledged opposition to the deceptively titled "Public Safety Employer-Employee Cooperation Act" (S. 952, now

masquerading as Amendment 2044, to the Labor/HHS Appropriations bill H.R. 3061, pending on the Senate floor).

Senator, if enacted, this language would represent the most far-reaching expansion of union officials' power to corral workers into unions in decades.

S. 952/Admt. 2044 is a dangerous, freedom-crushing bill that must be stopped.

It is designed to install union officials as the "exclusive" bargaining agents of police, firefighters, county paramedics and other public-safety officers in all 50 states.

It would by federal fiat force public-safety officers, including many who have chosen not to be union members, to accept union officials as their "exclusive" negotiators in employment contract talks.

Effectively, Organized Labor thus obtains a monopoly over employees' participation in the bargaining process.

Twenty-seven states have so far either refused completely to grant union officials monopoly power over public-safety employment, or have acquiesced to a more limited form of "exclusive" bargaining than is mandated by S. 952/Admt. 2044.

If this bill is enacted, hundreds of thousands of police, firemen and paramedics will be stripped of their freedom to negotiate on their own behalf.

And the personal safety of millions will be jeopardized as a result of these employees' loss of freedom.

One predictable result of enactment of S. 952/Admt. 2044 would be the decimation of volunteer firefighter departments currently protecting countless communities that cannot afford to hire enough professional firefighters to meet their needs.

The constitution of the International Association of Firefighters union (IAFF/AFL-CIO) bars its 245,000 members from becoming volunteer firemen.

IAFF officials who are already empowered by state law to act as "exclusive" bargaining agents for taxpayer-funded firemen regularly demand and obtain contract provisions barring these firemen from volunteering on their own time.

The fact is, 75% of all firemen are volunteers.

And more than half of these volunteers are professional firemen who offer their spare time to help their communities, saving local taxpayers an estimated \$37 billion annually.

Such unselfish professional firemen, who are already trained and experienced, are the backbone of volunteer units.

Enactment of S. 952/Admt. 2044 would ultimately force volunteer departments across the country to disband or to operate while severely understaffed.

This bill merits no consideration by Congress, especially at a time when communities of all sizes must face the possibility of having to rescue victims of terrorist attacks.

And the grave harm S. 952/Admt. 2044 would inflict on volunteer fire departments is only the tip of the iceberg.

State and local taxpayers could expect to be hit up for hundreds of millions of dollars just to pay for the direct costs of the "exclusive" bargaining process.

And the bill would predictably inspire a spate of illegal, dangerous police and firefighter strikes.

States adopting laws mandating public-sector "exclusive" bargaining endure, on average, four times as many strikes against vital public services once the law takes effect, according to the Public Service Research Council of Vienna, VA.

Legal provisions allegedly intended to ban strikes have proven useless.

Union officials simply refuse to call off illegal strikes against vital services until they win amnesty for having broken the law.

If S. 952/Admt. 2044 is adopted, its so-called "no-strike" provisions are sure to prove equally useless.

Senator, by promptly taking a clear public stand against this Amendment language, you can strongly discourage union lobbyists from delaying congressional action on truly important national issues in order to get it to your desk.

I'm sure you agree with me that Congress's focus over the next year should be on protecting Americans' lives and liberty, and not on expanding forced unionism.

That's why I hope you will oppose the Daschle Amendment, Admt. 2044 to the Labor/HHS Appropriations bill.

If you have any questions about this measure, please call me or Mark Mix, the Right to Work Committee's Senior Vice President for Legislation, at 703-321-9820.

Sincerely,

REED LARSON.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 31, 2001.

Hon. DON NICKLES,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR NICKLES: The National League of Cities is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor-Health and Human Services-Education Appropriations bill. We believe that this measure should not be included as an authorizing provision in the spending bill. Furthermore, several state municipal leagues strongly believe that this amendment would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights, without the need for federal intervention.

The National League of Cities applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NLC's *National Municipal Policy* does not support this approach through Amendment No. 2044.

NLC believes that the federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NLC opposes Amendment No. 2044.

Thank you for your consideration of the National League of Cities' position on this matter.

Sincerely,

DON BORUT,
Executive Director.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Denver, CO, November 5, 2001.

Reference: Amendment No. 2044 to the Labor/HHS Appropriations bill (H.R. 3061).

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. TED STEVENS,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS BYRD AND STEVENS: The National Conference of State Legislatures is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor-Health and Human Services and Education Appropriations bill. The amendment would federalize a critical area of labor law best left to state and local governments. We believe that this measure should not be included as an authorizing provision to the spending bill. This amendment

would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights.

The National Conference of State Legislatures applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NCSL reminds Congress that absent a compelling reason for preemption, abandoning a commitment to balance in the state-federal partnership is uncalled for and shortsighted.

NCSL believes that the federal government should not undermine state and municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NCSL opposes Amendment No. 2044.

Thank you for your consideration of the National Conference of State Legislatures' position on this matter.

Sincerely,

WILLIAM T. POUND,
Executive Director.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 12 minutes.

Mr. THOMPSON. Madam President, the Daschle amendment is simply another amendment in the long tradition of amendment after amendment basically federalizing things that have been under the purview of State and local government for many years. Usually, we choose a politically opportune moment to do this; we give lipservice all the time to the concept of federalism. We have tort reform debates, where it comes up many times in many different ways, and many proponents of the Daschle amendment and I have joined together in pointing out that we should be slow to federalize things that have been under the purview of State law for 200 years.

We give lipservice to the fact that State and local governments are closer to the people and the Federal Government doesn't have the solution to all problems. All the time, while we are giving lipservice, we are slowly, bit by bit, amendment by amendment, passing things that go against the entire concept of federalism.

Those who are promoting this amendment a short time ago, during the Patients' Bill of Rights debate, were taking the position that State liability law should apply; that State courts should be the ones to determine State liability. Federalism was a good thing back then. Federalism was a good thing when we considered issues on tort reform. But now we have an amendment that basically federalizes

and preempts State and local laws regarding the unionization of public safety officers.

It seems that some of us want to be Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Sundays. So we have this amendment before us, and it is an amendment that is a significant intrusion on the rights of States to set their own rules. As we know, the National Labor Relations Act applies to unionism in the private sector employment. No Federal statute regarding unionism applies to State and local Government employees. It has always been within the purview of States and local communities to create laws governing the employment of police officers and firefighters.

The Daschle amendment would be an unprecedented expansion of Federal authority at the expense of State and local communities. It basically gives Federal labor relations the authority and the power to determine whether or not a State's laws are up to par. If they determine that the State's laws are not up to par or in compliance with Federal standards, the Federal Labor Relations Authority will establish collective bargaining standards that will apply to the States.

Madam President, this amendment would require changes to the laws of over half the States in the Nation—the laws that they have been administering all this time. Two States have passed laws that explicitly prohibit public safety unions. We are all familiar with the debates we have concerning whether or not it is a good idea for people in certain public professions to unionize, whether or not we are more likely to be faced with strikes and things of that nature which go against the public welfare. Different States have reached different conclusions as to whether or not this is a good idea, whether or not it is a good idea to allow them to unionize. Of course, that is what States do. They do different things, depending on what the people in the States want.

Many other States, including my home State, are silent on the issue of union rights of public officials, which allows counties, cities, and other local communities to determine whether or not they will allow unions to collectively bargain with them or not.

In my view, this is exactly where these decisions should be made. Surely, questions about hiring decisions and the qualifications of the people who provide services that safeguard the community should be made by the people who live in those communities.

I have received letters from a dozen communities in Tennessee from Fay-

etteville to Johnson City, Smyrna, Germantown, and many others. Many of those letters were sent by police departments expressing their concern over the adverse impact of this legislation on their communities.

No one can doubt the tremendous service that is provided by our firefighters and police officers. They put their lives on the line every day to ensure our safety. But this amendment is not a fitting response to that service. It is not a fitting response to subvert the basic relationship between the States and the Federal Government or the local communities and the Federal Government. It is not a fitting response to fundamentally alter a system that has been established and has served us well for 200 years.

This amendment essentially writes State laws for States and requires the States to pass them or have the Federal Government apply their own standard. It is not the place of the Federal Government to make decisions that are closely tied to the needs of traditional responsibilities of States and local communities.

This amendment is an unwarranted intrusion on self-government. I urge my colleagues to oppose it.

I yield the floor.

ADJOURNMENT UNTIL 2:15 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2:15 p.m. tomorrow.

Thereupon, the Senate, at 7:11 p.m., adjourned until Tuesday, November 6, 2001, at 2:15 p.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

RANDALL S. KROSZNER, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHRYN SHAW.

PEACE CORPS

JOSEPHINE K. OLSEN, OF MARYLAND, TO BE DEPUTY DIRECTORS OF THE PEACE CORPS, VICE CHARLES R. BAQUET III, RESIGNED.

DEPARTMENT OF EDUCATION

JACK MARTIN, OF MICHIGAN, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE DONALD RAPPAPORT, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate November 5, 2001:

THE JUDICIARY

LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.