that they would be activists who would legislate from the bench.'' While we may differ on whether a judge's record evidences judicial activism, Republicans can hardly now be saying that such inquiry is inappropriate.

Another Republican Senator argued in 2000 in defense of his record of stalling Senate consideration of judicial nominees voted out of the Judiciary Committee that having ''strong qualifications and personal attributes,'' being ''fine lawyers [who] are technically competent'' was not the test. He said then: ''My concern is with their judicial philosophies and their likely activism on the court. . . . Judicial activism is a fundamental challenge to our system of government, and it represents a danger that requires constant vigilance.'' He went on to say that the Senate should not defer to the President ''if there is a problem with a series of decisions or positions [judicial nominees] have taken.''

Another Republican Senator said in 1998 that the Republicans were ''not abusing our advise and consent power. As a matter of fact, I don't think we have been aggressive enough in utilizing it to ensure that the nominees to the Federal Bench are mainstream nominees.''

Yet another Republican said in 1994: ''My decision on a judicial nominee's fitness is based on my evaluation of three criteria: character, competence and judicial philosophy—that is, how the nominee views the duty of the court and its scope of authority.''

There are numerous other examples, of course, but these suffice to make the point.

I ask that my full statement in opposition to the nomination of Justice Owen from the Judiciary Committee consideration be included in the RECORD at the end of these remarks. It focuses on the merits of the nomination, as did Senator FEINSTEIN, Senator KENNEDY, Senator SCHUMER, Senator DURBIN and Senator DEWINE. A few of the statements in the two-hour debate before the Committee were not helpful to a reasoned debate, but by and large the Committee debate was on the merits. That followed an extensive hearing, that lasted six hours, which Senator FEINSTEIN chaired fairly and patiently. A thorough hearing and a fair vote is what Justice Owen's nomination received from the Committee.

The name-calling, threats, tactics of intimidation and retaliation are not helpful to the process. Holding up important legislative initiatives is harmful. Holding up ''the comma bill'' and threatening Democrats that they will be barred from Air Force One are silly.

Today the Senator Judiciary Committee reported a conservative Republican nominee to the Senate for a vacancy on a Court of Appeals. This nominee, Judge Reena Raggi, was first appointed by President Reagan and she came before the Committee with strong bipartisan support and without the divisive controversy that accompanies so many of President Bush's circuit court nominees. Judge Raggi was reported out unanimously today. Indeed, since the change in majority less than 15 months ago, the Committee has worked hard to report 80 judicial nominees to the Senate. They include a number of very conservative judges.

I have made suggestions to the White House for improving the nominations and confirmations processes but those suggestions continue to be rebuffed. I wish the White House would work with us rather than stridently insist on seeking to skew the federal courts ideologically.

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 in August 2001 in St. Paul, MN. Two men leaving a Ku Klux Klan rally attacked a four year old boy of mixed race. The attackers pushed the boy off his bicycle, yelled racial epithets, and punched the child in the side of the head.

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 and changing current law, we can change hearts and minds as well.

SITTING DUCKS

Mr. LEVIN. Mr. President, last week the Violence Policy Center, VPC, released a report entitled Sitting Ducks detailing the danger of the .50 caliber sniper rifle as a terrorist threat to, among other things, refineries and hazardous-chemical facilities. According to the VPC's report, the .50 caliber sniper rifle, equipped with explosive or armor-piercing ammunition, is capable of hitting a target accurately from more than a thousand yards away making it well suited to attack fuel tanks and other high-value targets from a distance.

The VPC report highlights the danger of a .50 caliber sniper rifle being used in a simple conventional attack with potentially disastrous results. The weapon is not only readily available, ''low technology'', but a .50 caliber sniper rifle is so powerful that it has been said to be able to wreck several million dollars' worth of jet aircraft with one or two dollars' worth of ammunition.

Despite its obvious power, under current law .50 caliber sniper rifles are no more regulated than hunting rifles. That is why I cosponsored Senator FEINSTEIN's ''Military Sniper Weapon Regulation Act,'' S. 505. This bill would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This action would subject these weapons to the same regimen of registration and background checks to which other weapons of war, such as machine guns, are currently subjected. This is a necessary step to assuring the safety of Americans.

Mr. President, .50 caliber weapons are too powerful and too accessible to be ignored. Tighter regulations are needed. I urge my colleagues to support Senator FEINSTEIN's bill.

COMMEMORATING SGT. FIRST CLASS CHRISTOPHER JAMES SPEER

Mr. DOMENICI. Mr. President, as we meet here just days from the anniversary of the terrorist attacks on our country, it is my sad duty to report that another of my statesmen has lost his life in the war on terror. Sergeant First Class Christopher James Speer, a former resident of Albuquerque, NM, died on August 7, 2002 as a result of wounds he sustained during a firefight with suspected terrorists in Afghanistan. Today, I want to take a few moments to convey my condolences to the Speer family, and to talk a little bit about who this special young man was.

Christopher Speer was a 1992 graduate of Sandia High School in Albuquerque. Upon graduation, he enlisted in the United States Army and became a medical specialist. In 1994, he volunteered for and was selected for Special Forces training. After completing this training, he was assigned to the 3rd Special Forces Airborne Group at Fort Bragg, North Carolina where he served as a medical sergeant. Last spring, Christopher was sent to Afghanistan as part of a Joint Special Operations task force.

On July 27th of this year, Christopher took part in a U.S. operation aimed at confirming intelligence about enemy activities in one of the most dangerous parts of Afghanistan. During that operation, our troops were ambushed and a four-hour gunbattle ensued. During this battle, five American personnel were wounded, and one of them—Christopher Speer—lost his life. For his valor and ten years of dedicated service to country Christopher received the Soldier's Medal, the Bronze Star with ''V'' device, the Purple Heart, the Defense Meritorious Service Medal, the Meritorious Service Medal, the Army Commendation Medal and two Army Achievement Medals.

In addition to patriot, Christopher was very much a family man, as well. And for those family members who knew him best and loved him most, this September 9th will be especially difficult. Because on that day, Christopher was to have turned 29 years old. To Tabitha, his wife; to Taryn and

Tanner, his children; and to Betty, his mother, Nancy and I sent heartfelt prayers on behalf of all New Mexicans as well as the appreciation of a grateful nation.

EXPATRIATING AMERICA TO AVOID U.S. INCOME TAXES

Mr. GRASSLEY. Mr. President, my friend and colleague from Texas, in a debate on Senator WELLSTONE's government contracting amendment, criticized a proposal the Finance Committee was scheduled to markup today. The Senior Senator from Texas characterized the proposal as an effort at ''passing laws that sound like they're right out of Nazi Germany.'' Senator GRAMM went on to criticize: ''(t)he idea that somebody can't leave America and take their property with them, that they've got to pay a tax in order to get their property out of America.''

Mr. President, as the ranking Republican member of the Finance Committee and a participant in crafting this provision, I felt compelled to respond. First of all, I'm proud to serve on the Finance Committee. When someone characterizes a bipartisan Finance Committee proposal as something ''right out of Nazi Germany,'' I'm going to be disturbed.

Tax-motivated expatriation activities are something that troubles me. All you have to do is look at the infamous case of Marc Rich. You will recall Mr. Rich's case came to light in the rush of pardon applications during the waning hours of the Clinton Administration. Mr. Rich reportedly left the U.S. to avoid U.S. taxation and sought a pardon with respect to criminal indictments on, among other things, criminal tax charges.

Mr. President, there is a major principle at stake here. A key premise in our tax system is that those individuals and corporations that derive financial benefits from economic activity that is, as the tax law says, ''effectively connected'' with the United States, should be taxable on that income no matter where their domicile is. Any alternative to this concept would result in U.S. persons bearing a larger burden of Federal taxation than a foreign person earning a livelihood here. America and her major trading partners recognize this principle. It is reflected in the tax laws of our trading partners and the international tax treaty network.

Let's take a look at current law. For individuals that expatriate, an income tax is imposed on appreciation in the assets of the expatriate, on a 10 year going forward basis, if the expatriate is leaving the U.S. with the ''principal purpose'' of avoiding U.S. income tax. For purposes of this current law rule, expatriates are deemed to have expatriated with a principal purpose of avoidance of U.S. income tax in two cases. In the first case, the deemed rule applies if the expatriate had, on average, $100,000 of net income, for the five years at the time of expatriating. In the second case, the deemed rule applies if net worth of the expatriate exceeds $500,000. In the case of corporations, the appreciation in assets transferred offshore is taxable at the time of transfer.

So, Mr. President, it is clear that, under our current tax policy, individuals and corporations that attempt to either leave or transfer assets are taxable when they leave the U.S. Frankly, the Finance Committee views the so-called ''inversion'' transactions as a loophole that undercuts current law principles. It is on that basis, closing an insidious loophole, that the Finance Committee recently reported legislation to curtail inversion transactions.

Similarly, in 1995 and 1996, the Finance Committee, and full Senate, sought to plug the loophole on the individual expatriation level. A proposal virtually identical to the one criticized by Senator GRAMM today, was passed, on several occasions during those two years. That proposal did not become law because the Senate, with much reluctance, receded to the House in conference. The House proposal aimed to tighten the 10 year rule.

The Chairman and Ranking Member have revived the Finance Committee expatriation proposal because of concerns about the effectiveness of current law. In fact, the Joint Committee on Taxation's estimate of this proposal appears to confirm that the long-standing tax policy with respect to individual expatriation will be better served by the Finance Committee approach.

Under the Finance Committee proposal, individuals that expatriate would, as the Senator from Texas said, be taxable on gain in appreciation in U.S. assets when they leave America. This proposal would replace the current law regime described above. The Finance Committee proposal, is hardly ''right out of Nazi Germany.'' It strengthens long-standing tax policy. The Senate has spoken favorably on it on many occasions.

So, Mr. President, let's keep our eye on the ball. Current law, not a putative Nazi regime, preserves the fairness of U.S. tax system. The Finance Committee proposal makes sure the fairness of the U.S. tax system is strengthened by closing loopholes.

SUCCESS AT VINCA

Mr. DOMENICI. Mr. President, I rise to remind my colleagues that an important milestone in our progress toward reducing the risks of proliferation of weapons of mass destruction took place about 2 weeks ago.

Events like September 11 would have been far worse if terrorists had access to weapons of mass destruction. Since September 11, appreciation of this threat has increased dramatically. Many of us have spoken on the need to rein in the forces of international terrorism and any possibility that they may gain the use of such weapons.

The milestone to which I refer is the successful removal of enough weapons-grade uranium from the Vinca Institute of Nuclear Sciences near Belgrade, Yugoslavia to make more than two nuclear bombs. This removal was accomplished through coordination among government and private groups, including contributions from Yugoslavia and Russia, the International Atomic Energy Agency, and the Nuclear Threat Initiative.

I especially salute the contributions made by the Nuclear Threat Initiative, headed by Ted Turner and our former colleague Senator Sam Nunn. This episode represents another critical effort from the NTI. I'm very honored to serve on the Board of the NTI, along with Senator LUGAR. There will always be aspects of international efforts that are difficult to handle through government channels, where the private resources of the NTL may be vital.

But even as we congratulate ourselves over this victory, we need to recognize that it is very small in the overall scale of the problem. Estimates are that weapons-grade uranium exists at over 350 sites in over 50 countries. Some of these have very small quantities, but many of these locations have enough material for one or more bombs. Some of these sites include research reactors, provided by either the United States or the Soviet Union, fueled by highly enriched uranium which could be diverted for weapons use.

And we also need to examine why it required such complex coordination to accomplish this work and explore how Congress can simplify the process in the future. This part of the puzzle has a much simpler solution, because the tools to accomplish this are now part of the Senate-House conference on the Armed Services authorizing legislation.

Let me briefly explain why the Vinca operation required so much coordination. The Yugoslavian government very logically required that any Vinca solution address both fresh fuel and spent fuel from their research reactor. The fresh fuel was highly enriched uranium, and our government was able to assist because it represented a proliferation threat for weapons of mass destruction. That cooperation is authorized through the 1991 Nunn-Lugar and the 1996 Nunn-Lugar-Domenici Legislation.

But the spent fuel at Vinca, which is not useful for making a nuclear weapon, could pose both an environmental concern as well as a dirty bomb threat, depending on its level of radioactivity. The former represents work that is clearly beyond the authorization of our Government's nonproliferation mission and the latter represents work that is not authorized.

Now since September 11, there have been volumes of testimony on the threat posed by highly radioactive materials and their potential use as dirty