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House of Representatives

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

Senate

MONDAY, FEBRUARY 11, 2002

The Senate met at 2 p.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

As we begin this new week, let us think magnificently about God, so that we may serve Him magnanimously and glorify His majesty. Let us pray.

O God, whose love never lets go; whose mercy never ends; whose strength is always available; whose guidance shows the way; whose Spirit provides a supernatural power; whose presence is our courage; whose joy transforms our gloom; whose peace calms our pressured hearts; whose light illuminates our path; whose goodness provides the wondrous gifts of loved ones, family, and friends; whose will has brought us to the awesome tasks of this Senate today; and whose calling lifts us above party politics to put You and the good of our Nation first, we dedicate all that we have and are to serve You this week with unreserved faithfulness and unfailing loyalty.

To You, dear God, be the glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 11, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA 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 not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

In my capacity as a Senator of the State of Hawaii, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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.

HIGH FRUCTOSE CORN SYRUP

Mr. GRASSLEY. Mr. President, I rise to speak to my colleagues about our trade policy with Mexico and a very specific dispute we have with them, a dispute that affects agriculture, definitely, and, within agriculture, the production of corn.

Few trade policy developments in recent years have been more significant for the United States than our flourishing economic partnership with Mexico, a partnership that results from trade agreements that have been worked out and are working very well for both countries. The comprehensive free trade agreement, in which we both participate and which has contributed so much to the prosperity and economic freedom in both countries, stands as a model of hemispheric cooperation.

I am greatly troubled by a recent Mexican action that targets the corn-refining industry. I fear this may disrupt and even seriously damage our bilateral trade relations.

On January 1 of this year, Mexico, through congressional action—meaning their Congress—imposed a totally unwarranted discriminatory tax of from 10 to 20 percent on soft drinks sweetened with high fructose corn syrup. The United States is a major supplier of high fructose corn syrup. We export

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



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it directly to Mexico, and it is produced in Mexico by wholly owned subsidiaries of U.S. firms. These companies have invested hundreds of millions of dollars in Mexico, providing many jobs to Mexican workers.

Much of the corn used to produce high fructose corn syrup is grown in my own State of Iowa. We are No. 1 of the 50 States in the production of corn, as well as soybeans.

I do not like to attribute bad motives to my neighbors, including Mexico, but we not do these sorts of retaliatory things like are being done in Mexico. So I don't suppose I should attribute bad motives to my neighbors because we don't do that to our neighbors in Iowa. Obviously, I don't like to do it to a country with which we share a hemisphere and a rich cultural heritage, considering the fact that such a high percentage of the American population is Hispanic.

I want to get back to strictly the facts. The fact is that Mexico applies this new tax only to soft drinks containing high fructose corn syrup, not soft drinks containing sweetener from cane sugar. Cane sugar is something that Mexico produces in great abundance. Those soft drinks are exempt from this tax that is applied just to soft drinks made with high fructose corn syrup.

In my judgment, this discriminatory application of the tax clearly violates Mexico's World Trade Organization national treatment obligations. If the Mexican tax stays on the books for the rest of the year, the corn growers and corn refiners in Iowa and throughout the United States are going to be badly hurt. I fear that some of them may have income and their income will go down and, obviously, will jeopardize their farms and at least their livelihoods.

Now, estimates are that corn refiners will lose about \$244 million just this year alone. Our farmers will lose another \$66 million in the sale of corn. As surplus high fructose corn syrup production mounts, other losses will pile up as well.

So even though President Vicente Fox brings progressive political leadership to Mexico—a leadership that I greatly admire and respect—it looks as if some nonprogressive members of the Mexican Congress are still employing the old, tired politics of the past, the old politics of protectionism.

The Mexican congressional motto is: If you can't compete fairly or efficiently, try to muscle your competition out of the market. This is just the sort of "beggar thy neighbor" trade policy of the past that we have worked so hard to overcome, both with the creation of the North American Free Trade Agreement and with the creation of the World Trade Organization.

So it is very discouraging, then, just as we start the real work on a new round of World Trade Organization trade negotiations, in which we hope to further liberalize world trade, and espe-

cially trade in agricultural products, to suddenly find ourselves fighting a harmful protectionist measure imposed by one of our closest neighbors and trading partners, and a neighbor that we want to call "friend."

Currently, Mexico is our third largest agricultural export market. This market grew an astounding 15 percent just last year. If the present trade continues, Mexico will probably surpass Canada as our second largest agricultural market within 2 or 3 years.

I know this robust growth in competitive agricultural exports has caused some friction between our two countries, but we cannot and must not handle our differences by resorting to the "beggar thy neighbor" policies of the past.

One response to Mexico's unfair and illegal tax on high-fructose corn syrup would be to enact a similar tax on a Mexican product, the drink referred to as Mezcal. So far, I have not pursued this sort of retaliation. I still hope that Mexico will respect its international trade commitments and repeal this legislation, and repeal it permanently.

Mr. President, let me make this very clear. I think it is legitimate that my patience and the patience of the agricultural interests in the United States is limited. It ought to be that way.

Minister Luis Derbez, who is Mexico's secretary of the economy, stated that his government is committed to resolving this issue by February 15. That is this week. I accept Minister Derbez's word, but now is the time for the congressmen and the ministers of the cabinet of Mexico to resolve this issue, before we do any more damage to America's hard-working farming families and our trade relations with our friend, the country of Mexico.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

GENERAL PERVEZ MUSHARRAF'S SPEECH TO THE PEOPLE OF PAKISTAN

Mr. DURBIN. Mr. President, on January 12, Gen. Pervez Musharraf of Pakistan spoke to his people at a moment of great danger. Half a million Indian troops were massing on the border over the contentious issue of Kashmir, unresolved for over 50 years, and the December 13 terrorist attack on the Indian Parliament. Memories were still fresh of 100,000 demonstrators in the streets after September 11, praising Osama bin Laden and burning effigies of Musharraf and President Bush.

The speech was given to the nation of Pakistan, but it was followed closely by India and the West.

He made the choice facing Pakistan very clear. In his words, the "day of reckoning" had come. His nation must choose between the Kalishnikov culture of religious extremism and a progressive Islamic state. He made his case in terms far different than Western secular leaders. Speaking to his Muslim nation, he invoked the name of the Prophet Mohammad, the Koran and Islamic history and tradition.

If Osama bin Laden could find justification for his hate-filled extremism in a corruption of Islamic belief, Musharraf found tolerance, universal brotherhood and peace in Islam.

When we met with him 2 days later in the Presidential residence, he repeated the message in his speech that Islam teaches not only an obligation to God—Haqooq Allah—but also an obligation to others—Haqooq Al-ebad. And beyond the rhetoric of tolerance, he calls for a historic change in the madrassas, Islamic religious schools, so often identified with the memorization of the Koran, little or no education, and a breeding ground for hatred.

Pakistan's new jihad against illiteracy and poverty will require the madrassas to be religious schools, with a recognized curriculum, registered with the state; accredited in math, science and English, with trained teachers and foreign students deported if they are not legally in the country.

And he went further. All mosques are to be registered. Newer mosques require government permission and the loudspeakers outside the mosque, used traditionally for a call to prayer, cannot be used to incite hatred or extremism.

Musharraf told us that the public response to his revolutionary message has been positive, even among the Muslim clergy who met with him before it was given.

He believes that Pakistan, in his words, the "Citadel of Islam," can show the world that the Muslim faith is consistent with the values of this new century.

If real peace and progress are to come to the Islamic world, we must help him succeed.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

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

PRESIDENT GENERAL PERVEZ MUSHARRAF'S ADDRESS TO THE NATION, JANUARY 12, 2002

I begin in the name of God, the most Beneficent, the most Merciful.

Pakistani Brothers and Sisters!

As you would remember, ever since I assumed office, I launched a campaign to rid the society of extremism, violence and terrorism and strived to project Islam in its true perspective. In my first speech on October 17, 1999, I had said and I quote; "Islam teaches tolerance, not hatred; universal brotherhood, not enmity; peace, and not violence. I have a great respect for the Ulama and expect them to come forward and present Islam in its true light. I urge them to curb elements which are exploiting religion for vested interests and bringing a bad

name to our faith". After this, I initiated a number of steps in this regard. First, in the year 2000, I started interacting with the Taliban and counseled them to inculcate tolerance and bring moderation in their ways. I also told them that those terrorists who were involved in terrorist acts in Pakistan and seeking refuge in Afghanistan should be returned to us. Unfortunately, we did not succeed.

In the year 2001, I think it was January, we sealed the Pak-Afghan borders and I gave directions that no students of any Madarissah (religious seminaries) should be allowed to cross into Afghanistan without relevant documents. After this, I despatched a number of delegations to meet Mullah Omar. I continued to advise them tolerance and balance. Later, on February 15, 2001, we promulgated the Anti-Weaponisation Ordinance. Through this law, we launched a de-weaponisation campaign in Pakistan.

On 5th of June, on the occasion of the Seerat Conference, I addressed Ulama belonging to all Schools of thought and spoke firmly to them against religious extremism. On the 14th of August 2001, we finally took a very important decision to ban Lashkar-e-Jhangvi and Sipah-e-Muhammad and placed Sipah-e-Sahaba and TJP (Tehrik-e-Jafria Pakistan) under observation. In addition, on a number of occasions, I called Ulama and Mashaikh and held extensive consultations with them.

The objective was to take them on board in our campaign against terrorism and extremism. These measures have been continuing since our government assumed office in 1999. I am explaining all this to you in great detail only because of the fact that the campaign against extremism undertaken by us from the very beginning is in our own national interest. We are not doing this under advice or pressure from anyone.

Rather, we are conscious that it is in our national interest. We are conscious that we need to rid society of extremism and this is being done right from the beginning.

This domestic reforms process was underway when a terrorist attack took place against the United States on the 11th of September. This terrorist act led to momentous changes all over the world. We decided to join the international coalition against terrorism and in this regard I have already spoken to you on a number of occasions. We took this decision on principles and in our national interest.

By the grace of God Almighty our decision was absolutely correct. Our intentions were noble and God Almighty helped us. I am happy to say that the vast majority of Pakistanis stood by this decision and supported our decision. I am proud of the realistic decision of our nation. What really pains me is that some religious extremist parties and groups opposed this decision. What hurts more was that their opposition was not based on principles. At a critical juncture in our history, they preferred their personal and party interests over national interests.

They tried their utmost to mislead the nation, took out processions and resorted to agitation. But their entire efforts failed. The people of Pakistan frustrated their designs. As I have said, I am proud of the people of Pakistan who support correct decisions and do not pay heed to those who try to mislead them.

I have interacted with the religious scholars on a number of occasions and exchanged views with them. I am happy to say that our discussions have been very fruitful. A majority of them are blessed with wisdom and vision and they do not mix religion with politics.

Some extremists, who were engaged in protests, are people who try to monopolise and

attempt to propagate their own brand of religion.

They think as if others are not Muslims. These are the people who considered the Taliban to be a symbol of Islam and that the Taliban were bringing Islamic renaissance or were practising the purest form of Islam. They behaved as if the Northern Alliance, against whom the Taliban were fighting, were non-Muslims! Whereas, in fact, both were Muslims and believers. These extremists were those people who do not talk of "Haqqoql Ibad" (obligations towards fellow human beings). They do not talk of these obligations because practising them demands self-sacrifice. How will they justify their Pajeros and expensive vehicles? I want to ask these extremists as to who was responsible for misleading thousands of Pakistanis to their massacre in Afghanistan? These misled people were let down by the very people in whose support they had gone. All of us should learn a lesson from this. We must remember that we are Pakistanis. Pakistan is our identity, our motherland.

We will be aliens outside Pakistan and be treated as aliens. Pakistan is our land. It is our soil. If we forsake it, we will face difficulties. This lesson we must learn.

Sectarian terrorism has been going on for years.

Every one of us is fed up of it. It is becoming unbearable. Our peace-loving people are keen to get rid of the Klashnikov and weapon culture. Every one is sick of it. It was because of this that we banned Lashkar-e-Jhangvi and Sipah-e-Muhammad. Yet little improvement occurred. The day of reckoning has come.

Do we want Pakistan to become a theocratic state? Do we believe that religious education alone is enough for governance or do we want Pakistan to emerge as a progressive and dynamic Islamic welfare state? The verdict of the masses is in favour of a progressive Islamic state. This decision, based on the teaching of the Holy Prophet (Peace Be Upon Him) and in line with the teachings of Quaid-e-Azam and Allama Iqbal will put Pakistan on the path of progress and prosperity.

Let us honestly analyse what the few religious extremists have attempted to do with Pakistan and Islam.

First, with regard to Afghanistan, they indulged in agitational activities. Look at the damage it has caused! Pakistan's international image was tarnished and we were projected by the international media as ignorant and backward. Our economy suffered. A number of export orders already placed with Pakistani industry were cancelled and no new orders materialised. This led to closure of some factories and unemployment. The poor daily wage earners lost their livelihood. Extremists also formed a Pakistan-Afghanistan Defence Council! Apart from damaging Pakistan, they had negative thinking and had no idea of anything good for Afghanistan. Did they ever think of bringing about peace to Afghanistan through reconciliation among the Taliban and Northern Alliance? Did they counsel tolerance to them? Did they ever think of collecting funds for the welfare, rehabilitation and reconstruction of the war-ravaged Afghanistan, or to mitigate sufferings of the poor Afghan people? Did they think of a solution to the hunger, poverty and destruction in Afghanistan? To my knowledge, only Maulana Abdul Sattar Edhi, God bless him, and some foreign NGOs and the UN organisations were providing the Afghans with food and medicines.

These extremists did nothing except contributing to bloodshed in Afghanistan. I ask of them, whether they know any thing other than disruption and sowing seeds of hatred? Does Islam preach this?

Now, let us see their activity outside Afghanistan.

They initiated sectarian feuds.

Sects and different schools of thought in Islam have existed since long. There is nothing wrong with intellectual differences flowing from freedom of thought as long as such differences remain confined to intellectual debates. Look at what this extremist minority is doing? They are indulging in fratricidal killings. There is no tolerance among them.

Quaid-e-Azam declared that Pakistan belonged to followers of all religions; that every one would be treated equally. However, what to speak of other religions, Muslims have started killing each other.

I think, these people have declared more Muslims as Kafirs (infidels) than motivating the non-Muslims to embrace Islam. Look at the damage they have caused?

They have murdered a number of our highly qualified doctors, engineers, civil servants and teachers who were pillars of our society. Who has suffered? The families of the dead, no doubt. But a greater loss was inflicted on Pakistan because, as I said, we lost the pillars of our society. These extremists did not stop here. They started killing other innocent people in mosques and places of worship.

Today, people are scared of entering these sacred places of worship. It is a matter of shame that police have to be posted outside for their protection. We claim Islam as Deen or a complete way of life.

Is this the way of life that Islam teaches us? That we fight amongst ourselves and feel scared of fellow Muslims, scared of visiting our places of worship where police have to be deputed outside for protection? Mosques are being misused for propagating and inciting hatred against each other's sect and beliefs and against the Government, too.

I would like to inform you that a number of terrorist rings have been apprehended. In Karachi, the Inspector General of Police, while briefing me, informed that the leader of one of these groups is the Pesh Imam (Prayer Leader) of a Mosque in Malir. The Imam has confessed to murdering many people himself. This is the state of affairs. To what purpose are we using our mosques for? These people have made a state within a state and have challenged the writ of the government.

Now, I would like to dwell upon the subject of Madaris or Religious Schools in some detail. These schools are excellent welfare set-ups where the poor get free board and lodge. In my opinion, no NGO can match their welfare aspects. Many of the madaris are imparting excellent education. In addition to religious teachings, other subjects such as science education and computer training are also being imparted there.

I am thankful to them for undertaking excellent welfare measures without State funding. I would also like to say that I have projected madaris internationally and with various heads of states time and again.

I think no one else in Pakistan has done so much for their cause. However, there are some negative aspects of some madrassahs. These few impart only religious education and such education which produces semi-literate religious scholars. This is a weakness.

Very few madaris, I repeat very few of them, are under the influence of politico-religious parties or have been established by them. I know that some of these promote negative thinking and propagate hatred and violence instead of inculcating tolerance, patience and fraternity.

We must remember that historically, the madarasa was a prestigious seat of learning. They were citadels of knowledge and beacon of light for the world.

When Islam was at its zenith, every discipline of learning e.g.: mathematics, science, medicine, astronomy and jurisprudence were taught at these institutions. Great Muslim luminaries such as Al-Beruni, Ibn-e-Sina (Avesina) and Ibn Khuldoon, were the products of these same madaris.

And if we study history, we see that from the 7th to 15th century AD, transfer of technology took place from the Muslims to the rest of the world. Look at Muslims' condition today. Islam teaches us to seek knowledge, even if it involved travel to China. I am sure you are aware that the Prophet (Peace Be Upon Him) had told prisoners of war in the Battle of Badar that they would be set free if each of them imparted education to ten Muslims. Quite obviously, this education could not have been religious education as the prisoners were non-Muslims. So the Prophet (Peace Be Upon Him) was actually referring to worldly education. If we do not believe in education, are we following the teachings of Islam or violating them? We must ask what direction are we being led into by these extremists?

The writ of the government is being challenged.

Pakistan has been made a soft state where the supremacy of law is questioned. This situation can not be tolerated any more. The question is what is the correct path? First of all, we must rid the society of sectarian hatred and terrorism, promote mutual harmony. Remember that mindsets can not be changed through force and coercion. No idea can ever be forcibly thrust upon any one. May be the person changes outwardly but minds and hearts can never be converted by force. Real change can be brought about through personal example, exemplary character and superior intellect. It can be brought about by Haqooq-ul-ibad (Obligation towards fellow beings).

Have we forgotten the example of the Holy Prophet (Peace Be Upon Him) where Islam was spread by virtue of his personal conduct, true leadership and that is how changes in the world took place at that time. We have forgotten the teaching of revered personalities of Islam like Hazrat Data Ganj Bakhsh, Hazrat Lal Shahbaz Qalandar, Fareed Ganj Shakar, Baha-uddin Zakria etc.

Was Islam spread by them through force and coercion?

No. They preached Islam by personal example. I give these examples because it hurts me to see where we have relegated ourselves now. We must restore that status of Madaris to what it originally was. We have to change the state of affairs and take them on the path of improvement.

The second thing I want to talk about is the concept of Jihad in its totality. I want to dilate upon it because it is a contentious issue, requiring complete comprehension and understanding. In Islam, Jihad is not confined to armed struggles only. Have we ever thought of waging Jihad against illiteracy, poverty, backwardness and hunger? This is the larger Jihad.

Pakistan, in my opinion, needs to wage Jihad against these evils. After the battle of Khyber, the Prophet (Peace Be Upon Him) stated that Jihad-e-Asghar (Smaller Jihad) is over but Jihad-e-Akbar (Greater Jihad) has begun. This meant that armed Jihad i.e. the smaller Jihad was now over and the greater Jihad against backwardness and illiteracy had started.

Pakistan needs Jihad-e-Akbar at this juncture.

By the way we must remember that only the government of the day and not every individual can proclaim armed Jihad. The extremist minority must realise that Pakistan is not responsible of waging armed Jihad in the world. I feel that in addition to Haqooq

Allah (Obligations to God), we should also focus on Haqooq-Al-ebad (Obligations towards fellow human beings). At Schools, Colleges and Madaris, Obligations towards fellow beings should be preached. We know that we have totally ignored the importance of correct dealings with fellow human beings. There is no room for feuds in Islamic teachings. It is imperative that we teach true Islam i.e. tolerance, forgiveness, compassion, justice, fair play, amity and harmony, which is the true spirit of Islam. We must adopt this.

We must shun negative thinking.

We have formulated a new strategy for Madaris and there is need to implement it so as to galvanize their good aspects and remove their drawbacks. We have developed a new syllabi for them providing for teaching of Pakistan studies, Mathematics, Science and English along with religious subjects. Even if we want these Madaris to produce religious leaders they should be educated along these lines. Such people will command more respect in the society because they will be better qualified. To me, students of religious schools should be brought in to the mainstream of society. If any one of them opts to join college or university, he would have the option of being equipped with the modern education. If a child studying at a madrasa does not wish to be a prayer leader and he wants to be a bank official or seek employment elsewhere, he should be facilitated.

It would mean that the students of Madaris should be brought to the mainstream through a better system of education. This is the crux of the Madrasa strategy.

This by no means is an attempt to bring religious educational institutions under Government control nor do we want to spoil the excellent attributes of these institutions. My only aim is to help these institutions in overcoming their weaknesses and providing them with better facilities and more avenues to the poor children at these institutions.

We must check abuse of mosques and madaris and they must not be used for spreading political and sectarian prejudices. We want to ensure that mosques enjoy freedom and we are here to maintain it. At the same time we expect a display of responsibility along with freedom. If the Imam of mosques fail to display responsibility, curbs would have to be placed on them.

After this analysis, now, I come to some conclusions and decisions:

First, we have to establish the writ of the Government. All organizations in Pakistan will function in a regulated manner. No individual, organization or Party will be allowed to break law of the land. The internal environment has to be improved.

Maturity and equilibrium have to be established in the society. We have to promote an environment of tolerance, maturity, responsibility, patience and understanding. We have to check extremism, militancy, violence and fundamentalism. We will have to forsake the atmosphere of hatred and anger. We have to stop exploitation of simple poor people of the country and not to incite them to feuds and violence. We must concern ourselves with our own country. Pakistan comes first. We do not need to interfere and concern ourselves with others. There is no need to interfere in other countries.

Now I turn to other important issues. In my view there are three problems causing conflict and agitation in our minds. They include: first the Kashmir Cause; secondly all political disputes at the international level concerning Muslims; and thirdly internal sectarian disputes and differences.

These are the three problems which create confusion in our minds. I want to lay down rules of behaviour concerning all the three.

Let us take the Kashmir Cause first. Kashmir runs in our blood. No Pakistani can afford to sever links with Kashmir. The entire Pakistan and the world knows this.

We will continue to extend our moral, political and diplomatic support to Kashmiris. We will never budge an inch from our principle stand on Kashmir. The Kashmir problem needs to be resolved by dialogue and peaceful means in accordance with the wishes of the Kashmiri people and the United Nations resolutions. We have to find the solution of this dispute. No organization will be allowed to indulge in terrorism in the name of Kashmir. We condemn the terrorist acts of September 11, October 1 and December 13. Anyone found involved in any terrorist act would be dealt with sternly.

Strict action will be taken against any Pakistani individual, group or organization found involved in terrorism within or outside the country. Our behaviour must always be in accordance with international norms.

On this occasion, as President of Pakistan, I want to convey a message to Prime Minister Vajpaee: If we want to normalize relations between Pakistan and India and bring harmony to the region, the Kashmir dispute will have to be resolved peacefully through a dialogue on the basis of the aspirations of the Kashmiri people.

Solving the Kashmir Issue is the joint responsibility of our two countries. Let me repeat some of the observations made by you, Mr. Vajpayee, some time back, and I quote: "Mind-sets will have to be altered and historical baggage will have to be jettisoned." I take you on this offer. Let us start talking in this very spirit.

Now as Commander of the Armed Forces of Pakistan, I wish to convey another message. The Armed Forces of Pakistan are fully prepared and deployed to meet any challenge. They will spill the last drop of their blood in the defence of their country. Let there be no attempt of crossing the border in any sector as it will be met with full force. Do not entertain any illusions on this count.

I would also like to address the international community, particularly the United States on this occasion. As I said before on a number of occasions, Pakistan rejects and condemns terrorism in all its forms and manifestation. Pakistan will not allow its territory to be used for any terrorist activity anywhere in the world. Now you must play an active role in solving the Kashmir dispute for the sake of lasting peace and harmony in the region. We should be under no illusion that the legitimate demand of the people of Kashmir can ever be suppressed without their just resolution. Kashmiris also expect that you ask India to bring an end to state terrorism and human rights violations. Let human rights organizations, Amnesty International, the international media and U.N. peacekeepers be allowed to monitor activities of the Indian occupation forces.

Now we come to the second problem, which causes confusion in our minds and is of our particular concern. It relates to conflicts involving Muslims. Our religious leaders involve themselves in such conflicts without giving serious thought to them. I don't want to talk at length on this.

It is for the government to take a position on international issues. Individuals, organizations and political parties should restrict their activities to expression of their views. I request them to express their views on international issues in an intellectual spirit and in a civilized manner through force of argument.

Views expressed with maturity and moderation have greater convincing power. Expressing views in a threatening manner does not create any positive effect and anyone who indulges in hollow threats is taken as an unbalanced person by the world at large.

I would request that we should stop interfering in the affairs of others. First, we should attain the strength and the importance where our views carry weight when we express them.

Now we come to internal decisions.

The third issue causing conflict in our minds relates to sectarian differences. As I have already pointed out that writ of the Government will be established. No individual, organization or party will be allowed to break the law of the land. All functioning will be in a regulated manner and within rules.

Now I come to the extremist organizations. Terrorism, and sectarianism must come to an end. I had announced a ban on Lashkar-e-Jhangvi and Sipah-e-Mohammad on 14 August last year. On that occasion, I had pointed out that Sipah-e-Sahaba and TJP would be kept under observation.

I am sorry to say that there is not much improvement in the situation. Sectarian violence continues unabated. We have busted several gangs involved in sectarian killings. You would be astonished to know that in year 2001 about 400 innocent people fell victim to sectarian and other killings.

Many of the gangs apprehended include people mostly belonging to Sipah-e-Sahaba and some to TJP. This situation cannot be tolerated any more. I, therefore, announce banning of both Sipah-e-Sahaba and TJP. In addition to these, TNSM (Tehrik-e-Nifaz-e-Shariat Mohammadi) being responsible for misleading thousands of simple poor people into Afghanistan also stands banned.

This organization is responsible for their massacre in Afghanistan. The Government has also decided to put the Sunni Tehreek under observation. No organization is allowed to form Lashkar, Sipah or Jaish. The Government has banned Jaish-e-Mohammad and Lashkar-e-Taiba.

Any organization or individual would face strict punitive measures if found inciting the people to violence in internal or external contexts.

Our mosques are sacred places where we seek the blessings of God Almighty. Let them remain sacred. We will not allow the misuse of mosques. All mosques will be registered and no new mosques will be built without permission. The use of loudspeakers will be limited only to call for prayers, and Friday Sermon and Vaaz.

However, I would like to emphasise that special permission is being given for "Vaaz" (Sermon). If this is misused the permission will be cancelled.

If there is any political activity, inciting of sectarian hatred or propagation of extremism in any mosque, the management would be held responsible and proceeded against according to law.

I appeal to all Pesh Imams to project the qualities of Islam in the mosques and invite the people to piety. Talk of obligations towards fellow beings, exhort them to abstain from negative thoughts and promote positive thinking. I hope that all Nazims, Distt. Police officers and Auqaf Department officials will take quick action against violators of these measures.

On Madaris, a detailed policy will be issued through a new Madressa Ordinance. The Ordinance will be issued in a few days. I feel happy that the Madressa policy has been finalized in consultation with religious scholars and Mashaikh. I have touched on the merits and shortcomings prevailing in the Madaris. Merits have to be reinforced while shortcomings have to be rooted out. Under the Madressa policy, their functioning will be regulated. These Madaris will be governed by same rules and regulations applicable to other schools, colleges and universities. All Madaris will be registered by 23rd March 2002

and no new Madressa will be opened without permission of the Government.

If any Madressa (religious school) is found indulging in extremism, subversion, militant activity or possessing any types of weapons, it will be closed.

All Madaris will have to adopt the new syllabi by the end of this year. Those Madaris which are already following such syllabi are welcome to continue. The Government has decided to provide financial assistance to such Madaris. The government will also help the Madaris in the training of their teachers. The Ministry of Education has been instructed to review courses of Islamic education in all schools and colleges also with a view to improving them. So far as foreign students attending Madaris are concerned, we have set rules for them. Foreign students who do not have proper documents would be required to comply with the formalities by 23rd March 2002; otherwise they can face deportation.

Any foreigner wanting to attend Madaris in Pakistan will have to obtain required documents from his/her native country and NOC from the government. Only then, he or she will get admission. The same rules will apply to foreign teachers.

Some Ulama were of the view that some poor people who come to Pakistan for religious education should not be deported to the countries of their origin.

I agree that this is a genuine demand but such people should regularize their stay in Pakistan through their respective embassies. As I have said, all such activity has to be regulated and the writ of the Government must be established.

With a view to ending conflict, I have explained to you at great length the three areas causing confusion in our minds. Making rules, regulations and issuing ordinances is easy but their implementation is difficult. However, I feel all the measures I have announced are of utmost importance. We have to implement them. In this regard, the law enforcement agencies including police must perform their duty.

We are introducing reforms in the police with a view to improving their efficiency. A great responsibility lies on their shoulders.

I have directed the police to ensure implementation of the steps announced by the government and I have no doubt they will be motivated to perform their duty.

After reforms we expect they will be better trained and equipped to discharge their duty. Rangers and civil armed forces will be in their support.

We are also taking steps in consultation with the judiciary for speedy trial of cases relating to terrorism and extremism. Anti-terrorist courts are being strengthened and necessary orders will be issued in a few days.

Apart from these issues, I would also like to inform you, my brothers and sisters, that we have been sent a list of 20 people by India.

I want to clear our position on this. There is no question of handing over any Pakistani. This will never be done. If we are given evidence against those people, we will take action against them in Pakistan under our own laws. As far as non-Pakistanis are concerned, we have not given asylum to any one. Any one falling under this category will be proceeded against whenever one is found.

My Brothers & Sisters, Pakistan is an Islamic Republic. There are 98 percent Muslims living in this country. We should live like brothers and form an example for rest of the Islamic countries. We should strive to emerge as a responsible and progressive member of the comity of nations.

We have to make Pakistan into a powerful and strong country. We have resources and potential. We are capable of meeting external danger. We have to safeguard ourselves

against internal dangers. I have always been saying that internal strife is eating us like termite. Don't forget that Pakistan is the citadel of Islam and if we want to serve Islam well we will first have to make Pakistan strong and powerful.

There is a race for progress among all nations.

We cannot achieve progress through a policy of confrontation and feuds. We can achieve progress through human resource development, mental enlightenment, high moral character and technological development. I appeal to all my countrymen to rise to the occasion. We should get rid of intolerance and hatred and instead promote tolerance and harmony.

May God guide us to act upon the true teachings of Islam. May He help us to follow the Quaid-e-Azam's motto: "Unity, Faith and Discipline". This should always be remembered. We will be a non-entity without unity.

And I would again like to recite a couplet from Allama Iqbal.

Fard Qaim Rabte Millat Say Hai Tanha Kuch Naheen.

Mauj Hai Darya Main Aur Baroon-e-Darya Kuch Naheen.

(Amongst the Community Do Individuals Survive; Not Alone; Like Waves That Exist in Rivers Out of Water Are Not Known.) Pakistan Painsabad.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.

Daschle motion to reconsider the vote (Vote No. 377—107th Congress, 1st session) by which the second motion to invoke cloture on Daschle (for Harkin) amendment No. 2471 (listed above) was not agreed to.

Crapo/Craig amendment No. 2533 (to amendment No. 2471), to strike the water conservation program.

Craig Amendment No. 2835 (to amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock.

Santorum modified amendment No. 2542 (to amendment No. 2471), to improve the standards for the care and treatment of certain animals.

Feinstein amendment No. 2829 (to amendment No. 2471), to make up for any shortfall in the amount sugar supplying countries are allowed to export to the United States each year.

Harkin (for Grassley) amendment No. 2837 (to amendment No. 2835), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Baucus amendment No. 2839 (to amendment No. 2471), to provide emergency agriculture assistance.

Reid amendment No. 2842 (to the language proposed to be stricken by Crapo/Craig amendment No. 2533), to promote water conservation on agricultural land.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2843 TO AMENDMENT NO. 2471

Mr. ENZI. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 2843 to amendment No. 2471.

Mr. ENZI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to provide livestock feed assistance to producers affected by disasters)

On page 126, before line 1, insert the following:

SEC. 1. LIVESTOCK ASSISTANCE PROGRAM.

Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933) is amended to read as follows:

"SEC. 194. LIVESTOCK ASSISTANCE PROGRAM.

"(a) IN GENERAL.—the Secretary shall carry out a program to provide livestock feed assistance to livestock producers affected by disasters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000,000 for each of fiscal year 2003 through 2008.

Mr. ENZI. Madam President, I rise to offer an amendment that would permanently authorize the Livestock Assistance Program.

The Livestock Assistance Program at the moment is an ad hoc program administered by the U.S. Department of Agriculture through the Farm Service Agency. It is available to livestock producers in counties that have been declared disaster areas by the President or the Secretary of Agriculture. It provides financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters. My amendment permanently authorizes this program, thereby acknowledging that drought is a recurring situation, much like low market prices, which the rest of the farm bill addresses—usually in emergency situations for which we provide some funding in advance. The Livestock Assistance Program is one of those areas where we have not done that. We want to change it so that we recognize it and then budget for it and then later appropriate for this great need that recurs frequently in the United States. It is just good accounting when you know something is going

to happen and then provide for it in advance instead of providing for it at the tail end.

Let me tell you a little about the history of the Livestock Assistance Program. It began in 1999 as an ad hoc program to assist ranchers in drought-stricken areas buy feed. Until fiscal year 2002, it had been tacked onto yearly appropriations bills and funded. The outcry in my State was loud when the Livestock Assistance Program wasn't funded this year. We will be voting tomorrow on the emergency funding of the Livestock Assistance Program for fiscal year 2002. In years of drought, which seem to be every year in Wyoming lately, my ranchers depend on Livestock Assistance Program money to help pay for skyrocketing feed costs. They need to know they can depend on our assistance when they need it.

This buys feed so they can keep the herd alive, which is kind of a humane thing to do.

Livestock producers in my State of Wyoming have been hard hit by drought. In fact, some ranchers in my State tell about the grass in their pastures being destroyed as their cattle walk over it. There is not enough moisture to keep what grass there is rooted in the ground. The drought outlook for this year isn't optimistic. Recently, Wyoming's State climatologist reported that a third year of drought is possible. After Wyoming's warmest summer in 107 years, a normal year would be a relief, but it wouldn't be enough.

We need about 180 percent of our normal moisture to get to the average for the year. Unless rains of 125 to 175 percent of normal fall on my State, my ranchers will be facing a third year of drought. We are not talking about a lot of rain. Wyoming's average rainfall is only 18 inches a year. But we are not anywhere near that this year. People who are feeding cattle at this time of year during the cold weather are often finding that there isn't enough moisture in the ground. At this time of year the ground would normally be frozen, and it would be easy to get across the ground. When they dropped off the feed, the feed would still be on top of the ground and the cattle would be able to get at it. They have to move their feed every day just to get around.

This last weekend I was at the stock show in Denver. It is a big national event. All of the ranchers come in for that during this time of year and hold a number of important meetings. When I left that meeting to go to Wyoming, I was in a duststorm. I was in a duststorm that was as bad as any blizzard we have in Wyoming. The visibility was extremely limited. You could only see taillights about 100 feet ahead of you because the dirt was blowing off the fields. The fields are dry. They haven't had enough moisture so it can freeze and thaw so the dirt doesn't blow away.

The past years tell us that we will always fight drought. I still believe that

the forward-looking solution is to provide livestock producers with livestock insurance. They have risks inherent in a business that depends on weather. Livestock producers don't have this tool. The USDA recently introduced pilot programs to explore this option, but until livestock insurance is available to manage risk, we should assist when risk becomes fact.

The chart behind me displays how many states have drought problems. It is color coded. If the States are in blue, there isn't a drought problem at the moment. If the States are in red, the entire State has already been declared a disaster area. The ones in orange have been partly declared disaster areas, depending on the part of the State which submitted applications and were accepted as having the difficulty. The States in yellow have some counties that have emergency designations because of being contiguous to the other counties that have already been designated.

You can see that almost the entire United States has this problem. For us to ignore it would be a tragedy.

The Secretary of Agriculture designated counties in each of these States as drought disaster areas for 2001.

You can see that the pattern is pretty widespread throughout the United States. If we don't pass this amendment, we are saying, yes, we have a program. It has been a great program. It has saved livestock from dying in the past. It saved people from having to sell off their herds. If we do not fund this program, if we do not put it on the books as a permanent program, if we do not show that it has some importance, then it is like a bad joke in our programs.

Many of you may not realize that drought begins during the winter even when the snow is on the ground. It is born when the snowpack is too thin. It reaches its full size during the dry summers. And drought flexes its full strength in the fall when ranchers are searching for winter feed.

My amendment authorizes this program so that we can consider the full impact of drought before it is too late. We are doing our country a disservice by waiting until the Agriculture appropriations bill is passed each year to garner support for assisting drought-stricken ranchers.

I am not asking my colleagues to support risky ventures. The poorly managed ranches went out of business in the first year of drought. Besides, the money these ranchers receive isn't enough to save their places; it is enough to feed the cattle and sheep.

I am asking my colleagues to adopt this amendment and assist dedicated livestock producers and their families who have persevered through hardship and continue to fight to stay in business.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Madam President, I ask the distinguished Senator from Wyoming if he will respond to questions in a colloquy about the important amendment he has offered?

Mr. ENZI. I am pleased to respond, Madam President.

Mr. LUGAR. Madam President, I ask the Senator, is it his intent to bring about an authorization for this so-called LAP program, which leads to this point, as the Senator has pointed out, that it has usually been the result of the appropriations process and a disaster bill on an ad hoc basis?

Mr. ENZI. Yes. My purpose is to move it from a last-minute measure to an authorized program so that it would go through the normal process and be a part of our normal planning.

Mr. LUGAR. To be a permanent program?

Mr. ENZI. Yes, a permanent program.

Mr. LUGAR. As I understand the amendment, it does not have mandatory funding attached to the program. It simply is an authorization. As the Senator pointed out, therefore, there is some planning, some attention that could be given to the livestock industry throughout the year in preparation for the appropriations process.

Mr. ENZI. Yes. Our hope is definitely that it becomes a part of the normal planning process, that it becomes a part of the appropriations through that mechanism rather than always coming in as an emergency, an emergency after the fact. It would be before the fact.

So I appreciate the question and the attention that is being given to it to make it a full-fledged program.

Mr. LUGAR. Does the Senator have a recollection of how frequently drought has occurred in Wyoming or, for that matter, the surrounding States? Is this an annual situation or perhaps it has occurred 1 out of 3 years? How would the Senator characterize the dilemma?

Mr. ENZI. Madam President, at the present time, we are in the third year of a drought. We normally do not have it every year, although we may have a county or two that would have it—not the same county even—but it is usually on a county-by-county basis. One county may have a drought this year; another county might have a drought next year.

But at the moment, our entire State is having a drought, as is Montana. They have already gotten their designation. We have not gotten our full State designation yet, and it probably would not even be necessary because of some of the surrounding county designations that we pick up that same way.

But ever since I got to the Senate, I have been concerned that we have come in with emergency proposals for things that happen on a very regular basis and what we know will happen. We do not know where it will happen, but we know it will happen. Wherever it happens in the United States, we ought to take it into consideration,

plan for it, budget for it, and prepare for it before it happens so we can do what we said we would do.

Mr. LUGAR. Just on a historical basis, obviously, the ranching industry has been a large one in the Senator's State for many years, and I suspect that drought has frequently come. I am just simply curious, as a matter of historical record, how have cattlemen survived these droughts? Has it been really through annual or these ad hoc appropriations or is there sort of a law of averages? How would you describe why people decide to have grazing in Wyoming and how some, at least, have thrived or they would not be in business even to this day?

Mr. ENZI. We have had the cattle industry in Wyoming since before Wyoming was a State. We have had some horrible losses before. The original losses were by people from other countries who were raising their cattle in Wyoming. They had enough money to get into business to begin with, and they had enough money to survive.

We have now gotten more to the point where they are family businesses, family ranches. The reason this becomes an extreme problem is, for example, this is the third year of drought for us. The program is even set up so if you receive money in 1 year, you cannot receive money in the next year. That will create some problems.

But the purpose of the program was not to pay for losses they had but to provide enough feed to keep them in business. With the cattle industry and the sheep industry, if you have breeding stock, and the weather gets really bad—really dry—and you know you are going to be in bad shape, and you sell off your breeding stock, you have just gone out of business. So mostly what this does is provide the feed supply for the breeding stock itself so that they can keep the herd going year after year. If it was only cattle they were raising on an annual basis, then they would just sell off that cattle.

One of the happenings in the past in Wyoming—and in the surrounding States—is ranchers have had to go out of business, and they have had to find a way to get back in business at a later time. Of course, during a drought, the people who are buying cattle recognize there is a drought, so they are kind of fire-sale prices that people get. They do not get full compensation for their herd at that time. Part of that is because there are more cattle being sold off at that time than normal. When you have an oversupply, the price goes down.

So we are trying to keep things together so there can be economic planning on the part of the ranchers as well as on the part of Government.

Mr. LUGAR. I appreciate the Senator's responses that fill out a very fine initial presentation of the bill with the Senator's own experience.

Obviously, he speaks not only for the State that he represents so well but for other cattlemen, those who are in-

volved in this process. The chart that he has presented is a comprehensive chart of the entire United States. There are many problems; therefore, the merits of the Senator's amendment really pertain to all of these Americans in addition to those he represents in the State of Wyoming.

I thank the Senator for his responses. I like the idea, and I would plan to support his amendment.

Mr. ENZI. I thank the Senator.

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

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

Mr. JEFFORDS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for a period of time not to exceed 5 minutes.

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

(The remarks of Mr. JEFFORDS are printed in Today's RECORD under "Morning Business.")

AMENDMENT NO. 2837

Mr. GRASSLEY. Mr. President, I have a second-degree amendment on the farm bill. I offered this second-degree amendment to the Craig amendment to clear up any concerns raised by the opposition regarding the word "control" in the original Johnson-Grassley amendment banning packer ownership of livestock.

The new language reads that a packer may not own or feed hogs or cattle "through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of livestock."

What we are trying to do is clear up a little blue smoke that has been raised about the amendment that Senator JOHNSON and I offered prior to the holidays. It was adopted 51 to 46. So we want to clear up what the word "control" means. We do that through the phrase "materially participating."

A farmer who materially participates in the farming operation must pay self-employment taxes. Those who do not materially participate do not have to pay self-employment taxes. The phrase has appeared in the IRS Code, section 1402(a), since 1956, and there is a full hopper of case law clarifying the definition. So the words we use to explain what we mean or do not mean by the word "control" have a lot of case law behind them.

For those who were worried about excessive lawsuits and the actual enforcement of the provision being tied up in

the courts, rest assured that the perceived problem has been fixed.

I know that the lobbyists for the American Meat Institute will dream up some red herring argument that might attack me, as they have on this amendment, but that is OK. They do not represent the independent producers; they represent just the packers, bottom line.

For those producers who manage their risk through forward contracts and marketing agreements, the new language will not affect contractual relationships. Almost all producers who sell hogs or cattle under marketing agreements or forward contracts materially participate in the management of the operation and, thus, pay self-employment taxes. These independent producers will not have to change their business practices at all.

The revised amendment I have offered will inject greater competition, access, transparency, and fairness into the livestock marketplace. Small and medium-sized livestock operations will gain greater access to markets that will have greater volume and be subject to less manipulation. The revised bill clarifies that arrangements that do not impose control over the producer can still provide all the benefits of coordination and product specification.

I have worked on the second-degree amendment with the distinguished chairman of the Senate Agriculture Committee, Senator HARKIN, and also with Senator JOHNSON, the original cosponsor with me of the original language before the holidays, and the Iowa Farm Bureau and the American Farm Bureau Federation. We are all confident this amendment does exactly what we claim, which is to limit packer ownership but avoid impacting risk-management tools available for independent producers.

I will read, for my Senate colleagues, a letter from the American Farm Bureau Federation that states, with confidence, we have accomplished our goal and have overcome the blue smoke that the American Meat Institute and the packers have raised against the original Johnson-Grassley amendment:

The American Farm Bureau Federation supports Senator Grassley's amendment to clarify the issue of "control" under the packer ownership prohibition. This would allow producers to forward contract, pursue marketing arrangements, develop branded products, schedule animals to their plants, and to receive value-based premiums. We urge you to support the Grassley amendment to clarify "control."

Packer ownership has resulted in an increase in packer market power by allowing the packers the opportunity to stay out of the cash market for extended periods of time, often reducing farm gate demand and driving down prices paid to producers. This has resulted in the inability of independent producers to access the market. These transactions concerning packer-owned livestock are not part of the publicly-reported daily cash market. Narrowing the volume in the market makes it more subject to manipulation and often results in lower prices paid to producers.

We urge you to oppose the Craig amendment and support the Grassley amendment calling for clarification to the prohibition of packer ownership included in the Senate farm bill.

I can't lay it out much more clearly than the statement I just read from the American Farm Bureau. I should also state that in addition to the Farm Bureau, over 135 other organizations have also signed a letter in support of my second degree amendment. Just a few of those groups are the Livestock Marketing Association, National Farmers Union, National Farmers Organization, National Family Farm Coalition, R-CALF USA, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, United Methodist Church, General Board of Church and Society, National Catholic Rural Life Conference, and the Organization for Competitive Markets.

The packers are an important piece in the rural economy, but only a piece, not the whole pie. The question we need to ask ourselves is whether packers should be packers or packers should also be products. Is it our intent to let packers compete with producers on an even playing field? Is there any question who will lose?

I yield the floor.

The reason we keep sows in farrowing stalls is to protect the piglets. Sows are extremely important for the health and well-being of the piglets, but if we let the sow out of the crate we stand the chance of getting the piglets crushed by the sheer weight of the sow, or worse, and watch the sow grow fatter. Let us build a strong farrowing stall for the packers and facilitate the health and well being of our independent producers.

Support the Grassley second-degree tomorrow.

AMENDMENT NO. 2542

Mr. DURBIN. Mr. President, I rise today to speak as a cosponsor of an amendment by my colleague, Senator SANTORUM, regarding puppy mills. This amendment is based on legislation we introduced last October, S. 1478, known as the Puppy Protection Act.

For more than three decades, Congress has given the responsibility of ensuring minimum standards of humane care and treatment of animals to the Department of Agriculture, under the Federal Animal Welfare Act.

The current guidelines within the Animal Welfare Act do not go far enough to protect puppies at large breeding facilities, they merely provide for water and food, and that is questionable. By amending the Animal Welfare Act our amendment will better control the practices of puppy breeding in large facilities and address cruel puppy treatment.

In these large facilities, puppies are often kept in cramped, dirty cages, sometimes stacked on top of each other, exposed to the elements in extreme cold and heat, forced to breed incessantly; and deprived of adequate food, water, veterinary care, and any

semblance of loving contact. I have a chart that outlines the top 10 violations committed by commercial dog breeding facilities according to the USDA. These 10 points underscore the fact that something has to be done to stop the cruel treatment of puppies. I ask unanimous consent that a copy of my chart, and a letter from the Humane Society of the United States 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. This inhumane treatment has a direct bearing on the physical and mental health of dogs in these facilities. Often, after these puppies join a family, they turn out to have serious health and psychological problems that cause them pain, cause their owners great distress, and require expensive medical care.

I believe our amendment will address these problems, by filling gaps in the current law and encouraging stronger enforcement by USDA to crack down on chronic violators.

Our amendment has three components: socialization, breeding, and a three strikes policy. First, it will require commercial breeders to provide socialization for dogs at their facilities. Socialization is important for puppies during their first few weeks of life because if they're isolated from people and other dogs during those key weeks, they could face a lifetime of serious problems. Second, our amendment establishes some very modest restrictions to prevent extreme overbreeding of dogs by commercial operators. The dogs must be at least one-year-old before they're bred, and they can't have more than 3 litters during a 24-month period. Third, our amendment contains a "three strikes and you're out" provision to strengthen enforcement of the Animal Welfare Act by cracking down on commercial dog dealers who keep violating the law. If there are three violations during an 8-year period, the facility will lose its license, unless the Secretary makes a written finding that revocation is unwarranted because of extraordinary extenuating circumstance.

I've heard from many of my constituents in Illinois, who are deeply concerned about the puppy mill problem and want this legislation enacted. Our amendment is supported by national animal protection organizations, such as The Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals, ASPCA, which collectively represent more than 8 million Americans.

In addition, more than 860 animal shelters, animal control offices, and other state and local organizations across the country have endorsed this legislation. In my home State, they include 23 groups in Illinois, ranging from the Cook County Department of

Animal and Rabies Control to the Peoria Animal Welfare Shelter to the Illinois Federation of Humane Societies, based in Urbana.

I've been pleased to join with Senator SANTORUM and a number of our colleagues in obtaining additional funds for USDA to improve its enforcement of the Animal Welfare Act. We've had terrific support in this effort from Appropriations Chairmen BYRD and KOHL, along with Ranking Member COCHRAN, for which I'm very grateful. This amendment will complement those ongoing efforts by strengthening USDA's authority to crack down on the bad actors.

This amendment will ensure that any commercial dog breeder licensed by the Federal Government is meeting basic humane standards of care. We owe at least this much to the animals that have earned the title "man's best friend." We're talking about establishing a safety net to protect dogs, puppies, and the consumers who care about them against the poor treatment practices of the really bad dealers, the ones who provide no interaction; the ones who go against industry norms when it comes to over-breeding. And the ones who repeatedly violate the law governing the humane care of dogs. The good dealers, however, should be recognized for their work.

In closing, it is just unfortunate that it is the good dealers who suffer at the hands of the bad ones, the ones that give the industry a bad reputation. I thank my colleagues for their attention to this issue, and I urge their support for the Santorum-Durbin amendment.

EXHIBIT 1

Top 10 Violations by Commercial Dog Breeding Facilities

Here are the most common violations found by USDA in reported enforcement actions of 2000 (in order of frequency):

1. Failure to maintain clean and dry enclosures (remove excrement, food waste or corpses on a daily basis);
2. Failure to provide veterinary care to animals in need of care;
3. Failure to provide outdoor housing with adequate protection from the elements;
4. Failure to establish or maintain program to prevent infestation of pests;
5. Failure to provide dogs with adequate space;
6. Failure to clean and sanitize food receptacles;
7. Failure to ensure that enclosures did not have sharp edges that could injure animals;
8. Failure to provide water and food;
9. Failure to allow USDA inspectors to conduct a complete inspection of facility; and
10. Failure to ensure dogs were older than eight weeks of age before delivering them for transport.

THE HUMANE SOCIETY
OF THE UNITED STATES,
Washington, DC.

Support the Santorum-Durbin amendment to the farm bill

DEAR SENATOR: On behalf of the more than 7 million members and constituents of The Humane Society of the United States (HSUS) and the American Society for the Prevention of Cruelty to Animals (ASPCA), we urge you

to support the Santorum-Durbin amendment to S. 1731 (the Farm Bill). This amendment, which has broad bipartisan support, tracks closely with S. 1478, the "Puppy Protection Act," introduced by the amendment authors. The amendment is designed to crack down on so-called "puppy mills."

The Santorum-Durbin amendment will improve USDA enforcement of the Animal Welfare Act at commercial dog breeding operations in three ways:

- (1) Encourage swift and strong enforcement against repeat offenders by creating a "three strikes and you're out" system for chronic violators.
- (2) Address the need for breeding females to be given time to recover between litters, and to be at least one year old before they are bred.
- (3) Require that dogs be adequately socialized with other dogs and with people, enhancing their well-being and helping to prevent behavior problems in the future.

Mistreatment of dogs is a chronic problem at puppy mills. Dogs at puppy mills are often overcrowded, subjected to intense overbreeding, denied proper veterinary care, and maintained in substandard and unsanitary housing. Despite public awareness of these problems, the conditions persist. Strengthening the federal Animal Welfare Act to resolve these problems is a warranted and overdue response.

Mill dogs are treated as breeding machines. They are kept there for one reason: to produce puppies non-stop, beginning at a very young age, when they are still just puppies themselves. Over-breeding causes serious health problems for the mother and puppies.

Consumers are defrauded, believing they are purchasing healthy animals. Because of overbreeding and poor socialization, new puppies from pet stores and large-scale breeding facilities often face an array of behavioral and health problems—with illnesses often requiring consumers to absorb costly veterinary treatment.

USDA data reveal that there are at least 3,000 commercial dog breeding facilities operating throughout the country. The Santorum-Durbin amendment will provide USDA with better tools to crack down on chronic law-breakers and to address the important issues of socialization and overbreeding.

We anticipate scoring this legislation in the 2001 Humane Scorecard, either by co-sponsorship or recorded vote. Please support the Santorum-Durbin amendment to the Farm Bill.

Sincerely,

WAYNE PACELLE,
Senior Vice President,
Communications and
Government Affairs,
HSUS.

LISA WEISBERG,
Senior Vice President,
Government Affairs
and Public Policy,
ASPCA.

Q & A ON PUPPY PROTECTION ACT, S. 1478

Won't this legislation affect "hobby breeders" and bring anyone who sells a puppy under federal regulation?

Those who maintain three or fewer breeding female dogs and sell their offspring for pets or exhibition are exempt from the Animal Welfare Act (AWA). This means that they do not need to obtain a license, nor are they subject to the AWA's humane care requirements or inspections.

Nothing in the Puppy Protection Act changes this "de minimus" exemption. Only those who are subject to the rest of the Ani-

mal Welfare Act will be subject to the new requirements regarding socialization and overbreeding and to the "three strikes" enforcement provision.

According to the American Kennel Club's (AKA) records for 1997, the overwhelming majority of its registrants—almost 97%—had 3 or fewer breeding female dogs.

If it becomes necessary to adjust the de minimus threshold because of pending litigation, this can and should be addressed through the regulatory process, with input from all affected parties.

Under the "three strikes" provision, will breeding facilities be shut down for non-compliance with minor technical rules?

The legislation expressly provides that a dealer's license need not be revoked if the Secretary finds that "the violations were minor and inadvertent, that the violations did not pose a threat to the dogs, or that revocation is inappropriate for other good cause." This waiver language is broad enough to cover a range of situations for which revocation might be considered too severe a penalty, such as the scenario cited by opponents involving "three minor violations. . . even if immediate corrections were made and the dealer was in full compliance with the law."

The legislation further guarantees the licensee a hearing before an Administrative Law Judge within 30 days, to consider whether license revocation is unwarranted.

Why cover commercial breeders who supply dogs for research?

There are no standards currently covering socialization or overbreeding of any dogs (those destined for research or for the pet trade). The Puppy Protection Act addresses this gap in the Animal Welfare Act.

Dogs who will be used for research—and may suffer and give their lives to serve human health needs—are certainly no less deserving of humane care in their first few weeks than those who will become pets.

Congress has recognized this moral obligation by providing additional—not lesser—protections for dogs destined for research, in other portions of the Animal Welfare Act.

Poor socialization renders dogs fearful and aggressive when they come in contact with people. It is not in the interest of researchers to have dogs who bite and are unmanageable.

Breeding female dogs every single heat, beginning when they are too young, seriously compromises their health and the health of their puppies, leaving them weak and susceptible to disease. The scientific integrity of medical research is undermined if animal subjects are not healthy.

If puppies are produced at facilities that chronically violate basic humane standards (for food, water, veterinary care, etc.), their health and their value as research subjects are likely to be compromised. As former Senator Bob Dole said, "It is obvious that good animal care is essential to ensuring good quality research."

Less than .3% of all animals used in research are dogs, so the impact of this bill on research will be slight. Furthermore, it is not researchers, but the breeding facilities that supply dogs to them, who will be subject to the Puppy Protection Act's requirements, which will in turn benefit the researchers by ensuring healthier dogs.

Shouldn't Congress stay out of the business of regulating dog breeding practices?

Female dogs at some breeding facilities are made to produce litters every cycle (typically, twice a year) until they are "spent," beginning when they are as young as 6 months old. Such relentless overbreeding causes severe nutritional deficiencies and impairs a dog's immune system, leading to

increased risk of infections, illness and organ failure. These concerns go to the heart of humane treatment, and are as appropriate for Congress to address as other areas already covered by the AWA, such as adequate veterinary care, food, water, sanitation, ventilation, and shelter from harsh weather.

Opponents concede that the legislation's restrictions on breeding are so modest that "most breeders have much higher standards than the ones called for" in the Puppy Protection Act; the bill will only affect truly "bad actors."

If Congress puts restrictions on breeding of dogs, won't this lead to breeding restrictions for livestock?

The "slippery slope" argument ignores the fact that Congress will only go as far as it considers necessary and acceptable, and is not bound to extend any law.

Congress has historically afforded dogs extra protections under the Animal Welfare Act and other federal laws (such as banning the sale of dog fur and restricting military research on dogs), in recognition of the special relationship between dogs and people. Livestock are not even subject to the protections of the Animal Welfare Act.

Why not us a "performance-based standard" rather than an "engineering standard" for socialization?

When performance-based standards have been used elsewhere in the Animal Welfare Act (to meet the requirement for promoting psychological well-being of primates), they have proven vague, ineffective, and very difficult to enforce. This approach leaves it up to each facility to figure out how to achieve the desired result, and forces inspectors to make subjective judgments. Conversely, an engineering standard clearly specifies what steps a facility needs to take to comply with the law. The facilities know what is expected of them, and the inspectors know what to check for in determining compliance.

Shouldn't industry experts have a say in developing the socialization standard?

The legislation provides that minimum requirements for the socialization of dogs will be developed by the Secretary of Agriculture as part of the regulatory process, ensuring that commercial breeders will have ample opportunity to influence the standard-setting. The legislation does not dictate the specific socialization requirements.

Why not just focus on better enforcement of existing law and catching those who breed dogs illegally without a license?

The sponsors of S. 1478, along with animal protection organizations, are actively involved in obtaining increased funding for USDA to do a better job enforcing the Animal Welfare Act. In the past few years, Congress has appropriated an additional \$13 million to enable USDA to track down more unlicensed facilities, conduct more inspections, and improve follow-up enforcement efforts. Opponents of S. 1478, who argue that Congress should direct its attention to better enforcement of existing law, have done little or nothing to secure additional funds toward that end.

While Congress is making progress addressing the AWA budget shortfall, it is also important to address gaps in the law to better protect dogs and consumers. All the funding in the world will not resolve the problems that the socialization and breeding provisions of the Puppy Protection Act address.

MULTI-LENDER RISK MANAGEMENT

Senator LEAHY. Mr. President, section 541 of S. 1731 makes certain technical adjustments to the current authority of farm credit system institutions to participate with non-system

lenders in certain multi-lender risk management transactions. The system's multi-lender risk management authorities have been very successful in achieving the objectives of the 1992 authorizing legislation, as described on page 73 of the committee's report.

Is it the chairman's understanding that the provisions of S. 1731 will facilitate these partnership arrangements between commercial lenders and the system to spread risk among lenders and improve the availability of capital for the agricultural and food system, communication and related technology service companies and utility systems?

Mr. HARKIN. The Senator is correct.

EXECUTIVE SESSION

NOMINATIONS OF MICHAEL J. MELLOY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, AND JAY C. ZAINEY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar Nos. 670 and 676, which the clerk will report.

The legislative clerk read the nominations of Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit, and Jay C. Zainey, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes to be equally divided.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I begin by thanking the nominees' home State Senators for working with us on this nomination and by commending the majority leader and our assistant majority leader for bringing this matter to successful conclusion today.

I also want to thank Senator CANTWELL for chairing the hearing in January that laid the groundwork for today's confirmation of Judge Michael Melloy as a judge on the United States Court of Appeals for the Eighth Circuit. That confirmation hearing was held on the second day of this session of Congress and was the twelfth confirmation hearing for judicial nominees since the majority shifted last summer. Judge Melloy and the five district court nominees included in the hearing that Senator CANTWELL chaired are the first judicial nominees to receive a confirmation hearing during January since at least 1995.

Those nominees were all promptly considered by the committee at our business meeting last Thursday and, today, due to that unusually fast start by the committee, Judge Melloy's nomination is being considered by the Senate for final action.

Last year I noticed our first judicial nominations hearing within 10 minutes of the Senate being permitted to reorganize. We held that first hearing last session on the day after committee members were assigned. In fact, during the past 7 months we have held 12 hearings involving judicial nominees. That is more hearings involving judicial nominees than were held in all of 1996, 1997, 1999 or 2000 and a more rapid pace than in either 1995 or 1998. Unlike the preceding six and one-half years in which no hearings were held in 30 of the months, since the Committee has reorganized last summer, we have held at least one hearing for judicial nominees every month. In fact, we held two in July, two unprecedented hearings during last summer's August recess, two in December and three in October. With the hearing at which Judge Melloy appeared, we now have held at least one hearing for judicial nominees every month since we were permitted to reorganize last summer after I became chairman of the committee and the Democrats became the majority party in the Senate.

Judge Melloy's confirmation fills a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit, which includes eight States—Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota—has been vacant since May 1, 1999. I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home State Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdrew her name.

In contrast, we moved expeditiously to consider and report Judge Melloy's nomination to the Eighth Circuit. He participated in the first confirmation hearing this year, and his nomination was favorably reported by the Committee last week, during the first full week of this session. Judge Melloy's confirmation will eliminate the judicial emergency vacancy in that circuit caused, in part, by the committee's failure to act on Bonnie Campbell's nomination when Republicans controlled the Senate and the confirmation process.

Since the change in majority last summer, we have already moved ahead to confirm another new member of the Eighth Circuit. Judge Melloy will join Judge William J. Riley of Nebraska as the second judge considered and confirmed to the Eighth Circuit since the

summer. Both nominees were supported by well-respected home-state Senators from both parties.

Judge Melloy will be the seventh Court of Appeals nomination confirmed by the Senate in the last seven months. That is seven more Court of Appeals judges than a Republican majority confirmed in the 1996 session, and as many as were confirmed in all of 1997 and in all of 1999.

During our consideration of Judge Melloy's nomination to be elevated to the Eighth Circuit, we learned that Judge Melloy has a reputation for decisions that are fair, well-reasoned and well-written, without editorial comment or ideological bent. Judge Melloy was nominated to the Northern District of Iowa in 1992 by President George H.W. Bush and confirmed by the Senate. He previously served for six years as a United States Bankruptcy Judge for the Northern District of Iowa. While serving on the District Court for these past 9½ years, Judge Melloy also sat by designation on the Eighth Circuit on several occasions and wrote a number of appellate opinions.

I congratulate the nominee and his family on his confirmation today.

With today's confirmation, the Senate will have confirmed five additional judges since returning late last month. The Senate will have confirmed 33 judges since the change in majority last summer. More than one-quarter of the judges confirmed have been for judicial emergency vacancies, nine so far. Unfortunately, the White House has yet to work with many home-state Senators to send nominees for 14 other judicial emergency vacancies.

I am working to hold another confirmation hearing for judicial nominations, as well, before the end of February, even though it is a short month with a week's recess. The Committee has not held two hearings in the month of February in four years, since 1998.

I noted on January 25 in my statement to the Senate that we inherited a frayed process and are working hard to repair the damage of the last several years. I have already laid out a constructive program of suggestions that would help in that effort and help return the confirmation process to one that is a cooperative, bipartisan effort. I have included suggestions for the White House, that it work with Democrats as well as Republicans, that it encourage rather than forestall the use of bipartisan selection commissions, that it consider carefully the views of home State Senators. Working together, we can make significant progress in filling judicial vacancies.

Mr. HATCH. Mr. President, I am pleased that we are considering today the nominations of two very well-qualified nominees for the Federal courts.

Our circuit nominee is Judge Michael Melloy, who has been nominated for a position on the U.S. Court of Appeals for the Eighth Circuit. Judge Melloy has impeccable credentials for this position: He has served for the past dec-

ade as a Federal District court judge in Iowa, and he served as a bankruptcy court judge for six years before then. In his capacity as a district judge, he has had the honor of having been invited to sit by designation with the Eighth Circuit. I am certain that his distinguished experience will serve him well as he makes the move to join the Eighth Circuit on a permanent basis.

Today's district court nominee is Jay Zainey, whom we are considering for the Eastern District of Louisiana. Mr. Zainey is an experienced private practitioner who has earned the respect of his colleagues, as reflected in his election as president of the Louisiana State Bar Association. One of the remarkable achievements during his tenure as President was the creation of the first state bar committee in the nation to provide legal referral services for the disabled. He will undoubtedly be a welcome addition to the Eastern District bench.

I have every confidence that both of these nominees will serve on the federal courts with distinction. I commend President Bush for selecting them, and I thank Chairman LEAHY for holding hearings and committee votes on them.

I do note that five other district court nominees were unanimously voted out of committee last week along with Judge Melloy and Mr. Zainey. Given this strong endorsement, I urge the Senate to give their nominations timely consideration as well.

Before I yield the floor, I would like to briefly address our progress on judicial nominees so far during this session of Congress. I began this session on an optimistic note about our opportunity to address the vacancy crisis that plagues the federal judiciary. Nearly 100 seats on the federal bench are presently empty. High numbers of vacancies in the federal judiciary can only result in delay of the administration of justice. And, as Justice Oliver Wendell Holmes once stated, and as some of my Democratic colleagues have observed in the past, "Justice delayed is justice denied." There is simply no viable alternative to confirming judges if we are to make a bona fide effort to fill the vacancies in our Federal judiciary.

Despite some of the negative rhetoric and distortions of the record I have heard over the last couple of weeks, I am still optimistic about our chances for success. As I have mentioned before, we are off to a good start. But we still have much work left to do. Last May, President Bush nominated 11 extremely well-qualified nominees to the circuit court of appeals, but only 3 of them have had hearings thus far. Less than one-third of the administration's total appellate nominees have had hearings. So while we are off to a good start, there is much work left to be done.

In 1994, President Clinton's second year in office, the Senate confirmed 100 judicial nominees. I am confident that, with diligence and determination, we

can replicate that feat this year. I pledge to work with my Democratic colleagues to get hearings and confirmation votes for our pending judicial nominees.

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

Ms. LANDRIEU. Mr. President, it is my distinct honor to endorse my good friend Jay Zainey for Federal District Court Judge for the Eastern District of Louisiana. I must commend President Bush for this nomination. He has chosen a man who will bring professionalism, dignity, and respect to the Federal bench.

I cannot say enough about Jay. He has had a stellar legal career, practicing law in Louisiana for more than 25 years—the bulk of that time in solo practice in Metairie, LA, helping people draft wills, start businesses, and giving them sound, sage, and accurate legal advice for virtually any situation. In addition to his own practice, Jay has served as a judge and hearing officer in some of our local courts.

His close connection to the community informed the work he did as Louisiana State Bar Association President. Jay established a community involvement committee of the Bar Association to get Louisiana's 18,000 lawyers working on direct service projects like helping out at homeless shelters and soup kitchens. He saw a need in not only his community, but others around the state and used human resources of the bar association to help bring some relief.

What is even more special about Jay is the humanity he has brought to the Bar and the practice of law in our state. Let me tell you about a very special initiative Jay started as State Bar Association president. He established a special committee dedicated to providing legal services for the disabled—the first State bar association in the country to do this. If a family has a disabled child or adult living with them and they need help understanding the Americans with Disabilities Act or they are having trouble sorting through the requirements for SSI eligibility, they can call the State Bar Association for a referral to a lawyer trained in disability issues.

This effort came from Jay's heart. He and his wife Joy are the parents of a disabled child. And while their son Andrew is a source of happiness and pride for their family, Jay also understands the legal challenges families such as his face. His heart moved him to use his professional talents and skills to help disabled Louisianians, improving the quality of life in our State.

I must also acknowledge his wonderful family. He and his wife Joy have a daughter Margaret and two sons, Christopher and Andrew. His family means the world to him and they will inspire his service on the Federal bench.

Mr. President, we need more people such as Jay Zainey on the Federal bench, someone who recognizes that our judicial system is there to help

people. It is a powerful tool for the powerless. I heartily endorse his nomination and urge my colleagues to vote to confirm him.

Mr. GRASSLEY. Mr. President, I am glad that we have an opportunity to vote on judges today. One of the judges scheduled to be voted on today is Judge Michael Melloy, who has been appointed by the President and who will hopefully be confirmed by the Senate to be United States Circuit Judge for the Eighth Circuit Court of Appeals.

First of all, before speaking about Judge Melloy, I thank Senator LEAHY, the distinguished chairman of the Senate Judiciary Committee, for bringing the nomination to the committee in the form of a hearing last month and accommodating me on changing the date of the hearing so it could be convenient for me to be there and for immediately putting it on the agenda of the committee.

I thank also all the committee members, each of whom had an opportunity to hold over this nomination for another meeting—under the rules that is an automatic holdover—for not doing it so that this nomination could be advanced very quickly.

For my colleagues who aren't on the Judiciary Committee, I would like to say a few words about Judge Melloy so you can see what an excellent candidate we are putting on the federal appellate bench.

Judge Melloy, who originally hails from Dubuque, IA, has had a very distinguished legal career. He graduated magna cum laude from Loras College in Dubuque, and received his law degree from the University of Iowa. After practicing at an Iowa law firm Judge Malloy was appointed United States Bankruptcy Judge for the Northern District of Iowa, a position he held for approximately 6 years.

In 1992, he was appointed to the United States District Court for the Northern District of Iowa. Here Judge Melloy has served as a fine judge. He has also been active on numerous legal committees, including the Eighth Circuit Judicial Counsel, the Gender Fairness Task Force of the Eighth Circuit, and the Bankruptcy Administration Committee of the Judicial Conference.

As you can see, Judge Melloy has excellent legal qualifications and experience, and he has been a dedicated public servant. He possesses all the qualities that we want to see in a federal judge, intellect, temperament, judgment, and a true commitment to the rule of law. He comes highly recommended by his peers. I know for a fact that Judge Melloy will serve our country well as a judge on the eighth Circuit court.

I urge my colleagues to join me in supporting Judge Michael Melloy's nomination.

The PRESIDING OFFICER. Under the previous order, there now remain 2 minutes on the Republican side and 6 minutes on the Democratic side.

Mr. GRASSLEY. Then, to be fair to everybody, I ask that the time I spoke be taken off our time.

The PRESIDING OFFICER. The time was counted.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "aye."

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Montana (Mr. BURNS) are necessarily absent. I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "yea."

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—91

Akaka	DeWine	Kerry
Allard	Dodd	Kohl
Allen	Domenici	Kyl
Baucus	Dorgan	Landrieu
Bayh	Durbin	Leahy
Biden	Edwards	Levin
Bingaman	Ensign	Lieberman
Bond	Enzi	Lincoln
Boxer	Feingold	Lott
Breaux	Feinstein	Lugar
Brownback	Fitzgerald	McCain
Bunning	Frist	McConnell
Byrd	Graham	Mikulski
Campbell	Gramm	Murkowski
Cantwell	Grassley	Murray
Carnahan	Gregg	Nelson (FL)
Carper	Hagel	Nelson (NE)
Chafee	Harkin	Nickles
Cleland	Hatch	Reid
Clinton	Helms	Roberts
Cochran	Hollings	Rockefeller
Collins	Hutchinson	Santorum
Conrad	Inhofe	Sarbanes
Corzine	Inouye	Schumer
Crapo	Jeffords	Sessions
Daschle	Johnson	Shelby
Dayton	Kennedy	Smith (NH)

Snowe
Specter
Stabenow
Stevens

Thomas
Thompson
Thurmond
Torricelli

Wellstone
Wyden

NOT VOTING—9

Bennett
Burns
Craig

Hutchinson
Miller
Reed

Smith (OR)
Voinovich
Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Jay C. Zaine, of Louisiana, to be United States District Judge for the Eastern District of Louisiana? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "aye."

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER), and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 22 Ex.]

YEAS — 92

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

NOT VOTING — 8

Bennett
Craig
Hutchinson

Miller
Reed
Smith (OR)

Voinovich
Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table.

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

LEGISLATIVE SESSION

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

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

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

MORNING BUSINESS

TRIBUTE TO KELLY CLARK

Mr. JEFFORDS. Mr. President, today I rise to recognize Kelly Clark, the snowboarder from West Dover, VT, who on Sunday earned, for the United States, the first gold medal of the 2002 Winter Olympics in the women's halfpipe event.

That is not "half pint." That is "halfpipe." One has to know the skiing history to understand what a halfpipe is.

Kelly's enthusiasm and tremendous skill and ambitious drive are equaled only by her beaming smile. Kelly's achievement on Sunday was more than athletic ability. It means more than pride to her fellow Vermonters. A gold medal in an Olympic event brings people together, especially when they need it most. When have Americans needed someone to root for more than we do right now?

I am especially pleased, of course, that the focus of our attention and congratulations is an 18-year-old from southern Vermont. Thank you, Kelly, for giving your best, for making us proud, and for winning the gold.

I do not know how many have watched these events, but snowboarding is something which really started pretty much in Vermont. It has been perfected there, and now it is all over the world.

Today is Kelly Clark's day.

I yield the floor.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, I am pleased to join with my Maryland constituents and millions of Americans in celebrating African-American History Month this February. Since 1926, February has been designated as a time to recognize a crucial part of our diversity: the vast history and legacy that African-Americans have contributed to the founding and building of our Nation. While we have much to celebrate in the achievements of many African-Americans, and the great strides this country has made towards true equality, there is also much work to be done.

This year's theme, designated by The Association for the Study of African-

American Life and History, ASALH, is "The Color Line Revisited: Is Racism Dead?" The fact that this question can even be posed indicates the progress that our society has made in race relations over the past 50 years. We must attribute this progress to the sacrifice, vision and commitment of thousands of African-Americans and others who proved that the true strength of our Union lies in the diversity of our population.

One such visionary is Marion Wright Edelman, the founder and president of the Children's Defense Fund. Recently I had the opportunity to hear Ms. Edelman speak at the Annual Martin Luther King, Jr. Memorial Breakfast at Anne Arundel Community College in Maryland. Marion Wright Edelman shares Dr. King's vision of a unified and equal Nation, and acknowledges the great strides that have been made in working towards this vision. Through her work at the Children's Defense Fund, Marion Wright Edelman is helping to ensure that all children in America get a healthy, fair and safe start in life.

Yet despite the great strides that have been made toward eliminating racism and inequality, Ms. Edelman stressed that many disparities still exist. The Children's Defense Fund reports that nearly one in three African-American children are poor in America, compared with 13 percent of white children. Many children are educated in substandard schools. A disproportionate number of African-American children are without health insurance. And African-American juveniles are over-represented on every level of the criminal justice system.

But there is hope, Marion Wright Edelman and the Children's Defense Fund are working hard to correct these inequalities. The Children's Defense Fund acts as a voice for children in America who cannot speak for themselves, and Marion Wright Edelman has been a tireless advocate for children who are suffering and need a helping hand.

There is much that we in Congress can do to continue to improve the quality of life for African-Americans and for all Americans. We can help the parents of working families by raising the minimum wage. We have already passed the "Leave No Child Behind" education reform bill that will provide new standards for schools and teachers, and will help make quality education available to all Americans. We can work on election reform to ensure that all voters are properly registered, and every vote is counted. And we need to make health care available and affordable for African-Americans and all Americans. With these and other reforms we will move further down the path to equality dreamed of by Dr. King.

The terrorist attacks of September 11 left us shocked and wounded, yet we found once again that the strength of this Nation lies within its people and

its diversity. In the months that have passed since that day, we have shown the world how people of all races, colors, religions and nationalities create the fabric of our Nation, a fabric that is richer because of our differences. This month we honor the special contribution African-Americans have made to that fabric. Through African-American History Month, we celebrate how far this country has come, and remind ourselves of how far we have to go.

• Mr. SMITH of Oregon. Mr. President, while we are celebrating Black History Month, I want to rise to honor a man named York, arguably the first black American to make a significant contribution to, and cast a vote in, my home State of Oregon.

Most Americans know very little about York, Captain William Clark's "servant," as Clark called him, who made the journey to Oregon with the Lewis and Clark expedition in 1803. Despite his important role in opening the West, it is unfortunate that York has not been remembered along with other early black Americans who helped shape our nation's history.

William Clark's lifelong slave companion, York was roughly the same age as Clark, and by all accounts the two were friends for most of their lives. York was bequeathed to Clark by his father, John Clark, in a will dated July 24, 1799, and on October 29, 1803, he joined Clark and Captain Meriwether Lewis on a journey into history.

York, when he is remembered, is often remembered best for the curiosity he aroused in Native Americans he met during the journey. Apparently, York so fascinated the people he met that there exist numerous stories of women attempting to wash his skin white. According to journal accounts, he sometimes used their fascination to the expedition's advantage, intimidating Arikaras tribesmen, for example, with fantastic tales of his wild youth as a cannibal.

Perhaps because of such stories, York is often described in an inaccurate, negative manner. However, common characterizations more accurately reflect the racial biases of historians than they do York's actual contributions to the expedition. Judging from the journals kept by members of the expedition, York was a reliable and indispensable part of the expedition. During a time when most black Americans were denied access to firearms, York was counted on as a skilled hunter. York also served as a cook, a confidant, and a nurse, as did each member of the party from time to time. One account has York charging into a flash flood, fearing for the safety of Clark, the famed translator Sacagawea, her son, and her husband, Toussaint, who had not yet made it to safety.

The most telling example of York's role in the expedition occurred in November 1805, when the group decided to winter in Oregon. Finding little game on the northern bank of the Columbia

River, the group had to decide whether to winter there or cross the river in search of a more hospitable setting. Lewis and Clark took a vote on the matter, and the final tally included the votes of Sacagawea, a woman, and York, a black man. That winter, York and the group built Fort Clatsop, the westernmost outpost of the United States Government at the time, and one of our Nation's major claims on the disputed Oregon country.

It is odd that York is not commonly honored as an American who made possible the western expansion of our nation. The Lewis and Clark expedition, which will soon celebrate its 200th anniversary, is a seminal event in American history, and a black American who contributed significantly to that historic endeavor remains unknown to a nation which owes him a debt of gratitude.●

ADDITIONAL STATEMENTS

TRIBUTE TO LLOYD KIVA NEW

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to a man who through his dedication and vision made a significant difference in the lives of many people in my home state of New Mexico and around the country. Lloyd Kiva New passed away last Friday in Santa Fe at the age of 85.

A Cherokee from Oklahoma, Lloyd Kiva New was a graduate of the School of the Art Institute of Chicago. He became the first American Indian to obtain a degree in arts education from the institute in 1938. After serving in World War II, he established a fashion design studio in Arizona. He was also instrumental in developing several progressive educational projects, including the Southwest Indian Arts Project.

In 1962, Lloyd Kiva New co-founded the Institute of American Indian Arts, an innovative school located in Santa Fe. He became the IAIA's Art Director and eventually its President. He retired as full-time president of the institute in 1978. He was known for his novel approach to the arts in which he sought to reawaken artistic traditions that had been a primary mode of Indian expression for centuries. He continually urged students not to be bound by existing notions of artistic expression and to reject stereotypical ideas of American Indian art and culture. In part because of his vision, IAIA has been influential in sending art from Indian artist all over America, enriching Indian and mainstream cultures in the process.

The recipient of numerous awards, Lloyd Kiva New also served on the Indian Arts and Crafts Board and the National Council of the Museum of the American Indian. In addition, he was named President Emeritus of the IAIA, was honored as a Living Treasure of Santa Fe, and received the New Mexico Governor's Award for Excellence in the Arts.

I wish to extend my deepest sympathies for his passing to his family and loved ones. His wife, two children, and five grandchildren survive him.

Many people were inspired and encouraged by Lloyd Kiva New over the years. He has left a great legacy and his absence will be deeply felt in the American Indian communities and in the hearts of many individuals.●

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred July 30, 1992 in Elk Grove, IL. A gay man was assaulted by two men after being invited to go out with them. One of the assailants, Robert F. Braschko, 19, of Rolling Meadows, was charged with criminal damage to a vehicle, battery, and a hate crime in connection with the incident.

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 Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Government Affairs pursuant to the order of December 20, 2001:

DEPARTMENT OF DEFENSE

Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense.

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. WELLSTONE:

S. 1928. A bill to amend section 222 of the Communications Act of 1934 to require affirmative written consent by a customer to the release of customer proprietary network information; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL:

S. 1929. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

By Mr. CONRAD:

S. 1930. A bill to promote the production of energy from wind; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. TORRICELLI, Ms. SNOWE, and Mr. COCHRAN):

S. 1931. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 929

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 929, a bill to amend the National Labor Relations Act to preserve charitable giving.

S. 1370

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1370, a bill to reform the health care liability system.

S. 1737

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KERRY), and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1737, a bill to provide for homeland security block grants.

S. 1760

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1799

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1799, a bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels.

S. 1800

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1800, a bill to strengthen and improve the management of national security, encourage Government service

in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 1897

At the request of Mrs. CARNAHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1897, a bill to require disclosure of the sale of securities by an affiliate of the issuer of the securities to be made available to the Commission and to the public in electronic form, and for other purposes.

S. 1900

At the request of Mr. EDWARDS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1900, a bill to protect against cyberterrorism and cybercrime, and for other purposes.

S. 1912

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

S. 1917

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. RES. 109

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Hawaii (Mr. INOUE), the Senator from Maryland (Mr. SARBANES), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

AMENDMENT NO. 2837

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 2837.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1928. A bill to amend section 222 of the Communications Act of 1934 to re-

quire affirmative written consent by a customer to the release of customer proprietary network information; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation to require telecommunications firms to receive explicit written consent from consumers prior to sharing their customer proprietary network information, or CPNI, with other entities. This is a simple bill that will provide consumers with the privacy protection that they deserve to have and that I believe should already be required under the 1996 Telecommunications Act.

The 1996 Communications Act established as law that CPNI is confidential personal information, requiring customer approval before its release or being shared with others. Congress and the American people count on the Federal Communications Commission, FCC, to carry out that mandate and to protect the privacy of American consumers who use the country's telecommunications system. Therefore, I believe it shouldn't really even be necessary to introduce this legislation, clarifying that approval should mean "express written consent" or, in other words, an "opt-in" approach to protecting privacy. But I share the concern of consumer advocates and 39 State attorneys general that the FCC, which is currently taking comment on the matter, could otherwise adopt an "opt-out" approach to privacy as it relates to CPNI. In my view, and in the view of the consumer advocates and the state attorneys general, an opt-out approach cannot adequately protect consumers' privacy and would not meet Congress's intent in passing the 1996 Communications Act.

An opt-out approach would put the unfair burden on consumers to protect their own confidential personal information that is in the possession of large telecommunications companies, protect it from being shared by those companies with other entities. This can be information of the most sensitive kind, including lists of phone numbers dialed and the duration and timing of calls. An opt-out approach presumes consumer consent that such information could be shared unless the customer goes through an unduly burdensome and uncertain process to request that the provider not share it.

In recent months in Minnesota, for example, Qwest notified customers that the company would begin to share customer information unless the customers notified Qwest that they did not want it shared. The company notice was often overlooked by customers, and it was difficult to understand for many customers who did try to read it. Furthermore, numerous customers reported problems getting through to the company's 800 number, or in navigating the options for opting out of the information sharing scheme. Due to customer complaints, and to

the company's credit, Qwest recently reversed its position and will not share any customer information until the FCC issues a final CPNI rule. Meanwhile, however, Qwest and other telecommunications carriers have been advocating heavily for adoption by the FCC of an "opt-out" approach.

I am not telling anyone whether they should want their CPNI shared and made available to marketers. That is up to consumers themselves. I do want to leave that choice to consumers. I believe that means that they must have the opportunity to give their express consent on what personal information and to whom it will be shared before such information is shared.

By Mr. MCCONNELL:

S. 1929. A bill to amend title II of the Social Security to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce legislation to add Kentucky to the list of States that are permitted to offer "divided retirement" plans under the Social Security Act.

Three weeks ago, I was contacted by Brian James, president of the Louisville Fraternal Order of Police, FOP, and Tony Cobaugh, president of the Jefferson County FOP. These two law enforcement leaders called my attention to a problem that could jeopardize the retirement security of many of our community's police, fire, and emergency personnel.

In November of 2000, the citizens of Jefferson County and the City of Louisville, KY voted to merge their communities and respective governments into a single entity, which will be known as Greater Louisville. As one might expect, combining two large metropolitan governments in such a short time frame cannot be done without encountering a few difficulties along the way. Jefferson County and the City of Louisville currently operate two very different retirement programs for their police officers. When these two governments merge on January 6, 2003, current Federal law will require the new government to offer a single retirement plan that could dramatically increase the cost of retirement for both our dedicated public safety officers and the new Greater Louisville government.

Thankfully, when the FOP's leaders called this problem to my attention, they also suggested a simple solution, let the police officers and firefighters choose for themselves the retirement system which best meets their needs.

I rise today to offer legislation that will provide retirement stability to our public safety officers by allowing Kentucky to operate what is known as a "divided retirement system." I am pleased to be joined in this effort by Congressman RON LEWIS and Congresswoman ANNE NORTHUP who will soon introduce similar legislation in the House of Representatives.

With passage of my legislation and similar legislation by the Kentucky General Assembly, Louisville's and Jefferson County's police officers would decide whether or not they want to participate in Social Security or remain in their traditional retirement plan. While future employees will be automatically enrolled in Social Security, no current officers would be forced into a new retirement system as a result of the merger without their approval.

Current Federal law allows twenty-one states the option of offering divided retirement systems. Unfortunately, Kentucky is not one of these twenty-one States. The legislation I am offering today would change that by adding Kentucky to list of states designated in the Social Security Act.

It is critical that the Senate provide this retirement stability to the brave men and women who protect the citizens of Louisville and Jefferson County everyday. There is extensive precedent for granting Kentucky this authority, and my legislation enjoys the broad, bi-partisan support of policemen, firefighters, local and state officials. I look forward to working with this coalition, as well as my colleagues in the Senate, to see that this urgently needed legislation is enacted into law this year.

I ask unanimous consent that letters of support from the Louisville FOP, Jefferson County FOP, Louisville Firefighters Union, and State Finance and Administration Cabinet, be printed in the RECORD.

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

FRATERNAL ORDER OF POLICE,
LOUISVILLE LODGE 6,
Louisville, KY, January 7, 2002.

Hon. MITCH MCCONNELL,
Louisville, KY.

DEAR MR. MCCONNELL: Following a referendum held approximately one year ago the voters in our community approved a government merger of the City of Louisville and Jefferson County Kentucky. Currently officers employed by the City of Louisville working for the Louisville Division of Police do not pay into Social Security, due to having been exempted from making such payments by a previous law. On January 06, 2003 when our new government become effective the Louisville Police Officers who I am elected to represent will no longer be excused from Social Security participation.

I would like to see our new government offer a "Divided Referendum" vote that would allow each individual officer the opportunity to choose his or her own preference in participating in Social Security. This would make for a smoother transition as it relates to our members and the new government. For this to be possible there has to be federal legislation sanctioning Kentucky as a "Name State". There are currently twenty-one states that have such designation. Also there has to be changes in the Kentucky Revised Statutes to allow for the "Divided Referendum" vote.

It is my hope that you would assist our organization in making the necessary changes at both the federal and state levels during this years Congressional Session as well as Kentucky's Legislative Session.

If you have any questions regarding this issue please do not hesitate to call me. Thank you in advance for any consideration you can give this matter. I am looking forward to seeing you in 2002.

Respectfully,

DAVID JAMES,
President.

FRATERNAL ORDER OF POLICE,
JEFFERSON COUNTY LODGE No. 14,
Louisville, KY, January 15, 2002.

Hon. MITCH MCCONNELL,
Louisville, KY.

DEAR MR. MCCONNELL: The voters of Louisville and Jefferson County approved the referendum for a consolidated government over one year ago. Now the monumental task of organizing that future government is quickly upon us. As the leader of this labor organization, I must focus on those labor-related issues that affect my membership.

The biggest issue raised to this point is the area of social security. Louisville police officers do not participate in Social Security. However, Jefferson County police officers do participate. Both FOP lodges are working closely on the very probable police merger that will most likely follow the government merger.

Both FOP lodges believe that the members should have the opportunity to decide their futures in reference to Social Security through a "divided referendum". It is our understanding that a change must occur on the state and federal level. Will you help us by changing Kentucky to a "Name State"? Hopefully, we can count on your support for enabling changes at the state or federal level during the 2002 United States Congress or at the Kentucky General Assembly.

Respectfully,

ANTHONY J. COBAUGH,
President.

LOUISVILLE PROFESSIONAL FIRE
FIGHTERS UNION LOCAL 345,
Louisville, January 28, 2002.

Hon. MITCH MCCONNELL,
Louisville KY.

DEAR MR. MCCONNELL: Following a referendum held approximately one year ago, the voters in our community approved a government merger of the city of Louisville and Jefferson County, Kentucky. An issue has come up concerning Social Security, involving police and fire fighters. Due to a previous law exempting fire fighters, we do not pay into social security. On January 6, 2003 when our new government becomes effective, the members of the Louisville Professional Fire Fighters, Local #345 will no longer be excused from Social Security participation.

I would like to see our newly formed metro government offer a "Divided Referendum" vote that would allow each individual the opportunity to choose his or her own preference in participating in Social Security. For this to be possible there has to be federal legislation sanctioning Kentucky as a "Name State". There are currently twenty-one states that have such legislation. In addition, there has to be changes in the Kentucky Revised Statutes to allow for the "Divided Referendum" vote. If "Name State" status is not obtained, the new government will be forced to match the Social Security, contribution made by more than 1,300 of its employees, including the fire fighters, who currently do not pay into the Social Security, System.

It is my hope that you would assist the Louisville Professional Fire Fighters in making the necessary changes at both the federal and state levels during this years US Congressional Session as well as Kentucky's Legislative Session.

If you have any questions concerning this issue; please do not hesitate to call me.

Thank you in advance for any consideration you can give this matter.

Respectfully,

MICHAEL J. "HOWDY" KURTSINGER,
President.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE CONTROLLER,
Frankfort, KY, February 6, 2002.

Hon. A.M. "MITCH" MCCONNELL,
U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: The Kentucky Division of Social Security is responsible for administering the social security and Medicare program for all public employees in the Commonwealth. This includes not only state employees, but also the employees of all political subdivisions such as school boards, counties, cities, libraries, water districts, etc.

Those public employees who are participating in an employer provided retirement system and not covered for social security and Medicare may join the program via an employee referendum. There are several steps that must be taken during this process, but, under current federal and state statutes, it boils down to a simple majority of the eligible employees approving coverage for all employees of a coverage group.

There is, however, a second mechanism available to certain states that are specifically named in the federal Social Security Act. A referendum of the employees is also conducted, but the outcome of the election differs in that those employees voting for coverage become eligible for participation in the social security and/or Medicare program. Those employees voting against social security coverage are exempt. This is referred as "divided coverage".

Last November, the voters of Jefferson County voted to merge the governments of the City of Louisville and Jefferson County, effective January 6, 2003. The success of the merger efforts, however, also present a problem that must be resolved, that is, the social security and Medicare coverage of several groups of public servants.

Some of the City of Louisville Police and firefighters contribute only the Medicare program, not social security. Other city police and firefighters contribute to neither. The Jefferson County Police and corrections employees contribute to both social security and Medicare. When the merger become effective next year all these coverage groups will be considered as a single group for social security coverage purposes.

The new government, under the current legal situation, will face the dilemma of adversely affecting the employee benefits (eliminating social security coverage) of some of these public servants or bring an additional financial burden on the second group (forcing them to contribute to social security) as well as on the new government (additional employer contributions to social security).

The preferred remedy to this situation is to utilize divided coverage. This would allow each employee to decide for his or herself whether to pay into social security. All new employees hired after a divided referendum is conducted would automatically be enrolled in social security.

The Commonwealth of Kentucky is not included as a "named" state in the Social Security Act and, therefore, its public employers cannot utilize the divided coverage option. We requesting support for federal legislation amended 42 U.S.C. 418 to include Kentucky as a "named" state and enable Greater Louisville and their employees to take advantage of the divided coverage concept. This would add Kentucky to a list of 21

states included in section 218(d)(6)(C) of the Social Security Act that are currently permitted to conduct divided referendums. The Kentucky General Assembly is proceeding with amendments to the Kentucky Revised Statutes to authorize a divided referendum, contingent upon federal legislative changes.

If should also be noted that providing the Commonwealth with the ability to conduct divided coverage would in no way effect the members of the Kentucky Teachers Retirement System. State statutes prohibit social security coverage under the Commonwealth Section 218 agreement with the Social Security Administration to any individual covered by KTRS.

The Commonwealth of Kentucky and the citizens of Jefferson County need your support for designating Kentucky as a "Named State" by the Congress. I will be glad to answer any questions you may have.

Sincerely,

PATRICK L. DOYLE,
Director, Kentucky Division of Social Security.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE SECRETARY,
Frankfort, KY, February 6, 2002.

Senator MITCH MCCONNELL,
U.S. Senate, Senate Russell Office Bldg., Washington, DC.

DEAR SENATOR MCCONNELL: Last November, the voters of Jefferson County voted to merge the governments of the City of Louisville and Jefferson County, effective January 6, 2003. The success of the merger efforts, however, requires that certain issues involving the social security and Medicare coverage of several groups of public servants be resolved.

Some of the City of Louisville Police and firefighters contribute only to the Medicare program, not social security. Other city police and firefighters contribute to neither. The Jefferson County Police and corrections employees contribute to both social security and Medicare. When the merger becomes effective next year all these coverage groups will be considered as a single group for social security purposes.

The preferred remedy to this situation is to utilize what is termed a "divided referendum". This would allow each employee to decide for his or herself whether to pay into social security. All new employees hired after a divided referendum is conducted would automatically be enrolled in social security.

Before the new government can conduct a divided referendum, the federal Social Security Act must be amended to designate Kentucky a "Named State". This would add Kentucky to a list of 21 states included in section 218(d)(6)(C) of the Social Security Act that are currently permitted to conduct divided referendums. The Greater Louisville Merger Transition Office has recommended this option and is pursuing legislation with the Kentucky General Assembly to authorize divided referendums, contingent on Federal legislative changes.

We support the Greater Louisville Merger Transition Office recommendation and the Commonwealth of Kentucky and the citizens of Jefferson County need your support for designating Kentucky as a "Named State" by the Congress. I will be glad to answer any questions you may have.

Sincerely,

T. KEVIN FLANERY,
Secretary.

By Mr. CONRAD:

S. 1930. A bill to promote the production of energy from wind; to the Committee on Finance.

Mr. CONRAD. Mr. President, I am introducing legislation to promote the development of wind energy production across our Nation. My "Wind Energy Promotion Act of 2002" would provide incentives and clear regulatory hurdles to allow this economically feasible and environmentally friendly electricity source to help meet our National energy needs.

As the Senate begins work to enact a comprehensive National energy policy, we must take advantage of the enormous potential that wind energy offers. Wind is an abundant and inexhaustible renewable resource across our country. North Dakota alone has the potential to produce more than 460,000 megawatts of electricity from wind annually, the highest potential in the Nation.

Wind production costs have fallen dramatically over the last two decades, making production affordable, investment logical, and electricity consumption from wind economical for our Nation. Production costs have declined more than 80 percent since the 1980s, from an average of 38 cents per kilowatt-hour to an average of 3-6 cents per kilowatt-hour today. These costs are predicted to fall even lower in the near future. In addition, wind energy produces no pollution, providing a clean, environmentally friendly power option for the Nation.

However, wind energy development faces a number of obstacles, which my legislation is designed to overcome. First, my bill will extend the valuable wind energy tax credit for five years. The credit expired at the end of last year, and renewal is simply crucial to the industry. Hundreds of millions of dollars of investment in wind energy in my State of North Dakota are on hold because the Senate has not yet acted to extend this credit. It is time to extend the credit now, for a full five years, in order to ensure substantial investment in the industry across the Nation.

Further, my legislation makes it easier for farmers and ranchers to develop wind energy resources. It provides grants and loans to farmers and ranchers and allows producers to put wind turbines on CRP lands. And, because better technology will make investing in both large and small wind harnessing operations more attractive, my bill authorizes more than \$500 million over the next four years for wind energy research. My bill also calls for breaking down federal regulatory barriers to wind energy development. The Federal Government should help, not hinder the development of the Nation's wind potential. Because North Dakota and other western States contain large tracts of public lands that contain great wind energy potential, my bill would allow for the development of facilities on public lands. Finally, my legislation would authorize studies on several aspects of developing the Nation's wind energy potential, including one to determine the best possible way

to overcome the barriers to adequate transmission of power generated from wind.

My bill is not only a key component to providing energy security for the country; it would provide a much-needed economic stimulus to rural America.

According to the American Wind Energy Association, every 100 megawatts of wind energy development will produce 500 job years of employment. In addition, payments to farmers and ranchers could equal \$4 million for every 2,000 megawatts of wind energy production, money our Nation's producers would get simply for allowing wind development on their land. This would be a critical boost to our Nation's rural economy.

Wind energy development would also play a key role in the economy of North Dakota. Extending the production tax credit alone will mean more than \$100 million in sales for DMI Industries, LM Glasfiber, and other industry participants in my state in the next year. Using only conservative estimates, the wind industry has the potential to add a half billion dollars to North Dakota's economy in 2002, but only if the Senate acts soon to extend the wind energy production tax credit, the most important component of the legislation I am introducing today.

The Senate will be taking up energy legislation this week. As this debate begins, I will be working to include the provisions of my wind energy legislation in a comprehensive energy policy that our Nation seriously needs. I urge my colleagues to join me in supporting the development of wind energy in the United States through the provisions of my Wind Energy Promotion Act.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. TORRICELLI, Ms. SNOWE, and Mr. COCHRAN):

S. 1931. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise to introduce the "Colon Cancer Screen for Life Act of 2002." I am pleased that my colleagues Senators COLLINS, TORRICELLI, SNOWE and COCHRAN have joined me in introducing this very important bill.

As many of my colleagues know from personal experience, colon cancer is a devastating disease. Nearly 57,000 people die each year from colon cancer. It is the third most commonly diagnosed cancer in both men and women and the second most common cause of cancer-related death in America.

But colon cancer can be combated, controlled and potentially conquered if it's caught in the earliest stages. In fact, colon cancer is a rare form of cancer in that it can even be prevented through screening, if pre-cancerous polyps are quickly identified and removed.

The survival rate when colon cancer is detected at an early, localized stage is 90 percent. But only 37 percent of such cancers are discovered at that stage. The later the disease is caught, the lower the survival rate.

That's why in 1997, Congress led the fight against colon cancer by making screening for the disease a covered benefit for every Medicare recipient. That is especially significant because the risk of colon cancer rises with age.

Heightened awareness and greater access to treatment are working. Over the last 15 years, we've seen steady, if slow, annual declines in both incidence rates and mortality rates tied to colon cancer.

But we can do more, because barriers to screening still exist. Modern technology has blessed us with extremely accurate screening tools, in particular the colonoscopy, which results in higher colon cancer identification rates and better long-term survival rates due to early detection. A consultation with a doctor before a colonoscopy is required to ensure that patients are properly prepared before they undergo the procedure.

Unfortunately, Medicare does not pay for that consultation before a screening, creating an obvious obstacle to preventive treatment for many men and women. The Colon Cancer "Screen for Life" Act would cover these medical visits so that more Medicare beneficiaries will have easy access to screening.

Further, with this legislation, just as Congress has done for screening mammography, screening colonoscopy will not count toward a senior's Medicare deductible. This will remove additional financial disincentives to screening.

Finally, with this bill, we're breaking through another big barrier to early detection and treatment.

The medical reality is that colonoscopy procedures are invasive and require sedation to perform, making it safer for them to be conducted in the hospital or an outpatient setting, where safety standards and emergency procedures are in place, rather than in a private doctor's office. But when doctors perform colonoscopies for Medicare patients in an outpatient setting, they take a hit on cost, because reimbursement for the procedure performed there has decreased by nearly 36 percent since 1997, while reimbursement for the procedure performed in a doctor's private office has increased by 52 percent.

As a result, to balance their budgets, doctors and hospitals are typically forced to space out their Medicare patients, creating long waits for and limited access to these vital screenings. That financial incentive structure is indefensible.

The job of medical services should be cutting cancer, not cutting costs. Unfortunately, today something as critical as colon cancer screening is moderated not by the real needs of patients and their medical doctors, but by market incentives.

To address the problem, the "Screen for Life" Act would increase the payment rates for colonoscopies performed in hospitals and outpatient facilities by 30 percent. The result will be more access to early detection and treatment and thousands of lives saved.

Colon cancer is a formidable foe, but we can make a difference in the fight against it. Early detection and treatment is our first line of defense.

With the help of the Colon Cancer "Screen for Life" Act, I hope that in a decade we'll have fewer cancer cases to contend with and more survivors to celebrate the simple fact that screening saves lives.

Ms. COLLINS. Mr. President, I am pleased to join Senators LIEBERMAN, TORRICELLI, SNOWE, and COCHRAN in introducing the Colon Cancer Screen for Life Act of 2002 to improve patients' access to the colorectal cancer screening benefit under Medicare.

Colorectal cancer is the second leading cause of cancer-related deaths in the United States for both men and women: more than 57,000 Americans will die from this disease this year, yet it is a disease that many of us feel uncomfortable discussing.

The sad irony is that cancer of the colon is probably the most treatable and survivable of all cancers, but only if it is caught early. If detected and treated early, colon cancer is curable in more than 90 percent of diagnosed cases. Conversely, if the cancer is detected in an advanced stage, death rates are high. As many as 92 percent of these patients will die within five years.

Despite the fact that we have extremely effective screening tests for colon cancer, our screening rates for colon cancer, even among those Americans who are most at risk, are woefully low. Moreover, even the addition in 1998 of a new Medicare benefit covering these services has not improved the situation.

In 2000, the General Accounting Office, GAO, conducted a review of claims data to determine the extent to which this new preventive health service has been used. According to the GAO, only 3.8 percent of Medicare patients received either a screening or diagnostic colonoscopy in 1999, far below the recommended use rates and just a one percent increase over the rate in 1995.

Clearly we must find ways to heighten public awareness about the importance of colon cancer screening and remove any remaining barriers that may be preventing Medicare beneficiaries from receiving these critically important services. While the GAO identified a lack of patient awareness, understanding and inclination as the most significant factors inhibiting the use of colorectal cancer screening services, it also found that physician practices affect rates of screening. One factor is the inadequate Medicare reimbursement rates to cover the costs involved.

Medicare reimbursement rates for this procedure have declined in recent

years and are almost universally lower than reimbursements under private insurance. Moreover, in many States, the Medicare rates are lower than Medicaid rates. Our legislation will therefore increase the Medicare payment rates for colonoscopies performed both in hospitals and outpatient settings. Specifically, the payment rates in hospitals and outpatient facilities would be increased by 30 percent, while payment for procedures done in physicians' offices would be increased by 10 percent.

Our legislation will also require Medicare to provide reimbursements for pre-procedure consultations to ensure that beneficiaries are properly prepared and educated before they undergo a screening colonoscopy. Medicare currently only pays for the pre-procedure appointment prior to a diagnostic colonoscopy. This pre-procedure visit is no less necessary in the case of a screening colonoscopy and should be covered.

Finally, under our legislation, the normal Part B deductible will not apply for screening colonoscopy, just as it does not apply for screening mammography. This will remove a financial disincentive for seniors to seek screening and increase the likelihood that they will undergo screening colonoscopy.

The Colon Cancer Screen for Your Life Act of 2002 will not only help to ensure the safety of colorectal cancer screenings, but it will also increase Medicare patients' access to this life-saving procedure, and I urge all of my colleagues to join us as cosponsors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2843. Mr. ENZI proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

SA 2844. Mr. DAYTON (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. WELLSTONE, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2843. Mr. ENZI proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 126, before line 1, insert the following:

SEC. 1 . LIVESTOCK ASSISTANCE PROGRAM.

Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933) is amended to read as follows:

“SEC. 194. LIVESTOCK ASSISTANCE PROGRAM.

“(a) IN GENERAL.—The Secretary shall carry out a program to provide livestock feed assistance to livestock producers affected by disasters.

(b) AUTHORIZATION OF APPROPRIATIONS.—These are authorized to be appropriated to carry out this section \$500,000,000 for each of fiscal years 2003 through 2008.

SA 2844. Mr. DAYTON (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. WELLSTONE, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen

the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION . IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.

(a) CASEIN AND CASEIN PRODUCTS.—

(1) IN GENERAL.—The Additional U.S. notes to chapter 35 of the Harmonized Tariff Schedule of the United States are amended—

(A) in note 1, by striking “subheading 3501.10.10” and inserting “subheadings 3501.10.05, 3501.10.15, and 3501.10.20”; and

(B) by adding at the end the following new note:

“2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 54,051,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”.

(2) RATES FOR CERTAIN CASEINS, CASEINATES, AND OTHER DERIVATIVES AND GLUES.—Chapter 35 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 3501.10 through 3501.90.60, inclusive, and inserting the following new subheadings with article descriptions for subheadings 3501.10 and 3501.90 having the same degree of indentation as the article description for subheading 3502.20.00:

“	3501.10	Casein:			
		Milk protein concentrate:			
	3501.10.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12¢/kg
	3501.10.15	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
	3501.10.20	Other	\$2.16/kg	Free (MX)	\$2.81/kg
		Other:			
	3501.10.55	For industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free	Free (A*, CA, E, IL, J, MX)	Free
		Other:			
	3501.10.60	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	Free	Free (A*, CA, E, IL, J, MX)	12¢/kg
	3501.10.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
	3501.10.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg
	3501.90	Other:			
	3501.90.05	Casein glues	6%	Free (A*, CA, E, IL, J, MX)	30%
		Other:			
	3501.90.30	For industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	6%	Free (A*, CA, E, IL, J, MX)	30%
		Other:			
	3501.90.55	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12.1¢/kg
	3501.90.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12.1¢/kg
	3501.90.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg
					”.

(b) MILK PROTEIN CONCENTRATES.—

(1) IN GENERAL.—The Additional U.S. notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—

(A) in note 13, by striking “subheading 0404.90.10” and inserting “subheadings 0404.90.05, 0404.90.15, and 0404.90.20”; and

(B) by adding at the end the following new note:

“27. The aggregate quantity of milk protein concentrates entered under subheading

0404.90.15 in any calendar year shall not exceed 15,818,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”.

(2) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 0404.90 through 0404.90.10, inclusive, and inserting

the following new subheadings with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0405.10 and the article description for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

“	0404.90	Other:			
		Milk protein concentrates:			
	0404.90.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12¢/kg

0404.90.15	Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg	
0404.90.20	Other	\$1.56/kg	Free (MX)	\$2.02/kg	”.

(c) **EFFECTIVE DATE.**—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after the date that is 15 days after the date of enactment of this Act.

SEC. 2. COMPENSATION AUTHORITY.

(a) **IN GENERAL.**—If the provisions of section 1 require, the President—

(1) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(2) may proclaim such modification or continuance of any existing duty, or such continuance of existing duty-free or excise treatment, as the President determines to be required or appropriate to carry out any such agreement.

(b) **LIMITATIONS.**—

(1) **IN GENERAL.**—No proclamation shall be made pursuant to subsection (a) decreasing any rate of duty to a rate which is less than 70 percent of the existing rate of duty.

(2) **SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.**—If the rate of duty in effect at any time is an intermediate stage under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988, the proclamation made pursuant to subsection (a) may provide for the reduction of each rate of duty at each such stage proclaimed under section 1102(a) by not more than 30 percent of such rate of duty, and may provide for a final rate of duty which is not less than the 70 percent of the rate of duty proclaimed as the final stage under section 1102(a).

(3) **ROUNDING.**—If the President determines that such action will simplify the computation of the amount of duty computed with respect to an article, the President may exceed the limitations provided in paragraphs (1) and (2) by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of one percent ad valorem.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CLEAN AIR, WETLANDS AND CLIMATE CHANGE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, and Climate Change be authorized to meet on Monday, February 11, 2002, at 9:30 a.m. to conduct a field hearing to receive testimony on the impacts of the September 11 attack on air quality and possible related health impacts in the area of the World Trade Center and how to address any such impacts. The hearing will be held at the Alexander Hamilton U.S. Customs House, One Bowling Green, New York, NY.

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

SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Sub-

committee on Transportation, Infrastructure, and Nuclear Safety be authorized to meet on Monday, February 11, 2002, at 1 p.m. to conduct a hearing to examine the administration's 03 budget proposal, the Revenue Aligned Budget Authority, (RABA), mechanism and budget-related reauthorization issues. The hearing will be held in Rm. SD-406.

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

PRIVILEGE OF THE FLOOR

Mr. LUGAR. Madam President, I ask unanimous consent that Pat Sweeney, a detailee to the Agriculture Committee from the General Accounting Office, be granted privileges of the floor during consideration of the farm bill.

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

UNANIMOUS CONSENT AGREEMENT—S. 1731

Mr. REID. Mr. President, I ask unanimous consent that all first-degree amendments on the finite list of amendments to S. 1731 must be proposed by 3 p.m. Tuesday, February 12, with the exception of managers' amendments.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the farm bill immediately following the prayer and the pledge at 9:30 a.m. tomorrow; that there be 40 minutes for debate on Senator GRASSLEY's second-degree amendment, No. 2837, to Senator CRAIG's amendment, No. 2835; that following the use or yielding back of that time, there then be 15 minutes equally divided in the usual form in relation to each of the following amendments: the amendment of Senator CRAPO, amendment No. 2533, and the amendment of Senator BAUCUS, amendment No. 2839; that the amendments be debated in the above order; that at the conclusion or yielding back of time the Senate vote in relation to the Grassley second-degree amendment; that upon the conclusion of that vote, Senator REID be recognized to move to table the amendment of Senator CRAPO; that at the conclusion of that vote, the Senate vote in relation to the Baucus amendment with no other amendments in order prior to those ordered votes; and that if any amendment in this agreement is not disposed of at the conclusion of these votes, it shall remain debatable and amendable.

Mr. LUGAR. Reserving the right to object, and I will not object, I com-

mend the distinguished floor leader for working with both sides of the aisle to provide a good structure for our debate tomorrow and for a conclusion of the farm bill debate. I simply wanted to indicate that on our side of the aisle, we have worked closely with the leader and that we have an excellent format. Therefore, I will not object and commend what is occurring and will support it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, two things: One, on the unanimous consent agreement I first offered, I want to make sure the time is 3 p.m. not 2 p.m. I think I said 3 p.m.

I say to my friend, the manager of the bill, I have spoken to Senator CRAPO and have indicated to him that on my second-degree amendment that is pending, I am going to modify that in the morning. So this amendment should have no bearing on that.

Mr. LUGAR. That is my understanding.

Once again, reserving the right to object, and I will not object, Senator SANTORUM's amendment has been withdrawn from this list. He is modifying the amendment. It may be that amendment can be accepted in due course. If not, it will come in the normal rotation for debate.

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

Mr. REID. Mr. President, I will simply say, Senator HARKIN and Senator LUGAR have worked very hard on this farm bill—not for days or weeks but for months. I think we are now seeing the light at the end of the tunnel. Senator DASCHLE has asked me to indicate he would very much like to finish this bill tomorrow. It is a very heavy task because during the middle of the day we have the time for the two party conferences, but it can be done, and we are going to do everything we can to work with both sides to see if we can get that done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDERS FOR TUESDAY, FEBRUARY 12, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. tomorrow, Tuesday, February 12; following

the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1731, the farm bill; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, February 12, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 11, 2002:

DEPARTMENT OF STATE

JAMES W. PARDEW, OF ARKANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

LESLIE SILVERMAN, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JULY 1, 2003, VICE IDA L. CASTRO, RESIGNED.

DEPARTMENT OF EDUCATION

SALLY STROUP, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE A. LEE FRITSCHLER, RESIGNED.

DEPARTMENT OF JUSTICE

ERIC F. MELGREN, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS, VICE RANDALL K. RATHBUN, RESIGNED.

JOHN B. BROWN, III, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE JULIO F. MERCADO, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARK M. HAZARA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) STEVEN B. KANTROWITZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JAMES MANZELMANN JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT M. CLARK, 0000

REAR ADM. (LH) JOHN R. HINES JR., 0000

REAR ADM. (LH) NOEL G. PRESTON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To Be Lieutenant Colonel

ALBERT R ADLER, 0000
MICHAEL J AHERN, 0000
PETER W AHERN, 0000
JEFFREY A AIVAZ, 0000
JAMES S ALLEY, 0000
DAVID J ANDERSON, 0000
JEFREY M ARNOLD, 0000

JEFFREY K ARRUDA, 0000
DAVID N ASHBY, 0000
BRIAN M BAGGOTT, 0000
DONALD P BALDWIN, 0000
EDWARD D BANTA, 0000
DARRYL G BARNES, 0000
BRIAN M BARTON, 0000
HAROLD C BASS, 0000
GARY F BAUMANN, 0000
ALLEN L BENNETT, 0000
PHILIP J BETZ JR., 0000
MICHAEL A BISZAK, 0000
ANDREW K BLACKHURST, 0000
JAMES M BLAIR, 0000
FREDDIE J BLISH, 0000
PATRICK S BLUBAUGH, 0000
THOMAS G BOGARD, 0000
MATTHEW J BONNOT, 0000
MICHAEL J BOSSE, 0000
ANTHONY W BOWMAN, 0000
KARL D BRANDT, 0000
DAVID A BRANNON, 0000
JAMES M BREITINGER, 0000
RANDAL S BRELAND, 0000
STEVEN P BRODFUEHRER, 0000
JAMES E BROWN, 0000
JAMES R BROWN III, 0000
THOMAS D BRUCE, 0000
MICHAEL A BRUNO, 0000
PETER D BUCK, 0000
BRIAN K BUCKLES, 0000
WILLARD A BUHL, 0000
CLAUDE J BURG, 0000
DENNIS T BURKE, 0000
MICHAEL J BURKE, 0000
RODNEY D BURNETT, 0000
TERRANCE L BURNS, 0000
JERRY A CARPENTER, 0000
ROBERT J CHARETTE JR., 0000
ERIC T CHASE, 0000
STEPHEN A CHILL, 0000
MARY J CHOATE, 0000
ARTHUR COLLINS III, 0000
JOSEPH W COLLINS JR., 0000
JEFFREY P COLWELL, 0000
NORMAN L COOLING, 0000
DENNIS M CUNNIFE, 0000
WILLIAM R CUNNINGHAM, 0000
TIMOTHY B CUTRIGHT, 0000
BRIAN P CYR, 0000
MICHAEL G DANZER, 0000
JAMES G DAVIDSON, 0000
GREGORY P DEEB, 0000
DAVID A DEMORAT, 0000
DOUGLAS A DENN, 0000
JOSEPH G DENNISON, 0000
RICHARD L DIDDAMS JR., 0000
JAMES T DILLON, 0000
STEPHEN R DINAUER, 0000
DREW T DOOLIN, 0000
THOMAS J DORAN, 0000
JEFFERSON L DUBINOK, 0000
JEFFREY W DUKES, 0000
JAMES P DURAND, 0000
DAVID S EATON, 0000
CHRISTOPHER B EDWARDS, 0000
THOMAS B EIPP, 0000
SCOTT E ERDELATZ, 0000
YORI R ESCALANTE, 0000
DOUGLAS H FAIRFIELD, 0000
CHARLES R FERGUSON JR., 0000
FRANCIS S FERRARO, 0000
BARRY J FITZPATRICK JR., 0000
JOHN W FRED, 0000
GRANT V FREY, 0000
JEFFREY W FULTZ, 0000
DAVID J FURNESS, 0000
JEFFREY E GAMBER, 0000
JOHN J GAMELIN, 0000
ROGER A GARAY, 0000
RANDALL E GARCIA, 0000
EDWARD C GARDINER, 0000
PETER T GAYNOR, 0000
KEIL R GENTRY, 0000
JOSEPH E GEORGE, 0000
MATTHEW G GLAVY, 0000
TODD M GLENN, 0000
HAL M GOBIN, 0000
WILLIE R GOLDSCHMIDT, 0000
KERRY T GORDON, 0000
DAVID G GOULET, 0000
JOSEPH P GRANATA, 0000
JAMES D GRIFFIN III, 0000
MICHAEL S GROEN, 0000
ERIC C HANSEN, 0000
STEVEN M HANSON, 0000
ELAISE D HARDING, 0000
GARY L HARDY, 0000
WILLIAM D HARROP III, 0000
THOMAS J HARTSHORNE, 0000
JAY L HATTON, 0000
JOHN P HAVRANEK, 0000
DREXEL D HEARD, 0000
SCOTT M HECKERT, 0000
ROBERT M HEIDENREICH, 0000
CLARKE D HENDERSON, 0000
ANTHONY R HERLIHY, 0000
MARCUS O HEWETT, 0000
CHARLES O HOBAUGH, 0000
DANIEL C HODGES, 0000
JEFFREY L HOING, 0000
THOMAS G HOLDEN, 0000
FREDERICK J HOPEWELL, 0000
JAMES G HORTON, 0000
SCOTT A HUELSE, 0000
PAUL E HUXHOLD, 0000
TODD C HYSON, 0000

KEVIN M HAMS, 0000
WILLIAM M IVORY, 0000
RICHARD C JACKSON II, 0000
JOHN M JANSEN, 0000
KIRK B JANSEN, 0000
JOSEPH M JEFFREY III, 0000
EDWARD M JEFFRIES JR., 0000
ANTHONY J JOHNSON, 0000
JAY E JOHNSON, 0000
MICHAEL W JOHNSON, 0000
STEVEN P JONES, 0000
DEWEY G JORDAN, 0000
DARREN S JUMP, 0000
JAMES J JUSTICE, 0000
JOHN E KASPERSKI, 0000
STEPHEN H KAY, 0000
PETER J KEATING, 0000
KENT J KEITH, 0000
JEFFREY J KENNEY, 0000
SEAN C KILLEEN, 0000
LAWRENCE E KILLMEIER JR., 0000
CARL M KIME, 0000
MICHAEL G KIRBY, 0000
SAMUEL A KIRBY, 0000
ERIC R KLEIBER, 0000
GREGORY P KLEINE, 0000
JOSEPH H KNAPP, 0000
ROBERT R KOSID, 0000
SCOTT J KOSTER, 0000
GREGORY G KOZIUK, 0000
JEFFREY J KRIEGER, 0000
ROBERT C KUCKUK, 0000
MARC J LACLAIR, 0000
JASON J LAGASCA, 0000
MARC H LAMBERT, 0000
PHILIP S LARK, 0000
MARK D LAVIOLETTE, 0000
RANDY J LAWSON, 0000
JAMES J LENEHGAN, 0000
MICHAEL A LESAVAGE, 0000
DEAN F LEVI, 0000
SAMUEL LIMA, 0000
LAURA LITTLE, 0000
TODD L LLOYD, 0000
THOMAS A LOGAN II, 0000
BRIAN D LONG, 0000
RICHARD S LONG, 0000
OWEN R LOVEJOY II, 0000
JAMES B LOVING, 0000
ROBERT D LOYND, 0000
WALTER E LUNDIN, 0000
JON CHESTE A MACCARTNEY, 0000
TIMOTHY J MACKENZIE, 0000
EDWARD O MAGEE JR., 0000
MICHAEL P MAHANEY, 0000
KEVIN P MAHNE, 0000
CHRISTOPHER J MAHONEY, 0000
JOHN D MANZA, 0000
NICHOLAS F MARANO, 0000
THOMAS P MARTIN, 0000
JEFFREY P MARTINEZ, 0000
DOUGLAS E MASON, 0000
DANIEL R MASUR, 0000
TIMOTHY L MATHEWS, 0000
WILLIAM H MAXWELL, 0000
THOMAS F MAY, 0000
CHRISTOPHER T MAYETTE, 0000
EDWARD J MAYS, 0000
CHRISTOPHER R MCCARTHY, 0000
HENRY J MCCLURG, 0000
CHARLES W MCCOBB, 0000
MATTHEW D MCEWEN, 0000
THOMAS D MCGINNIS, 0000
SCOTT L MCLENNAN, 0000
KEITH A MEISENHEIMER, 0000
STEPHEN C MEILOS, 0000
ERIC M MELLINGER, 0000
ANDREW R MELLON, 0000
MARK P MELZAR, 0000
PAUL C MERRITT, 0000
RICHARD O MILES JR., 0000
PAUL A MILLER, 0000
DUNCAN S MILNE, 0000
EDWARD H MINCHIN III, 0000
CHRIS W MINER, 0000
JOSEPH T MINICUCCI, 0000
DANIEL P MONAHAN, 0000
GREGGORY B MONK, 0000
CARLO A MONTEMAYOR, 0000
KEITH M MOORE, 0000
LOUIS D MORET, 0000
ROGER J MORIN, 0000
KEVIN J MORONEY, 0000
JEFFREY K MOSHER, 0000
WILLIAM F MULLEN III, 0000
TIMOTHY S MUNDY, 0000
MARK G MYKLEBY, 0000
ANTON H NERAD II, 0000
BRUCE W NEUBERGER, 0000
BARRY C NEULEN, 0000
JOHN M NEUMANN, 0000
BRUCE E NICKLE, 0000
WILLIAM J NIX, 0000
BRENT A NORIS, 0000
MARK K OBERG, 0000
CHARLES E ODONNELL, 0000
LAWRENCE J OLIVER, 0000
JAMES S OMEARA, 0000
ALAN L ORR II, 0000
MICHAEL J OUZTS, 0000
PETER F OWEN, 0000
BEN H OWENS, 0000
BRIAN S PAGEL, 0000
RICHARD W PALERMO, 0000
CHARLES A PANTEN, 0000
CHRISTOPHER J PAPA, 0000
JOHN R PARKER, 0000

MICHAEL B PARKYN, 0000
 JAMES R PARRINGTON, 0000
 TIMOTHY A PASTVA, 0000
 GABRIEL R PATRICIO, 0000
 NOELE PATTERSON, 0000
 DAVID PERE, 0000
 WILLIAM G PEREZ, 0000
 DANNY G PETERS, 0000
 ANTONIO P PETERSEN, 0000
 ANDREW J PFIESTER, 0000
 TIMOTHY J PIERSON, 0000
 ROBERT N PLANTZ, 0000
 MICHAEL D POCKETTE, 0000
 KENT S RALSTON, 0000
 JAMES D REED II, 0000
 MARY H REINWALD, 0000
 JEFFREY S RENIER, 0000
 LORETTA E REYNOLDS, 0000
 FRANK A RICHIE, 0000
 SAMUEL M RIDDER II, 0000
 PHILLIP J RIDDERHOF, 0000
 DAVID A ROBINSON, 0000
 KEVIN C ROGERS, 0000
 PHILIPPE D ROGERS, 0000
 FRANKLIN J ROSA, 0000
 CINDY H ROSEN, 0000
 THADDEUS A RUANE, 0000
 JAMES L RUBINO JR., 0000
 AMANDO RUIZ III, 0000
 THOMAS W RUSSELL, 0000
 JOHN A RUTHERFORD, 0000
 JOSEPH RUTLEDGE, 0000
 JON E SACHRISON, 0000
 SHAUN L SADLER, 0000
 MATTHEW T SAMPSON, 0000
 RUSSELL A SANBORN, 0000
 CHRISTOPHER J SCHLAFFER, 0000
 KIRK D SCHLOTZHAUER, 0000
 LEE F SCHRAM, 0000
 PAUL C SCHRECK, 0000
 JOHN M SCHULTZ, 0000
 WILLIAM P SCHULZ JR., 0000
 DOUGLAS J SCOTT, 0000
 WILLIAM R SELLARS, 0000
 BRUCE A SHANK, 0000
 MICHAEL T SHEERIN, 0000
 PAUL A SHELTON, 0000
 RICHARD N SHIZURU, 0000
 ROBERT A SICHLER, 0000
 GREGORY L SIMMONS, 0000
 PHILIP C SKUTA, 0000
 AARON T SLAUGHTER, 0000
 ERIC M SMITH, 0000
 JAMES S SMITH, 0000
 RANDY D SMITH, 0000
 TRACY R SMITH, 0000
 DANIEL J SNYDER, 0000
 WILLIAM B SPAHN, 0000
 EDWARD N SPICKNALL, 0000
 BLAYNE H SPRATLIN, 0000
 TODD R STANDARD, 0000
 WAYNE R STEELE, 0000
 DENNIS H STEGALL, 0000
 ERIC J STEIDL, 0000
 JOHN C STEVL, 0000
 ERIC B STONE, 0000
 ROGER L STONE, 0000
 RICHARD A STONES, 0000
 LYNN A STOVER, 0000
 ROGER M STRAUSS, 0000
 JOSEPH R STROHMANN, 0000
 CHARLES W STUBBS, 0000
 THOMAS G SULLIVAN, 0000
 JOHN D SUMNER, 0000
 JOHN D SWIFT, 0000
 DAVID A TAGG, 0000
 JAMES R TAYLOR, 0000
 JAMES S TEEPLES, 0000
 JOSEPH L TERRY, 0000
 RICHARD P TIRRELL, 0000
 DONALD D TOLBERT JR., 0000
 GREGORY M TOLIVER, 0000
 RAYMOND TOLOMEO, 0000
 ARTHUR TOMASSETTI, 0000
 MICHAEL A TRABUN, 0000
 WILLIAM A TUCKER, 0000
 CHARLES J TULANEY, 0000
 MARK M TULL, 0000
 JEFFERY I TURK, 0000
 WINBON J TWIFORD III, 0000
 WILLIAM T VANATTEN, 0000
 PETER L VENOTT, 0000
 BRADLEY C VICKERS, 0000
 NICHOLAS M VUCKOVICH, 0000
 CLINTON D WADSWORTH, 0000
 SCOTT A WALKER, 0000
 KEVIN J WALL, 0000
 THOMAS C WALSH JR., 0000
 JOHN W WASK, 0000
 WALTER R WATSON, 0000
 STEPHEN M WAUGH, 0000
 DANIEL J WAWRZYNIAK, 0000
 RICHARD H WEDE, 0000
 MARK A WERTH, 0000
 LAWRENCE A WHALEN, 0000
 DAVID A WILBUR, 0000
 KEVIN H WILD, 0000
 LEE B WILLARD, 0000
 ROBERT WILLIAMS, 0000
 SCOTT P WILLIAMS, 0000
 TERRY V WILLIAMS, 0000
 JAMES G WILSON, 0000
 ANTHONY L WINTERS, 0000
 JUSTIN M WISDOM, 0000
 MARK R WISE, 0000
 LEWIS E WOOD, 0000
 CHRISTOPHER I WOODBRIDGE, 0000

JEFFREY R WOODS, 0000
 KEVIN T WOOLEY, 0000
 KENNETH E WYNN, 0000
 PETER E YEAGER, 0000
 JOHN E YOUNG, 0000
 ROBERT C ZAORSKI JR., 0000
 PETER D ZORETTIC, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

JOHN J. WHYTE, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

KELLY V AHLM, 0000
 SCOTT A BAIR, 0000
 PATRICK A BECKER, 0000
 JOSEPH J BIONDI, 0000
 TODD W BOEHM, 0000
 JAMES E BUCKLEY, 0000
 MATTHEW S BURTON, 0000
 MICHAEL R CONNER, 0000
 STEPHEN C DAVIS, 0000
 JEFFREY N FARAH, 0000
 RICHARD W GARRISON, 0000
 LAWRENCE E GONZALES, 0000
 VERNON HASTEN, 0000
 TRENTON D HESSLINK, 0000
 STEVEN D HULL, 0000
 ANTHONY J INDELICATO, 0000
 ROBERT A KOONCE, 0000
 LANCE L LESHER, 0000
 JENNIFER C LYONS, 0000
 DAVID D NEAL, 0000
 JAMES E OGBURN, 0000
 MICHAEL J ONEILL, 0000
 RODNEY M PATTON, 0000
 ERIC L SEVERSEIKE, 0000
 MICHAEL R SOWA, 0000
 LAURENCE G STOREY, 0000
 JOHN M TULLY, 0000
 DARIN L VALLETTE, 0000
 LARRY P VARNADORE, 0000
 STEVEN R VONHEDER, 0000
 WILLIAM G WILKINS JR., 0000
 CHRISTIAN B WILLIAMS, 0000
 THOMAS A WINTER, 0000

THE FOLLOWING NAMED OFFICERS FOR PERMANENT APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

RENE V ABADESCO, 0000
 ALAN D ABSHEAR, 0000
 CHERYL A AGE, 0000
 WADE ALLEN, 0000
 ANDREW J ASHTON, 0000
 MATTHEW T ATWOOD, 0000
 CHRISTOPHER BAILEY, 0000
 LOUIS H I BALOT, 0000
 KEVIN S BARNETT, 0000
 DAVID W BAXLEY, 0000
 WILLIAM M BEGLAU, 0000
 BYRON K BERNARD, 0000
 AMY C BENDER, 0000
 EDWARD M BENDER, 0000
 JAMES A BERTHELOT, 0000
 DAVID M BIRMINGHAM, 0000
 WILLIAM H BLANCHARD, 0000
 DAVID G BONER, 0000
 CLIFTON A BOYCE, 0000
 LAMAR R BRADLEY, 0000
 EDWARD E BRINSON JR., 0000
 BRUCE G BRONK, 0000
 CARVIN A BROWN, 0000
 JAMES S BROWN, 0000
 LEE C BROWN, 0000
 MARY A BROWN, 0000
 MICHAEL D BROWN, 0000
 STUART A BROWN, 0000
 JOED M BRUCE, 0000
 MARK S BURGETT, 0000
 PETER J BURGOS, 0000
 CELETA L BURKS, 0000
 JOSEPH P BURNS, 0000
 LAWRENCE R BUTLER, 0000
 REGINAL J CALLES, 0000
 DANIEL J CASTUS, 0000
 GERALD A CARTUE, 0000
 BRYAN K CATOE, 0000
 WILLIAM J CLARK, 0000
 JOHN W COATES, 0000
 KEVIN A COCHRAN, 0000
 GARY E COLEMAN, 0000
 CLIFFORD COLLINS, 0000
 MICHAEL W CONN, 0000
 JOHN W CONSTABLE, 0000
 BRUCE J CONWAY, 0000
 MATTHEW T COOPER, 0000
 MICHAEL R CORBIN, 0000
 VALENCIA V COURTNEY, 0000
 EARL KOLMER COWAN JR., 0000
 CHARLES C COWART, 0000
 JEFFREY S CURRIER, 0000
 MICHAEL L DALE, 0000
 MELITON A DASCO, 0000

CHARLES B DAVENPORT, 0000
 EDDIE E DAVIS, 0000
 JEFFREY S DAVIS, 0000
 LAWRENCE W DAY, 0000
 CLIFFORD A DEARDEN, 0000
 KEITH W DEBBAN, 0000
 MICHELLE M DEBOURGE, 0000
 THOMAS A DECKER, 0000
 MELVIN R DENNING, 0000
 JOEL A DOANE, 0000
 FRANCIS J DONAHUE, 0000
 KARL R DREIKORN, 0000
 BRADY JAY DRENNAN, 0000
 JAMES C DUDLEY JR., 0000
 STEVEN D DUNCAN, 0000
 FLOYD A DYAL, 0000
 CAROL A EATON, 0000
 MARTIN J EBERHARDT, 0000
 LAWRENCE A EDWARDS, 0000
 KENNETH J ENGLE, 0000
 KELLY D ENNIS, 0000
 HOWLAND I ENOKIDA, 0000
 SEAN B FARRELL, 0000
 EDWARD L FEIDT, 0000
 JOSEPH G FELTOVIC, 0000
 JEFFREY P FENDICK, 0000
 KENNETH H FERGUSON, 0000
 RAMIRO E FLORES, 0000
 STEVEN M FOLEY, 0000
 JOHN D FORINGER, 0000
 WILLIAM J FRANCIS, 0000
 JEFFREY A FRANKS, 0000
 JEFFREY S FREELAND, 0000
 ALLEN L FRY, 0000
 TYLER R FRYE, 0000
 FRANK I FUENTES II, 0000
 CHARLES P FULWIDER, 0000
 DAVID E GARRETSON, 0000
 JOHN E GAY, 0000
 KEVIN W GILES, 0000
 RENE G GOCO, 0000
 ALVIN M GONZALEZ, 0000
 MARC T GOODE, 0000
 MICHAEL S GRANT, 0000
 DOUGLAS C GRAVE, 0000
 JAMES A GRAY, 0000
 STEVEN P GREER, 0000
 MICHAEL J GUNTHER, 0000
 JOHN E GUSTAFSON, 0000
 CHRISTOPHER J HAAS, 0000
 WILLIAM S HAFLEY, 0000
 JAMES L HAMILTON, 0000
 RICHARD P HANSEN, 0000
 KEVIN M HAYDEN, 0000
 BRUCE B HAYNES, 0000
 DONALD HEFFENTRAGER, 0000
 TIMOTHY A HILL, 0000
 CARL C HINK, 0000
 DONALD E HOCUTT, 0000
 PATRICK J HOUGH, 0000
 DAVID HUNT, 0000
 FRANKLIN W HUNT, 0000
 JAMES K INGRAM, 0000
 STEVEN D INGRAM, 0000
 EARLY JACKSON, 0000
 WILLIAM C JESSUP, 0000
 ATKINS JINADU, 0000
 GORDON W JOHNSTON, 0000
 MICHAEL E JOHNSTON, 0000
 TODD M JOHNSTON, 0000
 BONNIE L JONES, 0000
 TIMOTHY LYNN JONES, 0000
 MICHAEL R KASZUBA, 0000
 PAUL JOSEPH KAYLOR, 0000
 ROY G KIDDY, 0000
 CRIS S KIDWELL, 0000
 ANTHONY A KITSON, 0000
 PETER J KLETZKE, 0000
 NORMAN G KOSTUCK JR., 0000
 WILLIAM M KSTUMP, 0000
 DAVID L LANDON, 0000
 ANTHONY LEONE, 0000
 GERALD D LEWIS, 0000
 DONALD P LIBBY, 0000
 MICHAEL R LITWIN, 0000
 JEFFREY S LOCK, 0000
 ROBERT E LOEFFLER, 0000
 VINCENET W LOGAN, 0000
 DAVID W LONG, 0000
 KENNETH J LOOKABAUGH, 0000
 VICKIE L LUCAS, 0000
 MICHAEL R LUTHER, 0000
 CHARLES E LYNCH, 0000
 LARRY B MABE JR., 0000
 CHARLES H MAHER, 0000
 PATRICK J MARCOTTE, 0000
 CHARLIE L MARTIN, 0000
 DANIEL S MARTINDALE, 0000
 JOSE A MARTINEZ, 0000
 WARREN S MCCALLUM, 0000
 GUY E MEFFERT, 0000
 JIMMY H MELTON, 0000
 DANIEL MITTENDORFF, 0000
 ROBERT L MOORE, 0000
 CARTER L MORELAND, 0000
 JEFFREY T MORRAN, 0000
 CHARLES E MORRIS, 0000
 JEROME D MORRIS, 0000
 HAROLD E MURRAY, 0000
 ROBERT D MYERS, 0000
 HEZEKIAH NATTA JR., 0000
 WILLIAM H NEIGER, 0000
 OTTIS R NELSON, 0000
 GIL V NICDAO, 0000
 PAUL M NIELSON, 0000
 DONALD P OCONER, 0000
 JOSEPH P OHARA, 0000

MATTHEW ONEILL, 0000
 JOSE W OTERO, 0000
 PERRY B PAGE, 0000
 BARRY C PARHAM, 0000
 ROBERT F PAULEY, 0000
 WANDA S PEACOCK, 0000
 RAYMOND C PENLAND, 0000
 TODD S PERRY, 0000
 CHRISTINA M PHILLIPS, 0000
 MARILEE A PIKE, 0000
 ALFREDO M PINEDA, 0000
 JAMES W PITCOCK, 0000
 YVONNE O PITTS, 0000
 TERRY J PRATT, 0000
 WILLIAM S PRATT, 0000
 CHRISTOPHER PRESSLEY, 0000
 JAMES M PYLE, 0000
 TIMOTHY R RAGNAR, 0000
 EDWARD E RANCOURT, 0000
 MARK D REAVIS, 0000
 ESTEBAN RICO, 0000
 TODD D RILEY, 0000
 MICHAEL T RING, 0000
 JOHN D RIVERA, 0000
 JAMES P RIZZO, 0000
 MATTHEW G ROBERTS, 0000
 WILLIAM A RODAS, 0000
 VICTOR O ROMAN, 0000
 MATT C ROOSE, 0000
 JAMES A ROSSER, 0000
 PATRICK A ROWLAND, 0000
 DWAYNE W RUFFNER, 0000
 BERNARDO C SALAZAR, 0000
 JAMES B SALTER, 0000
 ERIC M SAMUELSON, 0000
 RONALD A SANDERS, 0000

JACQUELINE SANTILLANES, 0000
 ROBERT M SAUNDERS, 0000
 JERRY L SCHULTZ, 0000
 JON S SCOTT, 0000
 LOUIS V SCOTT, 0000
 PATRICIA A SCOTT, 0000
 DALE W SEXTON, 0000
 MICHAEL E SIMPKINS, 0000
 CHRISTOPHER SIMPSON, 0000
 JAMES A SMITH, 0000
 JERRY L SMITH JR., 0000
 LEROY SMITH, 0000
 NICHOLAS SMITH, 0000
 TIMOTHY D SMITH, 0000
 MICHAEL R SNIDER, 0000
 LYLE V SPAIN, 0000
 TIMOTHY L SPAULDING, 0000
 PAUL B SPRACKLEN, 0000
 STEPHEN L STAAT, 0000
 ALLEN R STAMBAUGH, 0000
 ERIC J STEIN, 0000
 JEFFREY T STEPHENS, 0000
 DWAYNE A STRICKLAND, 0000
 MALCOLM L STRUTCHEN, 0000
 WENDY M SUESS, 0000
 LEON B TACKITT, 0000
 ANDREW P THOMAS, 0000
 KENNETH T THOMPSON, 0000
 TRENT M THOMPSON, 0000
 GARY S TOMBERLIN, 0000
 JACINTO TORIBIO JR., 0000
 LEE R TOTTEN, 0000
 CRAIG L TRENT, 0000
 TRACY I TRUITT, 0000
 EUGENE T TSCHUDY, 0000
 VICTOR L VAUGHAN, 0000

GEORGE G VERGOS, 0000
 MICHAEL S VINING, 0000
 JOE L WALKER, 0000
 TANYA J WALLACE, 0000
 HEATHER J WALTON, 0000
 ILONA K WASHINGTON, 0000
 DOUGLAS D WASKIEWICZ, 0000
 RICHARD P WEISS, 0000
 CAROLINE D WELBORN, 0000
 CHARLES A WHEATLEY, 0000
 MARK S WHITTAKER, 0000
 JOHN C WILKERSON, 0000
 ERIC M WILLIAMS, 0000
 MICHAEL WILLIAMSON, 0000
 WINFRED L WILSON, 0000
 JOHN F WOLSTENHOLME, 0000
 DAVID A WOODS, 0000
 SEAN M WOODSIDE, 0000
 MARK W YATES, 0000

CONFIRMATIONS

Executive nominations confirmed by
 the Senate February 11, 2002:

THE JUDICIARY

MICHAEL J. MELLO, OF IOWA, TO BE UNITED STATES
 CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.
 JAY C. ZAINNEY, OF LOUISIANA, TO BE UNITED STATES
 DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOU-
 ISIANA.