

course of a four-year term, a president will submit a great number of nominees to the Senate. Most of them are readily confirmed by large majorities, some even with the unanimous vote of each party. So when a nominee refuses, as this one did, to answer key questions, the opposition party's use of legitimate ways to reject him is far from improper."

A Judicial Nominee, Derailed, Shirley Zempel, *The New York Times*, September 6, 2003: "Should our senators blindly vote to approve a nomination without knowing all that they need to know about him? I hope not. All information should be available for scrutiny."

A Judicial Nominee, Derailed, Harold House, *The New York Times*, September 6, 2003: "A more cynical view may be that the Bush administration simply put Miguel Estrada forth knowing that the combination of his views and the stonewalling for information would cause the delay and resultant fight. Could this have been nothing more than a talking point in a Republican effort to fractionalize Hispanic voters?"

Checks, Balances Fulfilled Objective, D.B. Decot, *The Arizona Republic*, September 7, 2003: "Our system was deliberately designed to enable the minority to thwart the tyranny of the majority as it deemed necessary. The Senate gave its 'advice' on Estrada; a sufficient number did not 'consent' to his lifetime appointment to the federal bench. So the Bush administration has to go back to the drawing board and nominate someone who is able to gain the 'consent' of at least 60 senators. Big deal. There are plenty of qualified prospects who are not extremists, as Estrada is."

Schumer Made His Case, Carol Jigarjian, *The Journal News* (Westchester County, NY), July 31, 2003: "The Bush people are still whining about delayed approval for federal judges and promoting the canard that Estrada is being opposed because he is Hispanic. Estrada is being opposed because, during his hearings, he refused to answer questions about whether his ideology would get in the way of the objectivity required of a federal judge. Bush compounded the problem by refusing to release information he has regarding Miguel Estrada's judicial positions. Estrada's silence and Bush's refusal to release pertinent and critical information on Estrada's views raise justifiable suspicion that this is just one more attempt by Bush to get a committed radical appointed to a powerful lifetime position, under the radar."

Uncover His Record, Evelyn J. Griesse, *Argus Leader* (Sioux Falls, SD), June 11, 2003: "Our justice system needs to be filled with qualified judges who are at least comfortable with having the public informed of their philosophy and interpretation of the Constitution. To Estrada, I say, let the light shine on his record."

Supreme Struggle: Advise and Consent Require Elucidation, Josh Hayes, *The Seattle Times*, September 4, 2003: "And sure, the Republican-controlled Senate did not use the filibuster to block Bill Clinton's nominees, because they were in the majority and could deep-six them without resort to a filibuster and of course, they did. . . . [Estrada] declines to answer any questions about his legal philosophy. How can a senator claim, in good conscience, to 'advise and consent' on an appointment when the candidate is a complete blank? His ethnic background is, of course, irrelevant, or is Korrell suggesting we need a quota system on the federal bench? (And if you want to make it an issue, it's worth pointing out that the Mexican-American Legal Defense Fund (MALDEF) opposes Estrada's appointment.)"

A Judicial Nominee, Derailed, Richard Cho, *The New York Times*, September 6, 2003:

"It seems clear that survival for the Democrats will have to come from outside the game of party politics. They must hope that Hispanic-Americans can see through the Republicans' shallow use of racial politics to overshadow their utter lack of commitment to real issues, like job creation, health care and immigration issues."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *New York Times*, Sept. 10, 2003]

STRAIGHT TALK ON JUDICIAL NOMINEES

When Miguel Estrada withdrew his nomination for a federal judgeship last week, his backers blamed anti-Hispanic bias. Republicans are regularly tossing around such charges over judicial nomination setbacks, calling them anti-Hispanic, anti-Catholic, anti-woman. But these battles have been over ideology, and the scope of the Senate's questioning of nominees. The name-calling is puerile and divisive. The administration and its supporters should argue for their nominees on the merits.

The House majority leader, Tom DeLay, called the effort to defeat Mr. Estrada a "political hate crime." Yet some of the stiffest opposition to Mr. Estrada, who was nominated to the United States Court of Appeals for the District of Columbia Circuit, came from Hispanic leaders, including the Congressional Hispanic Caucus. And while many Democratic senators opposed Mr. Estrada, they have voted to confirm 12 of President Bush's other Hispanic judicial nominees.

The Republicans' record is worse. In the Clinton era, they denied confirmation votes to six Hispanic judicial nominees, and delayed others for years. Jorge Rangel, who went 15 months without a hearing on his federal appeals court nomination, wrote to Senate Democrats last week to ask where Republican Senators' "cry for diversity on the bench" was when he was forced to withdraw in 1998.

Hispanic leaders did not oppose Mr. Estrada because he is Hispanic. Catholic senators like Richard Durbin and Patrick Leahy do not oppose William Pryor, a nominee to the United States Court of Appeals for the 11th Circuit, because he is Catholic. Senators Dianne Feinstein and Barbara Boxer do not oppose Priscilla Owen, a nominee to the United States Court of Appeals for the 5th Circuit, because she is a woman. Mr. Estrada would not answer Senators' questions. Mr. Pryor and Ms. Owens have met resistance for their archconservative views.

Diversity is not the only issue on which Republicans are not talking straight. During the Clinton administration, prominent Republicans argued that there were too many judges on the District of Columbia Circuit, and opposed Clinton nominees on the grounds that confirming them would be a waste of tax dollars. But now that a Republican president is nominating people like Mr. Estrada to the court, these objections to its size have withered.

Charging discrimination may score political points, but the confirmation of federal judges is too important to be treated so cynically. Republican and Democratic senators know what they are fighting over: legitimate disagreements over how to interpret the Constitution and define the role of a federal judge. They owe it to the American people to be honest about their differences.

Mr. LEAHY. I ask unanimous consent to print the following correspondence from Jorge C. Rangel which I earlier referenced.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RANGEL LAW FIRM, P.C.,

*Corpus Christi, TX, September 5, 2003.*

Hon. PATRICK LEAHY,  
*Russell Senate Office Building,*  
*Washington, DC.*

Hon. CHARLES SCHUMER,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR SCHUMER: Where was the outrage from your Republican colleagues when Enrique Moreno and I were denied the courtesy of a hearing on our nominations? Where was their disappointment and cry for diversity on the bench when I was compelled to submit the enclosed letter withdrawing my nomination to the Fifth Circuit? The American people deserve better.

Your truly,

JORGE C. RANGEL.

JORGE C. RANGEL,  
*October 22, 1998.*

THE PRESIDENT,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: Fifteen months ago, you nominated me to the United States Court of Appeals for the Fifth Circuit. I enthusiastically welcomed the nomination and eagerly awaited a hearing before the Judiciary Committee of the United States Senate to have my qualifications reviewed. I patiently waited for months, but I never received a hearing. My nomination died when the Senate adjourned yesterday.

Our judicial system depends on men and women of good will who agree to serve when asked to do so. But, public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits.

Many friends and colleagues have urged me to stay in the process by requesting that my name be resubmitted to the Senate next year. Even if you were to decide to renominate me, I have no reason to believe that the Senate would act promptly on the nomination. I am not willing to prolong the continued uncertainty and state of limbo in which I find myself. As a professional, I can no longer postpone important decisions attendant to my law practice.

Therefore, I would ask that you *not* resubmit my nomination next year. There is a season for everything, and the time has come for my family to get on with our lives and for me to get on with my work.

Thank you for your trust and confidence in nominating me to the Fifth Circuit. I pray that you will continue to recognize and honor the diversity that is America, so that, one day, our great country can realize its full potential.

Yours truly,

JORGE C. RANGEL.

THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, in 1994, I supported legislation that President Clinton signed into law banning the production of certain semiautomatic assault weapons and high-capacity ammunition magazines. The 1994 law banned a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two

of these military features and accept a detachable magazine. Pre-existing military-style semiautomatic weapons were not banned. This law is scheduled to sunset on September 13, 2004.

Last week the Educational Fund to Stop Gun Violence released a report entitled "Killing Machines: The Case for Banning Assault Weapons." This report explains why assault weapons are the guns of choice for criminals, and makes the case for renewing and strengthening the federal assault weapons ban. Also last week, the Consumer Federation of America announced its support for the reauthorization of the assault weapons ban. Former Senator Howard Metzenbaum and Sonia Wills, mother of bus driver Conrad Johnson, the last victim of the Washington, DC-area sniper attacks, were joined by CFA and 25 state consumer, gun safety, and public health advocates to announce the beginning of a year-long effort to renew and strengthen the federal assault weapons ban. I commend all of these individuals for their commitment to gun safety, and I look forward to working with them and other gun safety groups to reauthorize the assault weapons ban.

Earlier this year, Senator FEINSTEIN introduced the Assault Weapons Ban Reauthorization Act, which would reauthorize this important piece of gun safety legislation. I am a cosponsor of this bill because I believe it is critical that we keep these weapons off the streets and out of our communities. If the law is not reauthorized, the production of assault weapons in the U.S. can legally resume. Restarting production of these weapons will increase their number and availability, and I believe lead to a rise in gun crimes committed with assault weapons.

Although President Bush has indicated his support for renewing the ban, he has not yet taken action on its behalf. A spokesperson for House Majority Leader TOM DELAY recently said, "We have no intentions of bringing it up." I hope the President will take steps to urge the Congress to take up and reauthorize the bill.

#### AN AGROTERRORIST ATTACK—ARE WE PREPARED?

Mr. AKAKA. Mr. President, I rise today to discuss the need for greater preparation to protect our agriculture from a terrorist attack.

After September 11, the President placed agriculture on the list of critical infrastructure that deserved to be protected from an agroterrorist attack. Since then, the U.S. Department of Agriculture, USDA, has moved to improve our preparedness to prevent and respond to an attack upon our agriculture. The President's February 2003 "National Strategy for the Physical Protection of Critical Infrastructures and Key Assets" also outlines a strategy for increasing our ability to react to an agroterrorist attack. Yet, we still have a long way to go in protecting our agriculture industry.

There has been a steady drumbeat of warnings about the vulnerability of our agriculture. Two major studies were recently released that concluded we should do more to guard our agriculture. The Council on Foreign Relations, CFR, published a report on our emergency response capability that said we lacked an effective response to an attack on our national food supply. The report recommended spending an additional \$2.1 billion over the next 5 years to improve our "animal/agricultural" emergency response.

On the heels of the CFR report, the Partnership for Public Service issued a study that examined whether the Federal Government has the necessary expertise to defend against a bioterrorist attack. In regards to agricultural security, it said that federal agencies responsible for safeguarding our agriculture and food supply from bio-weapons would face "crushing burdens" if our food and water supplies were contaminated.

These are just the most recent reports that recommend we need to do more to increase our guard. Last fall, the National Academy of Sciences published a major study on vulnerability of U.S. agriculture. The General Accounting Office, GAO, has issued three reports in the last year that looked at food processing security, foot and mouth disease, and mad cow disease. All suggested that we still have a way to go to prevent or prepare for an attack on our agriculture.

An attack on our agriculture could have serious consequences. Agricultural activity accounts for approximately 13 percent of the U.S. gross domestic product and nearly 17 percent of domestic employment. The United States is a top producer and exporter of agricultural goods, including beef, pork, poultry, wheat, corn and soybeans. Major agricultural States could be severely affected depending on the nature of the attack.

States with large cattle herds could be devastated by a deliberately set outbreak of foot and mouth disease. There were over 96 million cattle and calves in the United States valued at some \$70 billion in 2003. Texas has the largest number by far, 14 million animals, and could be particularly hard hit. In 2001, the cattle industry generated \$6.8 billion in income for Texas. The breeding herd of beef cows is particularly concentrated in Kansas, Kentucky, Missouri, Montana, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas, with each State having have more than a million head of beef cows.

Dairy States could also suffer. The United States has over nine million milk cows that produce almost \$25 billion in income. California and Wisconsin are the largest producers. Both have more than a million milk cows that yield close to \$8 billion in income. But a number of States—Idaho, Iowa, Michigan, Minnesota, New Mexico, New York, Ohio, Pennsylvania, Texas, and Washington each have more than

200,000 cows, contributing substantially to their economies.

Hog-raising States also could be vulnerable to the spread of foot-and-mouth disease, or to an outbreak of African swine fever. The United States had almost 60 million hogs and pigs valued at over \$4 billion dollars in 2002. Iowa has the largest industry with more than 15 million animals valued at over a billion dollars. North Carolina is next with some 9.6 million animals valued at a half a billion dollars. Ten additional States have substantial industries with more than a million animals: Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, and South Dakota.

States with large poultry industries are vulnerable to Exotic Newcastle Disease or avian influenza. In 2002, 14 States had flocks of over 15 million birds each: Alabama, Arkansas, California, Florida, Georgia, Indiana, Iowa, Minnesota, Mississippi, Nebraska, North Carolina, Ohio, Pennsylvania, and Texas. Iowa alone has over 40 million birds valued at over \$64 million.

Crops, such as wheat, could also be a target. A purposeful spread of the Karnal bunt wheat fungus could have a strong adverse impact on U.S. exports. The United States is the world's leading exporter of wheat, accounting for almost one-third of world wheat exports valued at over \$3.5 billion in 2002. Since almost 80 countries do not allow Karnal infected wheat to be imported, a ban on U.S. exports could have a substantial effect on the U.S. economy. The Economic Research Service of the USDA estimated that the total cost of a reduction of exports from 2003 to 2007 could be over \$7 billion if there was such a ban. The top wheat-producing States—Kansas, Montana, North Dakota, Oklahoma, South Dakota, Texas, and Washington—would be particularly hard hit.

I have been concerned about the vulnerability of our agriculture for quite some time. When I was a member of the House Agriculture Appropriations Subcommittee, I was a supporter of the USDA's Animal and Plant Health Inspection Service, APHIS. APHIS plays a critical role in guarding our borders and farms from agricultural pests and diseases, something that is of prime importance to Hawaii. As a Senator, I continue to be concerned about this problem. In the 107th Congress I introduced a bill to enhance agricultural biosecurity in the United States.

In this Congress, I have introduced two bills that will help address our shortcomings in agricultural security preparedness. The Agriculture Security Assistance Act, S. 427, and Agriculture Security Preparedness Act, S. 430, are designed to address the need for increasing coordination in confronting the threat to America's agriculture industry. The two bills provide for better funding and better-coordinated response to an incident of agroterrorism. The bills will also serve to increase our defenses against debilitating agroterrorism attacks.