

wrong standard and admitted it was the first time he had worked on a FISA request;

(3) Notwithstanding Assistant FBI Director John Lewis's request to the Attorney General for the FISA warrant, the Attorney General did not check on the matter after assigning it to her inexperienced subordinate.

After DoJ's decision not to forward the FBI's request for a FISA warrant, which could have been reversed with the submission of further evidence, the FBI investigation languished for 16 months with DoE permitting Dr. Lee to continue on the job with access to classified information.

On the eve of the release of the Cox Committee Report that was expected to be highly critical of DoE, DoE arranged with Wackenhut, a security firm with which the DoE had a contract, to polygraph Dr. Lee on December 23, 1998 upon his return from Taiwan. According to FBI protocol, Dr. Lee would have been questioned as part of the post-travel interview. However, the case agents were inexplicably unprepared to conduct such an interview. Ultimately, the polygraph decision was coordinated between DoE and the FBI's National Security Division. The selection of Wackenhut to conduct this polygraph was questioned by the President's Foreign Intelligence Advisory Board and criticized as "irresponsible" by the FBI agent working Dr. Lee's case.

The FBI's investigation was thrown off course when they were told Dr. Lee had passed the December 23, 1998 polygraph which the Secretary of DoE announced on national TV in March 1999.

A review of the Wackenhut polygraph records by late January contradicted the Department of Energy's claims that Dr. Lee had passed the December 1998 polygraph; and a February 10, 1999 FBI polygraph of Dr. Lee confirmed his failure. In the interim from mid-January, Dr. Lee began a sequence of massive file deletions which continued on February 10, 11, 12 and 17 after he failed the February 10, 1999 polygraph.

It was not until three weeks after the February 10, 1999 polygraph that the FBI asked for and received permission to search Dr. Lee's computer which led to his firing on March 8, 1999. A search warrant for his home was not obtained until April 9, 1999. Those delays are inexplicable in a matter of this importance.

The investigation of Dr. Lee demonstrates the need for remedial legislation to:

1. Require that upon the personal request of the Director of the FBI, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence, the Attorney General will personally review a FISA application submitted by the requesting official.
2. Where the Attorney General declines a FISA application, the declination must be communicated in writing to the requesting official, with specific recommendations regarding additional investigative steps that should be taken to establish the requisite probable cause.
3. The official making a request for Attorney General review must personally supervise the implementation of the Attorney General's recommendations.
4. Explicitly eliminate any requirement that the suspect be "presently engaged" in the suspect activity.
5. Require disclosure of any relevant relationship between a suspect and a federal law enforcement or intelligence agency.
6. Require that when the FBI desires, for investigative reasons, to leave in place a suspect who has access to classified information, that decision must be communicated in writing to the head of the affected agency, along with a plan to minimize the potential harm to the national security. National se-

curity concerns will take precedence over investigative concerns.

7. The affected agency head must likewise respond in writing, and any disagreements over the proper course of action will be referred to the National Counterintelligence Policy Board.

Mr. SPECTER. Mr. President, how much time do I have that I am yielding back?

The PRESIDING OFFICER. The Senator has 3 minutes of his 7 minutes.

Mr. SPECTER. I only asked for 4, but I yield back the remainder of my time. I thank my distinguished colleague, Senator HUTCHINSON from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

EXTENSION OF MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that subsequent to the UC of the Senator from California, the morning business period be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 2215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TIMBER AND AGRICULTURE ENVIRONMENTAL FAIRNESS ACT

Mr. HUTCHINSON. Mr. President, I have heard from hundreds of private landowners, forest owners, and farmers in Arkansas who are greatly concerned about the Environmental Protection Agency's attempt to rewrite portions of the Clean Water Act.

I know the Senator from Idaho has been very much involved in this issue, has had hearings on this, and has been a leader in determining exactly what the EPA intends to do.

In August of last year, as the occupant of the chair knows, the EPA proposed a regulation which requires States to renew their efforts to fully implement a so-called voluntary total maximum daily load, or TMDL, program.

The States, in conjunction with the EPA, would establish TMDLs for water bodies statewide. If States fail to meet those TMDL guidelines, the EPA would then have the authority to enforce the new water quality standards. I believe that is what this agency had in mind all along.

Should the EPA be successful in carrying out their plans, this regulation will have a direct impact on two of my State's most important industries: agriculture and timber. Agriculture and forestry activity, which the EPA currently treats as potential "non-point source" polluters, could be regulated as point source pollution.

A regulation requiring foresters, private landowners and farmers to obtain discharge permits for traditional forestry and agriculture activities is costly, overly burdensome and unnecessary.

I believe this is yet another deliberate attempt to circumvent the Clean Water Act and legislate through regulation. Rewriting TMDL requirements and redefining point source pollution should be addressed when Congress, the elected representatives of the people, reauthorizes the Clean Water Act.

Arkansas has put forth a tremendous effort to implement statewide Best Management Practices and other water quality regulations.

If my State is required to establish and enforce expanded federal, one-size-fits-all TMDL standards, it must redirect already limited funds and resources away from successful State implementation programs and hand them over to bureaucratic EPA procedures and oversight.

These are some of the reasons why landowners in Arkansas are so upset. In early January I spoke at a meeting in El Dorado, AR, where 1,500 people attended to voice their concerns.

A few weeks later, 3,000 people attended a similar meeting in Texarkana, AR. Although the public comment period for this proposed regulation is over, a third meeting scheduled for later this month is expected to draw similar crowds.

The thousands of people who attend these meetings have families, busy schedules, and many other responsibilities, but they are willing to sacrifice their time to learn more about this proposed regulation and how it will affect their livelihood.

One of the core issues motivating Arkansans to attend public meetings by the thousand is *trust*. Ultimately, the people of my State do not trust the EPA. In other words, the EPA has not earned the trust of my constituents.

Clearly, the EPA has done an incredibly poor job communicating their proposal to those whom it will affect the most. During my time in public service, I have never seen this kind of public outcry to anything the EPA has done.

In response to the reaction from foresters, private landowners and farmers, private landowners and farmers in Arkansas, I have introduced S. 2139, the Timber and Agriculture Fairness Act.

My bill consists of two simple parts: First, it exempts silviculture operations and agriculture stormwater discharges from EPA's National Pollutant Discharge Elimination System permitting requirements; and, second, it defines nonpoint source pollution relating to both agriculture stormwater discharges and silviculture operations.

This two-prong approach, I believe, is the sensible way to winning back the trust of Arkansans and the American people.

We must remind ourselves that we have a Government "of the people, by

the people, and for the people." By passing this legislation, we will give the Government back to its original owners.

Mr. President, I ask my colleagues to support S. 2139.

I express my appreciation to the Senator from California for fitting me in between her comments.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Idaho.

Mr. CRAPO. I ask unanimous consent to speak for up to 10 minutes in morning business.

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

Mr. CRAPO. I thank the Senator from California for allowing me to take a few moments to address the Senate.

TRIBUTE TO DONALD E. DIXON

Mr. CRAPO. Mr. President, I would like to make a statement in recognition of one of my very close friends out in Idaho who has just had a wonderful accomplishment in his life. He is a neighbor, a friend, and a member of my staff from Idaho, Don Dixon.

On March 24, Don will be given the distinct honor of induction into the Eastern Idaho Agriculture Hall of Fame. The honor reflects his commitment to farming in Idaho and the respect and esteem in which he is held in our community. I know you join eastern Idaho and myself in extending to Don congratulations on this achievement.

Don is a lifelong farmer and resident of Idaho Falls, ID. He owns and tends the farm his grandfather purchased in 1900 and, thereafter, was owned by his father. Apparently, the farming bug hit Don hard because he took over the Dixon operation with his brother soon after college and his military service. A measure of his success is reflected by his continued expansion of the farm and livestock and the handover of a solid operation to his son.

For years, Don's work has produced some of the region's best potatoes, in a State that has the world's finest spuds, cattle, hay, and grain. In this time of agriculture distress and low prices, Don has demonstrated himself to be a model farmer by taking steps to protect the environment by undertaking the best management practices and water conservation through improved irrigation techniques. We can all be proud of his work to be a productive member of the agriculture community and a good steward of the land.

Although his induction into the Hall of Fame is a special accomplishment, Don has long been chosen as a representative of his community. He has been an active member of eastern Idaho's business and agriculture organizations for as long as I can remember. Don has served on the board of the Eastern Idaho State Fair and, for 6 years, served on the Idaho Potato Commission, a post nominated by our Governor. His recognition at the national

level is evident from Don's successes as Director of the National Potato Promotion Board.

In 1995, Don joined my staff and served with distinction through the balance of my House tenure, working on agriculture and natural resources issues. He was instrumental in my work with farmers and ranchers throughout the State during the debate on the 1996 farm bill. When I was elected to the Senate in 1998, Don agreed to continue our partnership by becoming my State Director of Agriculture, a position he has fulfilled with distinction and widely-held respect.

Don has served the people of Idaho above and beyond the call of duty, meeting more farmers and community leaders than any of his peers and probably has logged enough miles on his pickup truck to circumnavigate the world several times. The patience and understanding of his wife Georgia, his four children, and extended family for his work is a testament to Don's commitment to service and leadership in eastern Idaho's agriculture community.

Don's generosity and good-natured approach to life and work is also reflected in his induction into the Eastern Idaho Agriculture Hall of Fame. He is a valued counselor and friend of my entire family. I salute him on the accomplishment of this high honor. I know you and my colleagues in the Senate join me in offering our congratulations to Don Dixon.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues who were able to work out time back and forth on various issues.

NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mrs. BOXER. Mr. President, I had the privilege to address the Senate for about 15 minutes on the quality of two wonderful Ninth Circuit court nominees who are coming up for cloture votes today at 5 o'clock. I am very hopeful we can, in fact, shut off debate on this and get to the votes themselves tomorrow.

These are two excellent people, wonderful human beings, wonderful family members. Their families and they have gone through a difficult time because they have been kind of twisting in the wind—for 2 years, in Marsha's case; in Richard's case, for 4 years—while awaiting this moment. I hope if they are watching today, they feel as optimistic as do I that hopefully it is going to have a happy ending.

CEDAW

Mrs. BOXER. Mr. President, today is International Women's Day. To all you women out there, and men who care about women, happy International Women's Day.

I think it is very fitting on International Women's Day to discuss a treaty this Senate should ratify, but has not ratified in over 20 years. This treaty, signed by President Carter, almost made it to the Senate floor some 6 years ago when it was voted favorably out of the Foreign Relations Committee. Unfortunately, it was never brought up. The treaty is called CEDAW. It stands for the Convention on the Elimination of all Forms of Discrimination Against Women.

This is a treaty that has been nicknamed the Magna Carta for women because it essentially gives basic human rights to women all over the world. That is why 165 nations, all of our allies and friends in the world, have in fact ratified it. But we haven't ratified it. One might say, well, who hasn't ratified it? I am sorry to say, we are standing with such stalwarts of democracy as Iran, North Korea, Sudan, and Somalia. We don't belong in that company. This country is, in fact, a leader of human rights. It is really an embarrassment that we have not brought that treaty to the Senate floor.

I wrote a resolution that calls on the Senate to ask the Foreign Relations Committee to hold a hearing on CEDAW. It now has 25 cosponsors, including Republicans. It is very simple. It expresses the sense of the Senate that the U.S. Senate Committee on Foreign Relations—that is a committee on which I serve—should hold hearings, and the Senate should act on CEDAW, should take action on this convention to eliminate all forms of discrimination against women. The resolution goes through why this treaty is so important. It talks about how important it is that CEDAW be enacted: because it would help give women equal rights, equal opportunity, equal education; it would help them get protection against violence. We know that happens all over the world where women don't have equal rights. And it would give us the clout, if you will, the portfolio to be stronger as a world leader.

The bottom line of this is that today I asked the Democratic leadership to ask unanimous consent to bring this resolution that I wrote to the floor. The resolution doesn't say ratify this convention. It simply says to the Foreign Relations Committee, please hold hearings.

It was objected to by the other side of the aisle because they don't want to have this hearing. I will discuss that because it is with great respect that I bring up these differences between the two sides of the aisle. The chairman of the Foreign Relations Committee, with whom I have a wonderful relationship, a very good working relationship, took to the floor of the Senate today. He unequivocally stated—and when he wants to be unequivocal, he can—that he will not hold hearings on the Convention to Eliminate all Forms of Discrimination Against Women. And he explained why. I totally respect his right to have this