

Department of State; and Richard Newcomb, Director, Office of Foreign Assets Control, Department of Treasury.

Panel II: Curtis Kamman, Former United States Ambassador to Colombia, Department of State, Washington, DC; Michael Shifter, Adjunct Professor and Program Director, Inter-American Dialogue, Center for Latin American Studies, School of Foreign Service, Georgetown University, Washington, DC; R. Grant Smith, Former United States Ambassador to Tajikistan, United States Department of State, Washington, DC; and Martha Brill Olcott, Senior Associate, Carnegie Endowment for International Peace, Washington, DC.

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

#### PRIVILEGE OF THE FLOOR

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that a member of my staff, Bill Holmberg, be given floor privileges by the Chair.

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

Mr. INHOFE. Madam President, I ask unanimous consent that Phil Ward be granted the privilege of the floor for the remainder of the day.

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

#### MEASURE READ THE FIRST TIME—H.R. 2175

Mr. REID. Madam President, it is my understanding that H.R. 2175, which has been received from the House, is now at the desk. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2175) to protect infants who are born alive.

Mr. REID. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

#### ORDERS FOR THURSDAY, MARCH 14, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, March 14; that following the prayer and 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 the energy reform bill under the previous order entered.

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

#### ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement of the Senator from Delaware, Mr. BIDEN.

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

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

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

#### DEPARTMENT OF TRANSPORTATION NOMINATIONS

Mr. BIDEN. Madam President, as my colleagues know and the staff knows, it must be important to me to come to the floor after there are no votes and miss a train home to Delaware. As I think I can verify, there probably has not been 10 times in my career that I have spoken after there are no votes, so I apologize for keeping the staff here and keeping folks in, but this is of consequence to me and my State.

My good friend—and we all say that; we use that phrase, and he really is a good friend not only politically but personally—JOHN MCCAIN came to the Chamber and asked the rhetorical question of who has a hold on two nominees for the Department of Transportation. He does not like secret holds.

He was being very polite because he did not want to point out what he already knew: That I have a hold on those two nominees.

I have been a Senator for 29 years. I have never, not one single time but this, in my entire career ever put a hold on any nomination, legislation, or anything on the Senate floor. I know Senator MCCAIN understands holds. He has put holds on Department of Transportation nominees before, but I agree with him, the holds should be made public.

I wish to publicly acknowledge what I thought everyone knew. I am the guy who has put the hold on those two nominees. Madam President, let me explain to you why, very briefly.

After September 11, Congress moved very quickly and effectively to provide necessary funds for aviation security improvements and ultimately for port security improvements. I supported those bills wholeheartedly, as did almost all of my colleagues.

At the time, however, it was my understanding, given to me in the Chamber of this body and, I believe—and I am not suggesting she is any part of this—but I believe the Presiding Officer will recall, as every other Senator

will, there was a commitment that there would also be a move to quickly address a similar and equally vexing problem of railroad security.

Passenger rail is a critical component of our national transportation infrastructure as, I might add, September 11 so vividly has shown. Imagine what would have happened if we had no passenger rail system September 11 when the skies shut down. And yet all of those passengers continue to travel at their risk. They continue to ride in poorly lit, poorly ventilated, and poorly maintained tunnels, some of which were built as long ago as 1879.

They remain serious targets for acts of terrorism. There is no ventilation. There is no lighting. There is no escape. There are more people, right now as we speak, in tunnels on railcars underneath New York City than in seven 747s completely filled. We have done nothing to improve the security and safety of the people who are riding these rails right now.

Imagine what happens if a bomb, a chemical weapon, or a biological weapon is dispersed in that confined area? I might point out to my friends, they may remember a little over a year ago there was a fire in the Baltimore Tunnel. It shut down Baltimore. It not only shut down the rail, it shut down the south end of Baltimore for a long time.

My frustration is reaching the boiling point. Because of these security threats, immediately following the attacks of September 11, I attempted to authorize funds for rail security improvements as part of the aviation bill. Because of the objections raised, however, I then went to Senators HOLLINGS and MCCAIN, and instead, based on their commitment, which they kept, they offered to pass a separate bill in the Commerce Committee authorizing rail security monies. True to their words, on October 17, they did just that. S. 1550 authorized \$1.8 billion for passenger rail security improvements, even though Amtrak had originally requested \$3.2 billion; \$1.8 billion was a barebones minimum the committee believed it would provide for essential security upgrades in safety improvements, mainly a billion of that to improving the tunnels and the safety in the tunnels against threatened attacks.

The other \$800 million went to having dogs on trains sniffing bombs, and additional police. Yet here we stand 6 months later, and we still do not have the money for rail security. I still do not even have a vote on rail security.

This completely defies logic. The reason is because a number of my colleagues have objected secretly, not publicly, to S. 1550, and they have put holds on the bill. This despite all it will do to safeguard our passenger rail system and despite the backing of the Commerce Committee.

Remember, this other stuff we did immediately did not even go through

any committee originally. That is why for the first time in my 29-plus years in the Senate I have placed holds on two Department of Transportation nominees, both fine, decent, and competent people. The issue is not their nomination. The issue is rail security. I know of no other way to get the attention of anybody. I do not know what else I have to do—stand on my head in the middle of the well to get the attention of people around here?

Granted, not everybody has Amtrak go through their areas. I understand that. Granted, Amtrak is not as important to passenger rail service for them as it is to the Northeast and to me. This is my farm bill. This is my bill relating to airport security. This is my bill relating to the poultry industry. This is my bill relating to the most critical need that exists relating to security in my region.

This bill is not controversial. It is completely bipartisan and it has completely been vetted by the committee of jurisdiction. It is important to passenger rail travelers.

There is absolutely no reason for the Senate not to go on record today, right now in fact, and support this bill, to give Amtrak the resources it needs to upgrade the system and make all the safety improvements possible with this limited amount of money.

In 2 hours or 3 hours of debate we came up with \$15 billion or \$14 billion to bail out the airlines that were already in trouble, by the way. Had there never been 9-11, half of them would have gone out of business anyway—if not half, a significant number. So I do not know why my asking for this for my region, based upon a legitimate need, is so difficult for people to understand.

In fact, I want to hear someone stand up and tell me how it is that my friends across the aisle have taken the liberty of blocking this bill after both Senators HOLLINGS and MCCAIN saw fit to pass it out of the Commerce Committee without any amendments. It is time for my colleagues to put aside their political goals and join me and many of my colleagues who support what the Commerce Committee has done and at least allow us to have a vote. We cannot afford to wait much longer. We do not have that luxury.

Let me conclude by saying that I have great respect for Secretary of Transportation Norm Mineta; I worked with him when he was in the House when he was a Congressman. I worked with him in the last administration. I have worked with him in this administration. He came to see me. He made a personal plea that I free up these two nominees.

I said to him: I understand.

He said: It is unrelated. Why? We are for you. We agree.

I said: Well, then make the case. Somebody in the administration has to stand up and holler with me. They say they are for it. When they were for the airport security bill that got tied up, they stood up and hollered.

All I am asking is my colleagues who have a secret hold, unlike my very public and uncharacteristic hold, come forward and debate the subject. Let me have a vote. I should not say "me." It is my colleague, TOM CARPER; it is my two colleagues from Pennsylvania; my colleagues from Maryland; my colleagues from New Jersey; my colleagues from Connecticut; my colleagues from New York; my colleagues from Massachusetts; my colleagues from Rhode Island; my colleagues from Maine.

I really find it offensive that something of such exceptional importance, as the young kids say, is "dissed" as this is. We would not do this to the Midwestern Senators. We would not do this to the Southern Senators if this was something regional to them. We would not block the chance to vote on water projects for Western Senators. I think this is unfair.

I have been around the Senate long enough to know one takes their lumps. You win and you lose, and I usually do not make the argument "unfair", but I think it is uncharacteristic that something so important regionally to me, and to my colleagues, is not even able to get a single opportunity for a vote.

Only because the hour is so late I am not going to move, by voice vote, to accept the amendment that I was about to send to the desk. But I can tell the Democratic leader, Senator REID, the first opportunity I have, I am going to move the legislation, and I want to find out who objects. My guess is the majority leader will object on behalf of some unknown person.

So in conclusion, I understand the frustration of my friend, JOHN MCCAIN, because he very much wants to free up these two nominees. I agree they should be freed up, but I have no other way.

Mr. REID. Will the Senator yield?

Mr. BIDEN. I am happy to yield.

Mr. REID. I say to the Senator from Delaware that this Amtrak matter is not a matter that relates only to the Northeast corridor. I want everyone to know this is important for other parts of the country, and the Senator is doing a service to the country. The Northeast is going to survive. The trains that run there pay for themselves. It is the trains that are around the rest of the country that do not pay for themselves. That is where we need help and the Senator from Delaware is helping us.

I say to my friend from Delaware, we badly need a train, and if Amtrak hangs on—it is already in the planning—we should within the next few months have an Amtrak train running between Los Angeles and Las Vegas. I say to my friend, is it not a sad commentary of this country that we give airlines—and I am happy to help. We bailed them out. We do all kinds of things to help airlines and airports. And think of the things that we do for highways, for passengers traveling on highways. We build bridges. We do ev-

everything. But we do not do anything to help rail travel. It is a shame. We waste so much time, effort, and energy hauling people on airplanes for distances less than 250 miles. We should have trains. We should have high-speed rail. We should have magnetic levitation. We should have methods to move people who are not on highways and are not in our crowded airports.

I hope the Senator from Delaware will understand, even though sometimes you may feel alone on this issue, there are a lot of people who will help privately. I will do that; I will help publicly—anything I can do to help. This is not an issue that helps the State of Delaware. It helps the country.

Mr. BIDEN. I thank my colleague. I take his observation and acknowledge it is absolutely true that it helps the whole country.

I would like to bifurcate two points: One, the emergency, immediate need for security. The security will help Amtrak in Los Angeles as well as help Amtrak in Florida. The place with the biggest, clearest targets where the most people could be devastated is in those tunnels, primarily. They happen to be mostly in the Northeast.

There is a second issue. I have not addressed the second issue. We have not kept our promises at all to Amtrak in terms of Amtrak's operational capability and capital needs. We cannot get votes on that either. I am trying to deal with the littlest piece. I cannot fathom how anyone could disagree. I have not heard one substantive argument why we would not provide for dogs and police to see that people are not carrying onto the trains dynamite or explosives or weapons in New Orleans, LA, as well as in Philadelphia, PA.

The real point is, this is an urgent need. Ask any of the folks in the intelligence community: If you were a terrorist and decided you had one last opportunity, what would you hit? People will say you are giving ideas; these terrorists already have these ideas, I assure you.

What did we do during the Olympics? We knew that would be a likely target because there were a lot of people and it would be a big statement. To the great credit of the State of Utah and the Federal Government, we had no incident. But you are sitting around, and where will you look to use the chemical weapon if you have it? The dirty bomb, if you possess it? That biological weapon, if you want to use it? Where will you use it?

I am chairman of the Foreign Relations Committee. I was on the terrorism subcommittee and the Judiciary Committee and in the Intelligence Committee for 10 years. Unfortunately, it seems as if I have been going to school for my whole life to prepare for the issue of terrorism. Prioritize where the likely targets are. There are millions of container ships that come into ports each year. We had to deal with that, and we dealt with it. Everybody

knew that was a likely target. We were not telling the terrorists anything they didn't know. We knew it was a problem.

I hope to God I am never in a position where, by even implication, I have to say, I told you so. There is no way out of the tunnels. There is no lighting. There is no ventilation. There is no way out.

I apologize, I am getting angry about it. Again, I can understand my friend from Arizona and others objecting to Amtrak. They do not think Amtrak is efficacious. I got it. I understand. They are wrong. I am willing to debate that. I would love a chance to debate it. However, this is drop dead common sense. I close to resent not being able to have a chance for the Senator from Pennsylvania, the Senator from Delaware, the Senators from New York, in addition to the Senators where Amtrak goes—these are gigantic targets.

They once asked Willie Sutton: Why rob banks? And his answer was: That is where the money is.

What do terrorists do? Why do they pick the two largest buildings in the United States, instead of coming to Delaware and hitting a 12-story building in Delaware? Why? Because that is where the most people are. That is where the biggest targets remain.

I thank my friend from Nevada. He has been a staunch supporter and tried like the devil to help.

The concluding point I make: My hold is not secret. I would like to know who is holding up the ability of the Senate to pass a bill that we were promised on October 15 would get action; that we passed out of the Commerce Committee unanimously, without amendment; that, in fact, nobody has made a substantive argument why any of this is not needed. I want to know why. I want to know why and who. Who is saying we cannot vote on it? And why do they think we should not have this?

I am a big boy. We have a vote. I win; I lose. But I want a vote.

I yield the floor.

Mr. SPECTER. If the Senator from Delaware would respond to a question, the holds which are placed anonymously on legislation preclude a Senator such as the Senator from Delaware from finding out who has taken that action, and therefore there is no opportunity to talk to that colleague, reason with that colleague, perhaps find a way to resolve the issue.

The simple question: Is it time the rules of the Senate were modified to stop secret holds which preclude sensible action on a matter such as rail safety?

Mr. BIDEN. The Senator is preaching to the choir. I fully agree with the Senator.

As the Senator knows, that is above my pay grade. There are only six Senators who have been here longer than I, but a lot have more institutional power than I do. I think it is a reasonable proposal, and I have shared that view of the Senator for a long time.

Mr. SPECTER. I don't disagree with the Senator from Delaware very often, but I disagree when he says it is above his pay grade.

I compliment the Senator from Delaware for his impassioned presentation. I concur with him. I thank the Senator from Nevada for articulating the view of the leadership.

It is true the Northeast has special considerations: When you pass through the tunnels in Baltimore, you pass through the Philadelphia train stations, the tunnels going into New York City. It is time we considered the matter.

I hope the passion the Senator from Delaware has articulated will move some Senator who has a secret hold on the legislation.

I yield the floor.

Mr. BIDEN. Madam President, I will just take 10 seconds. I conclude by saying, I say to my friend, Senator MCCAIN, I will lift the hold on these two nominees the moment we get a vote on the security bill.

I yield the floor.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 724 and Calendar No. 725.

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

Mr. REID. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon appear at the appropriate place in the RECORD as though read, and the Senate return to legislative session.

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

The nominations were considered and confirmed, as follows:

#### THE JUDICIARY

Jeanette J. Clark, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

#### DEPARTMENT OF COMMERCE

Louis Kincannon, of Virginia, to be Director of the Census.

## LEGISLATIVE SESSION

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

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 5:48 p.m., adjourned until Thursday, March 14, 2002, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 13, 2002:

#### CONSUMER PRODUCT SAFETY COMMISSION

HAROLD D. STRATTON, OF NEW MEXICO, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ANN BROWN.

HAROLD D. STRATTON, OF NEW MEXICO, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 2006, VICE ANN BROWN.

#### DEPARTMENT OF STATE

DAVID A. GROSS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY IN THE BUREAU OF ECONOMIC AND BUSINESS AFFAIRS AND U.S. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL PACK, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE DARRYL J. GLESS, TERM EXPIRED.

#### DEPARTMENT OF JUSTICE

DAVID PHILLIP GONZALES, OF ARIZONA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE ALFRED E. MADRID, TERM EXPIRED.

EDWARD ZAHREN, OF COLORADO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE ERNESTINE ROWE, TERM EXPIRED.

CHARLES M. SHEER, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE ROBERT BRADFORD ENGLISH, TERM EXPIRED.

GORDEN EDWARD EDEN, JR., OF NEW MEXICO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE JOHN STEVEN SANCHEZ, TERM EXPIRED.

JOHN LEE MOORE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE NORRIS BATISTE, JR., TERM EXPIRED.

WILLIAM P. KRUIZIKI, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE NANNETTE HOLLY HEGERTY, TERM EXPIRED.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

L.T. GEN. LESLIE F. KENNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. WILLIAM R. LOONEY III, 0000

#### IN THE MARINE CORPS

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

##### To be brigadier general

COL. DOUGLAS M. STONE, 0000

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

JOSEPH WYSOCKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A).

##### To be colonel

RICHARD L. FULLERTON, 0000

DAVID S. GIBSON, 0000

WILLIAM P. WALKER, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be colonel

WILLIAM P. ALBRO, 0000

THOMAS E. ALLEN, 0000

THORNE S. AMBROSE, 0000

RANDALL R. BALL, 0000

DAVID H. BARNHART, 0000

EARL S. BELL, 0000

KATHLEEN F. BERG, 0000

JAMES T. BOLING, 0000

PETER A. BONANNI, 0000

JEANETTE B. BOOTH, 0000