

Terwilliger, Partner, White & Case, LLP, Washington, DC; and Tom Devine, Legal Director, Government Accountability Project, Washington, DC.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION  
AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet at 9:30 a.m. on rail safety on Wednesday, July 20, 2002.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Wednesday, July 10, 2002, at 9:30 a.m. in SD-366.

The purpose of the hearing is to receive testimony on water resource management issues concerning the Missouri River.

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

JOINT COMMITTEE ON PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Wednesday, July 10 at 11:00 a.m., in SR-301, Russell Senate Office Building. The Committee is holding a hearing to receive testimony from The Honorable Mitchell E. Daniels, Jr., Director, Office of Management and Budget; The Honorable Michael F. DiMario, Public Printer, United States Government Printing Office; Ms. Julia F. Wallace, Regional Depository Librarian (representing the American Library Association, Association of Research Librarians, American Association of Law Libraries, and the Medical Library Association); Benjamin Y. Cooper, Executive Vice President for Public Affairs, Printing Industries of America; Mr. William J. Boarman, President Printing, Publishing and Media Workers Sector, Communication Workers of America on federal government printing and public access to government documents.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent Fiona Wright of my staff be given floor privileges for the duration of the debate on this bill.

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

EXECUTIVE SESSION

NOMINATION OF LAVENSKI R. SMITH, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

Mr. REID. Madam President, I move to proceed to executive session to consider Executive Calendar No. 903, Lavenski Smith, to be United States Circuit Judge.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

CLOTURE MOTION

Mr. REID. Madam President, this nomination is cleared on this side but because of an objection from a Member on the other side of the aisle, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 903, the nomination of Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit:

Zell Miller, Fritz Hollings, Kent Conrad, Byron L. Dorgan, Harry Reid, Jeff Bingaman, Debbie Stabenow, Jack Reed, Barbara Boxer, Patrick Leahy, Barbara Mikulski, Blanche R. Lincoln, Bob Graham, Jean Carnahan, Jay Rockefeller, Charles Schumer.

Mr. REID. Madam President, I ask unanimous consent that the live quorum prior to this vote as required under rule XXII be waived and that the Senate resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

The PRESIDING OFFICER (Mr. REID). The Senator from Washington is recognized.

PROVIDING FOR AN INDEPENDENT INVESTIGATION OF FOREST SERVICE FIREFIGHTER DEATHS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3971, Calendar No. 446.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3971) to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise today to urge the passage of this legislation. Roughly a year ago, about this time of night, my colleague, Senator MURRAY, and I stood before the Senate in a terrible moment to describe our sympathy for the deaths of four young firefighters: Devin Weaver, Jessica Johnson, Karen Fitzpatrick, and Tom Craven.

They lost their lives fighting a forest fire that had been out of control, and, as we found out, these four young people were barely trained. They were on the job, having had training, but were new, and this was their first fire.

Since that day on the Senate floor, we have had hearings, investigations, a lot of discussion, and what we found in the report from the Forest Service on the Thirtymile fire is that some of the same issues that had arisen in a fire, the Storm King fire, many years ago were the same issues that were arising again; the fact that maybe there were rules in place but they were not being followed.

When the report came back to say that, sadly, the young men and women who perished fighting the Thirtymile fire did not have to die, it was a very painful moment. The fact that they did not have to die meant we were not really implementing the processes and procedures that needed to be in place.

Tonight I am glad to say that we are taking a big step forward in assuring the oversight and accountability of the Forest Service, by making sure there is an independent investigation in the case of forest fire fatalities.

This legislation will not bring back Devin Weaver, Jessica Johnson, Karen Fitzpatrick, or Tom Craven, but it will say that the Congress—the House and the Senate—does believe there needs to be accountability, there needs to be oversight, there needs to be protection. There needs to be rules in place not just because we can point to them on a piece of paper but that they are actually being followed.

So tonight, even though it has been just 1 year, I feel at least we can go to families and say we do believe accountability is important.

I thank my colleague in the House, DOC HASTINGS, for getting this legislation passed as companion legislation to what we have.

I note that the Senate did take action earlier this year. We passed this as an amendment as part of the farm bill, and, unfortunately, it did not make it through the conference process. So we are passing this legislation tonight, to send on to the President for his signature, in hopes he will sign this in fast order and help improve the process to make sure we have accountability in the Forest Service in this particular area.

Mr. President, I ask unanimous consent the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no further intervening action or debate, and that any statements relating thereto be printed in the RECORD.

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

The bill (H.R. 3971) was read the third time and passed.

#### LOUISIANA STATE UNIVERSITY TIGERS MEN'S OUTDOOR TRACK AND FIELD TEAM

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 298 and the Senate now proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:  
A resolution (S. Res. 298) honoring the Louisiana State University Tigers Men's Outdoor Track and Field Team.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 298

Whereas Louisiana State University Men's Outdoor Track and Field Team won the 2002 NCAA Division I Championship;

Whereas head coach Pat Henry was awarded the MONDO NCAA Division I Coach of the Year, and led the team to victory over top seeded Tennessee;

Whereas 9 time all-American and 6 time national champion senior Walter Davis was awarded the MONDO Athlete of the Year and won the long jump event and the triple jump event in the 2002 NCAA Division I Championship hosted by Louisiana State University, as well as running the beginning leg of the 4x100 meter relay;

Whereas Tiger athletes Robert Parham, Pete Coley, and Bennie Brazell also competed in the 4x100 meter relay with a time of 38.32 seconds, the fourth fastest time in NCAA history;

Whereas Robert Parham also won his heat in the 200 meter dash with a time of 20.45 seconds and Bennie Brazell and Lueroy Colquhoun advanced to the finals in the 400 meter hurdles by winning their preliminaries with respective times of 49.57 and 49.99;

Whereas Javier Nieto finished eighth in the hammer throw to become the first Louisiana State University Tiger to be honored as an all-American in that event since 1993;

Whereas due to the efforts and abilities of the student athletes and head coach Pat Henry, the Louisiana State University Men's Outdoor Track and Field team won the 2002 NCAA Division I Championship; and

Whereas the team's victory exemplifies the hard work ethic and high goals set by Louisiana State University and the State of Louisiana: Now, therefore, be it

*Resolved*, That the Senate congratulates the Tigers of the Louisiana State University

Men's Outdoor Track and Field team on winning the 2002 NCAA Division I Championship.

#### NATIONAL NIGHT OUT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 455, S. Res. 284.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 284

Whereas neighborhood crime is a continuing concern of the American people;

Whereas the fight against neighborhood crime and terrorism requires the cooperation of community residents, neighborhood crime watch organizations, schools, community policing groups, and other law enforcement officials;

Whereas neighborhood crime watch organizations are effective in promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas the vigilance of neighborhood crime watch organizations creates safer communities and discourages drug dealers from operating in the communities monitored by those organizations;

Whereas the American people are concerned about violence and crime in schools, especially about incidents that result in fatalities at school, and are seeking methods to prevent such violence and crime;

Whereas community-based programs involving law enforcement personnel, school administrators, teachers, parents, and local communities are effective in reducing violence and crime in schools;

Whereas the Federal Government has made efforts to prevent neighborhood crime, including supporting community policing programs;

Whereas the Attorney General has called Federal efforts to support community policing a "miraculous sort of success";

Whereas the Administration has supported neighborhood watch programs through the establishment of the Citizen Corps;

Whereas on August 6, 2002, people across America will take part in National Night Out, an event that highlights the importance of community participation in crime prevention efforts;

Whereas on National Night Out participants will light up their homes and neighborhoods between 7:00 p.m. and 10:00 p.m. on that date, and spend that time outside with their neighbors; and

Whereas schools that turn their lights on from 7:00 p.m. to 10:00 p.m. on August 6, 2002, send a positive message to the participants of National Night Out and show their commitment to reducing crime and violence in schools: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of National Night Out;

(2) recognizes that the fight against neighborhood crime and terrorism requires individuals, neighborhood crime watch organizations, schools, and community policing groups and other law enforcement officials to work together;

(3) encourages neighborhood residents, crime watch organizations, and schools to participate in National Night Out activities on August 6, 2002, between 7:00 p.m. and 10:00 p.m.; and

(4) requests that the President—

(A) issue a proclamation calling on the people of the United States to participate in National Night Out with appropriate activities; and

(B) make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

#### SUDDEN OAK DEATH SYNDROME CONTROL ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 997 and the Senate proceed to that legislation.

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

The clerk will report the bill by title.  
The legislative clerk read as follows:

A bill (S. 997) to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD at the appropriate place as if given, with no intervening action or debate.

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

The bill (S. 997) was read the third time and passed, as follows:

#### S. 997

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudden Oak Death Syndrome Control Act of 2001".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic *Phytophthora* fungus, is approaching epidemic proportions;

(3) very little is known about the new species of *Phytophthora*, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of