

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000

Mr. SUNUNU. Mr. President, I ask unanimous consent the Senate immediately proceed to H.R. 2859, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I ask unanimous consent that the acting majority leader modify his request to include an amendment which provides \$20 million for air marshal training, \$289 million for the emergency firefighting and wildfire suppression, \$100 million for AmeriCorps, \$50 million for the Space Shuttle Columbia accident, the remaining \$567 million for FEMA, which is not part of the House-passed bill.

This is the supplemental which passed in the Senate, except for the \$20 million for air marshal training which has now been recognized as a need of great import, especially within the last few weeks.

I ask unanimous consent that the request made by the distinguished Senator from New Hampshire be modified.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, while I very much appreciate what the minority leader is attempting to do in his concern for funding in these areas, I object to his request at this time.

The PRESIDING OFFICER. Agreement is not reached. Objection is heard.

Mr. SUNUNU. Mr. President, I have a pending unanimous consent request that the Senate proceed to H.R. 2859, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (H.R. 2859) was read the third time and passed.

NOMINATIONS IN STATUS QUO

Mr. SUNUNU. As in executive session I ask, notwithstanding paragraph 6 of rule 3, all nominations stand in status quo during the upcoming adjournment.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND NOMINATIONS DISCHARGED

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Senate im-

mediately proceed to executive session to consider en bloc the following nominations on today's Executive Calendar: Calendar Nos. 17, 18, 175, 242, 250, 297, 311, 317, 318, 319, 320, 322 through 340, 341, and 342, and all nominations on the Secretary's desk.

Further, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: PN 789, Donald Steinberg; PN 805, Constance Morella; and PN 820, George Walker.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations were considered and confirmed as follows:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Stanley C. Suboleski, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2007.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2008. (Reappointment)

DEPARTMENT OF TRANSPORTATION

Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, resigned.

DEPARTMENT OF JUSTICE

Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice. (New Position)

Karen P. Tandy, of Virginia, to be Administrator of Drug Enforcement.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2008.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Thomasina V. Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2009. (Reappointment)

DEPARTMENT OF DEFENSE

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009.

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Kenneth M. DeCuir
Brigadier General Bob D. Dulaney
Brigadier General Robert J. Elder, Jr.
Brigadier General Paul J. Fletcher
Brigadier General Douglas M. Fraser
Brigadier General William M. Fraser, III
Brigadier General Stanley Gorenc
Brigadier General Elizabeth A. Harrell
Brigadier General William F. Hodgkins
Brigadier General Raymond E. Johns, Jr.
Brigadier General Timothy C. Jones
Brigadier General Frank G. Klotz
Brigadier General Robert H. Latiff
Brigadier General Richard B.H. Lewis
Brigadier General Henry A. Obering, III
Brigadier General Michael W. Peterson
Brigadier General Teresa M. Peterson
Brigadier General Gregory H. Power
Brigadier General Robert L. Smolen
Brigadier General Mark A. Volcheff

The following named officer for appointment as the Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. sections 8034 and 601:

To be general

Lt. Gen. Teed M. Moseley

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 general

Gen. Gregory S. Martin

The following named United States Air Force officer for reappointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., sections 601 and 152:

To be general

Gen. Richard B. Myers

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. Roger A. Brady

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

Lt. Gen. Richard E. Brown, III

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

Lt. Gen. Steven R. Polk

ARMY

The following named officer for appointment as the Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 688, 601 and 3033:

To be general

Gen. Peter J. Schoomaker (Retired)

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Bryan D. Brown

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Charles S. Rodeheaver

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David T. Zabecki

MARINE CORPS

The following named Marine Corps officer for reappointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 154:

To be general

Gen. Peter Pace

The following named officer for appointment in the United States Marine Corps 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. Robert M. Shea

NAVY

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 T. Nolan
Read Adm. (lh) Robert O. Passmore

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Kirland H. Donald

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

To be rear admiral

Rear Adm. (lh) Louis V. Iasiello

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (Select) Eric T. Olson

The following named officer for appointment in the United States Navy to grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Gary Roughead

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. James C. Dawson, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Rodney P. Rempt

EXECUTIVE OFFICE OF THE PRESIDENT

Joel David Kaplan, of Massachusetts, to be Deputy Director of the Office of Management and Budget, vice Nancy Dorn.

DEPARTMENT OF HOMELAND SECURITY

Joe D. Whitley, of Georgia, to be General Counsel, Department of Homeland Security. (New Position)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN803 Air Force nomination of Patrice L. Pye, which was received by the Senate and appeared in the Congressional Record of July 8, 2003

PN804 Air Force nomination of * Rebekah F. Friday, which was received by the Senate and appeared in the Congressional Record of July 8, 2003

PN829 Air Force nomination of Dennis Hutson, which was received by the Senate and appeared in the Congressional Record of July 22, 2003

ARMY

PN761 Army nominations (2) beginning WILLIAM R. GLADBACH, and ending MALCOLM K. WALLACE, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2003

PN783 Army nomination of Regina M. Curtis, which was received by the Senate and appeared in the Congressional Record of June 26, 2003

PN784 nomination of Nancy M. Prickett, which was received by the Senate and appeared in the Congressional Record of June 26, 2003

PN785 Army nominations (2) beginning STEPHEN J. DEMSKI, and ending JOSEPH F. MARANTO, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2003

PN786 Army nominations (2) beginning ANDREW S. KANTNER, and ending DANIEL A. TANABE, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2003

PN794 Army nominations (7) beginning DAVID A. ARCHER, and ending DEBRA A. SPEAR, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 2003

PN795 Army nominations (32) beginning NATHAN E. BAKER, and ending FREDERICK V. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 2003

PN796 Army nominations (22) beginning LISA M. * ANDERSON, and ending JAMES W. * TURONIS, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 2003

PN797 Army nominations (135) beginning BRETT T. ACKERMAN, and ending MICHAEL J. * ZAPOR, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 2003

PN798 Army nominations (283) beginning ADIO ABDU, and ending RICARDO M. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 2003

PN799 Army nominations (39) beginning DAVID A. BARR, and ending SAMUEL R. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 2003

PN830 Army nominations (3) beginning WILFREDO A. COLONMARTINES, and ending JEFFERY L. LEWIS, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2003

PN831 Army nominations (2) beginning THOMAS B. HOWE, and ending MICHAEL J. VEASEY, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2003.

PN832 Army nominations (4) beginning JAMES G. LYNCH, and ending RAFAEL A.

ROLDAN, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2003

PN833 Army nomination of Evan L. Williams II, which was received by the Senate and appeared in the Congressional Record of July 22, 2003

MARINE CORPS

PN834 Marine Corps nomination of Thomas D. Gore, which was received by the Senate and appeared in the Congressional Record of July 22, 2003

PN835 Marine Corps nomination of Adam L. Musoff, which was received by the Senate and appeared in the Congressional Record of July 22, 2003

PN836 Marine Corps nomination of Jason K. Fettig, which was received by the Senate and appeared in the Congressional Record of July 22, 2003

PN768 Navy nominations (18) beginning CHAD F. ACEY, and ending FRANK A. SHAUL, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN769 Navy nominations (48) beginning CONRADO K. ALEJO, and ending CARL B. WEICKSEL, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN770 Navy nominations (19) beginning BARBARA M. BURGETT, and ending ROBERT C. WEITZMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN771 Navy nominations (23) beginning ROBERT J. ALLEN, and ending HAROLD E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN772 Navy nominations (15) beginning ERIC J. BUCH, and ending ROBIN D. TYNER, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN773 Navy nominations (21) beginning LEE K. ALLRED, and ending DONALD L. ZWICK, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN774 Navy nominations (41) beginning ALLAN D. ANDREW, and ending JOHNNY R. WOLFE, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN775 Navy nominations (17) beginning ANGELA D. ALBERGOTTIE, and ending JOSEPH B. SPEGELE, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN776 Navy nominations (13) beginning CHARLES J. CHAN, and ending MATTHEW A. WEBBER, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN777 Navy nominations (492) beginning CHRISTOPHER A. ADAMS, and ending RICHARD J. ZINS, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN837 Navy nominations (2) beginning STEVEN S. HARTZELL, and ending STANLEY D. RHOADES, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003

PN838 Navy nomination of James P. Driscoll, which was received by the Senate and appeared in the Congressional Record of June 25, 2003

DEPARTMENT OF STATE

Constance Albanese Morella, of Maryland, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with rank of Ambassador.

Donald K. Steinberg, of California, a Career Member of the Senior Foreign Service,

Class of Minister-Counselor, to be Ambassador to the Federal Republic of Nigeria.

George H. Walker, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

NOMINATION OF KAREN TANDY

Mr. DURBIN. Mr. President, I rise in opposition to the nomination of Karen Tandy to be Administrator of the Drug Enforcement Administration.

According to the DEA website, the top two DEA responsibilities are the following:

Investigation and preparation for the prosecution of major violators of controlled substance laws operating at interstate and international levels; and investigation and preparation for prosecution of criminals and drug gangs who perpetrate violence in our communities and terrorize citizens through fear and intimidation.

Why, then, does the DEA continue to focus its limited resources on the question of medical marijuana?

Over the past seven years, ten States have passed referendums or enacted laws authorizing medical marijuana in those States. The ten States are Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, and Washington.

The first of these states was California. In 1996, voters in California passed the California Compassionate Use Act, also known as Proposition 215, to allow seriously ill people who have a doctor's recommendation to cultivate and use marijuana as a form of treatment.

However, in 2001, the Drug Enforcement Administration began aggressively targeting medical marijuana providers in California—regardless of the fact that these individuals were complying with state law.

I understand that the Supreme Court has ruled that federal law does not provide for a "medical necessity" exception to the prohibition on the distribution of marijuana, and that the DEA therefore has the right to enforce federal laws regarding marijuana.

However, especially given the DEA's own stated priorities and limited resources, is it appropriate for the DEA to focus on medical marijuana?

This is the question I asked Ms. Tandy, and she did not back off an inch. She simply did not give us any room to work in terms of this issue.

For example, I asked if she would be willing to support a moratorium on the raids of medical marijuana providers until Congress could hold hearings on this matter.

She replied, "If I am confirmed as Administrator of the DEA, it will be my duty to see to the uniform enforcement of federal law. I do not believe it would be consistent with that duty for me to support a moratorium on enforcement of this law, or any law, in selected areas of the country."

Let me be clear. I was not asking for a moratorium on the enforcement of all marijuana laws—only on the raids of these medical marijuana providers who are complying with State law.

I also was not asking for an endless moratorium—just the opportunity for Congress to exercise its oversight role of the Drug Enforcement Administration.

Yet she was unwilling to budge.

Who are these so-called criminals that the DEA is targeting and arresting?

Suzanne Pfeil is 42 years old and suffers from post-polio syndrome. She experiences extreme pain and muscle spasticity. She is allergic to opiates and does not tolerate many pharmaceutical drugs, so her physician recommended medical marijuana, in accordance with California state law. Here, in her own words, is what happened to her last September:

At dawn on September 5, 2002, I awoke to five federal agents pointing assault rifles at my head. I did not hear them come in because my respirator is rather loud.

They yelled at me to put my hands in the air and to stand up "NOW." I tried to explain to them that I needed to put my hands down on the bed in order to sit up because I am paralyzed. They again shouted at me to stand up. I pointed to my crutches and braces beside the bed and said, "I'm sorry, I can't stand up without my crutches and braces and I normally use a wheelchair."

At that point they ripped the covers off the bed and finally realized what I was trying to explain amid their shouts and guns. They handcuffed me behind my back and left me on the bed.

The DEA then proceeded to confiscate medication recommended to me by my physician under California State Law Proposition 215. My crime? I am a member of WAMM, The Women's Alliance for Medical Marijuana, a nonprofit collective of patients and their caregivers working together to provide free medication and hospice services to approximately 250 seriously ill and dying members.

The DEA then destroyed our collective garden and arrested our Director Valerie Corral, who is an epileptic, and her caregiver and husband Michael Corral."

Eighty-five percent of the patients in this organization are terminally ill with cancer or AIDS. Is this how the DEA should spend its precious resources?

In another case, the City of Oakland enacted a medicinal marijuana ordinance, as permitted by California law. Under the auspices of this ordinance, Ed Rosenthal grew marijuana to be sold for medicinal uses.

Even though Mr. Rosenthal was acting as an officer of the city, in February 2002, DEA agents raided his facility and arrested him for marijuana cultivation and conspiracy.

Since the federal law does not recognize "medical necessity" as a defense, Mr. Rosenthal was not allowed to tell the jury that he was growing the marijuana for medicinal purposes.

The prosecutors took this opportunity to present Mr. Rosenthal as a big-time drug dealer, and the jury had no choice but to convict Mr. Rosenthal.

After the trial, the jurors learned that Mr. Rosenthal was growing medical marijuana and complained that they had been misled by the court. Five jurors immediately issued a pub-

lic apology to him and demanded a new trial.

Their statement said, "In this trial, the prosecution was allowed to put all of the evidence and testimony on one of the scales, while the defense was not allowed to put its evidence and testimony on the other side. Therefore we were not allowed as a jury to properly weigh the case."

During the sentencing phase of the trial, nine of the twelve jurors asked that Mr. Rosenthal not be imprisoned because they had convicted him "without having all the evidence."

Due to these unique circumstances, the judge sentenced Mr. Rosenthal to one day in prison and a \$1,000 fine, the most lenient sentence allowed under law.

Yet, the prosecutor, who had asked for a six-and-a-half-year sentence, has appealed this sentence.

The San Francisco Examiner has called this a "mean-spirited attempt to revive a losing case [and] is only throwing good money after bad."

I think that accurately describes not only the prosecution's latest appeal, but the DEA's campaign against medical marijuana as a whole.

These raids of medical marijuana facilities also are creating tension between the DEA and local law enforcement agencies.

In California, several cities are pushing their local police to stop cooperating with the DEA.

Most notably, in October 2002, San Jose Police Chief William Lansdowne pulled his five officers from a DEA High Intensity Drug Trafficking Area task force.

In doing so, Chief Lansdowne said, "I think the priorities are out of sync at the federal level The problem in California right now is methamphetamines, not medical marijuana."

In order for the DEA to be successful in its efforts to target major drug traffickers and drug gangs, it must have the cooperation of local law enforcement.

This is yet another reason why the raids of medical marijuana providers must end.

Finally, I would like to address the debate regarding the potential medicinal benefit of marijuana.

I am not a doctor or a medical professional. However, the following organizations have endorsed supervised access to medical marijuana: The AIDS Action Council, the American Academy of Family Physicians, the American Nurses Association, the American Preventative Medical Association, the American Public Health Association, Kaiser Permanente, and the New England Journal of Medicine.

In 1999, the Institute of Medicine issued a report entitled "Marijuana and Medicine: Assessing the Science Base." This report, authorized by the White House Office of National Drug Control Policy, stated, "Nausea, appetite loss, pain, and anxiety are all afflictions of wasting, and all can be mitigated by marijuana."