

It is instructive that Bob has maintained his interest in 4-H programs for six decades, serving as president of the South Dakota 4-H Leaders Association, and was a recipient of the first National 4-H Alumni Award for South Dakota in 1973. As chair of the Hand County 4-H Leaders Association, he helped secure the current county 4-H site and assisted with construction of the other facilities. His love of agriculture and rural South Dakota is being carried forward, as his grandchildren are now involved with 4-H.

Again, congratulations to Laird Larson and Bob Duxbury for their recognition by South Dakota State University for their contributions to South Dakota agriculture.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Redwood City, CA. On September 13, 2003, a Sikh cab driver, Devinder Singh, was shot and killed in an apparent hate crime. Two days after the anniversary of the September 11, 2001, bombing tragedy, Devinder Singh was called to pick up two passengers and drive them from Redwood City, CA to Menlo Park, CA. One or both of the passengers shot and killed him after driving less than four blocks in the cab.

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 is 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.

#### THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FOR FISCAL YEAR 2004

Mr. MCCAIN. Mr. President, last week the Senate passed the annual energy and water appropriations bill. As my colleagues well know, the energy and water development appropriations bill is perhaps one of the most important measures this body considers each year. This bill provides funding for our Nation's energy resources, finances much-needed improvements to our water infrastructure and provides funding for critical aspects of our national security needs.

Let me begin, by commending the managers of this bill, Senator DOMENICI, the chairman of the subcommittee on energy and water development, and Senator REID, the subcommittee's ranking member, for their hard work

on this legislation. The task before them was great, and they successfully completed this bill in a timely fashion, allowing the appropriations process to move forward.

As my colleagues know, this legislation funds critical cleanup activities at various sites across the country and continues ongoing water infrastructure projects managed by the Army Corps of Engineers and the Bureau of Reclamation. Furthermore, the bill increases funding for the energy supply, designed to develop new energy technologies and improve existing energy programs. These are significant aspects of this legislation and seek to ensure a diverse energy supply for our nation.

Given the energy problems facing our country, these aspects of the bill are worthy pursuits. Again, I have tremendous respect for the hard work done by the managers in putting this bill together. I am, however, disappointed that once again my colleagues on the Appropriations Committee have succumbed to temptation and loaded this bill with numerous locality-specific earmarks, special deals and unnecessary, wasteful porkbarrel spending projects.

This bill contains nearly \$1.2 billion more than what was appropriated for fiscal year 2003 and is over \$700 million more than the administration's budget request. In this bill, I have identified over 700 items of unrequested, locality specific earmarks, unauthorized spending and special deals for certain states totaling nearly \$1.5 billion. I will post a list of these items on my official Senate website.

Let me highlight just some of the egregious aspects of this bill. There is \$6.9 million for the New Mexico Education Enrichment Foundation. Aren't any of the other 49 States in this country entitled to "Education Enrichment"? There is \$1 million for water management in Hawaii. There is \$1.5 million above the budget request for oyster recovery in Maryland and Virginia. There is \$500,000 for exhibits at the Atomic Testing History Institute in Nevada. History Institute—a pretty fancy name for a museum. There is language directing the Corps of Engineers to repair a Fish Viewing Building in Washington State. There is \$13 million above the budget request for the Kanawha River in West Virginia.

There is \$1.5 million for the University of Nevada-Las Vegas to conduct safety and risk analysis. There is \$20 million for the Lewis and Clark Water Project in South Dakota. There is \$3 million above the budget request for the Tropicana and Flamingo Washes in Nevada. There is \$105 million to build a "microsystem and engineering" facility in New Mexico. There is \$690 million to build a waste treatment plant in Richland, WA. There is \$14 million to build an "immobilized" interim waste storage facility in Richland, WA. Just how many wastes facilities does Richland, WA need? Thankfully this one is "immobilized"—there is nothing

more disturbing than "mobilized" waste.

There is \$20.2 million to build a glass waste storage building in Savannah River, SC. There is \$38 million above the request for the Appalachian Regional Commission. There is \$5 million above the budget request for the Delta Regional Authority. There is \$39 million above the budget request for the Denali Commission.

The Corps of Engineers general construction account itself contains 128 unrequested, locality-specific projects which total over \$382 million. Let me read a few of those for the RECORD. I ask unanimous consent that the list of these 128 projects be printed in the RECORD.

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

#### UNREQUESTED ARMY CORPS OF ENGINEER CONSTRUCTION PROJECTS

##### ALASKA

\$4 Million for Dillingham Emergency Bank  
\$3 Million for Dillingham Small Boak  
\$4 Million for Kake Dam  
\$1 Million for Sand Point  
\$1 Million for Sitka  
\$10 Million for Wrangell

##### ARIZONA:

\$3.5 Million for Rio De Flagg, Flagstaff  
\$7 Million for Tres Rios  
\$5 Million for Tucson Drainage Area

##### ARKANSAS

An increase of \$7 Million over the budget request for Montgomery Point Lock and Dam  
\$3 Million for Ozark- Jeta Taylor (Rehabilitation for powerhouse)  
\$750,000 for the Red River below Denison Dam  
\$1.25 Million for the Red River Emergency Bank

##### CALIFORNIA

An increase of \$1 Million over the budget request for Hamilton Airfield Wetlands Restoration  
\$4 Million for Harbor South Bay Water Recycling  
\$200,000 for Imperial Beach  
An increase of \$2.5 Million over the budget request for Napa River  
An increase of \$13 Million over the budget request amount for Oakland Harbor  
\$15 Million for the Port of Los Angeles Main Deepening

##### DELAWARE

\$214,000 for the Delaware Cost from Cape Henlopen to Fenwick Island  
\$500,000 for the Delaware Bay Coastline, Port Mahon

##### FLORIDA

\$1 Million for Florida Keys Water Quality Improvement  
\$500,000 for Tampa Harbor

##### GEORGIA

An increase of \$1.5 Million over the budget request for Brunswick Harbor  
\$3.85 Million for the Richard B. Russell Dam and Lake

##### HAWAII

\$1 Million for Hawaii Water Management  
\$175,000 for Lao Stream Flood Control  
\$2.5 Million for Kaunapali Harbor in Lanai

##### ILLINOIS

\$1 Million for the Chicago Shoreline  
\$4 Million for Lock and Dam 24 of the Mississippi River  
\$100,000 for Nutwood Levee

<p>INDIANA \$500,000 for the City of Indianapolis</p> <p>IOWA \$500,000 for the Des Moines Recreational River and Greenbelt \$750,000 for Lock and Dam 19 An increase of \$6.6 Million over the budget request for the Missouri River Levee System</p>	<p>An increase of \$659,000 for the Lower Cape May Meadows, Cape May Point \$500,000 for Passaic River Flood Management \$500,000 for the Passaic River Steambank Restoration \$250,000 for the Ramapo and Mahwah Rivers An increase of \$522,000 over the budget request for the Raritan River Basin and the Green Book Sub-basin An increase of \$800,000 over the budget request for Townsends Inlet to Cap May Inlet</p>	<p>\$4 Million for Norfolk Channel Harbor</p> <p>WASHINGTON An increase of \$2.1 Million over the budget request for Chief Joseph Dam Gas Abatement An increase of \$700,000 for Mt. St. Helens Sediment Control \$1.5 Million for Puget Sound and adjacent Waters \$1 Million for Shoalwater Bay Shoreline Erosion An increase of \$250,000 over the budget request for the Dalles Powerhouse (Units 1-14)</p>
<p>LOUISIANA \$500,000 for Ascension Parish An increase of \$2 Million over the budget request for Comite River \$500,000 for East Baton Rouge Parish \$200,000 for Grand Isle and vicinity An increase of \$5 Million over the budget request for the Inner Harbor Navigational Canal Lock An increase of \$1.3 Million over the budget request for the J. Bennett Johnston Waterway An increase of \$3 Million over the budget request for Lake Pontchartrain and vicinity \$500,000 for Livingston Parish \$200,000 for Mississippi River, Gulf Outlet</p>	<p>NEW MEXICO An increase of \$700,000 over the budget request for the Acequias Irrigation System An increase of \$600,000 over the budget request for Alamogordo \$6 Million for Central New Mexico \$600,000 for Middle Rio Grande Flood Damage Reduction \$600,000 for the Rio Grande Floodway, from San Acacia to Bosque Del Apache</p>	<p>WEST VIRGINIA An increase of \$1.7 Million for Bluestone Lake Dam Safety \$3 Million for Greenbriar River An increase of \$8.4 Million over the budget request for Levisa and Tug Forks and Upper Cumberland River An increase of \$13 Million over the budget request for Marmet Lock, on the Kanawha River</p>
<p>MARYLAND \$1.6 Million for Chesapeake Bay Environmental Restitution and Protection An increase of \$1.5 Million over the budget request for Chesapeake Bay Oyster Recovery \$4 Million for Cumberland</p>	<p>NORTH CAROLINA \$1 Million for Dare County Beaches, and Bodie Island \$200,000 for West Onslow Beach and New River An increase of \$10.4 Million over the budget request for Wilmington Harbor</p>	<p>WYOMING \$500,000 for Jackson Hole Miscellaneous Provisions</p>
<p>MASSACHUSETTS \$1 Million for Muddy River, Brookline and Boston</p>	<p>NORTH DAKOTA An increase of \$482,000 over the budget request for the Buford Trenton Irrigation District Land Acquisition \$1 Million for Grafton Park River An increase of \$13.5 Million over the budget request for Grand Forks and East Grand Forks \$50,000 for Missouri River restoration</p>	<p>MISCELLANEOUS PROVISIONS An increase of \$5 Million over the budget request for Aquatic Ecosystem Restoration An increase of \$6 Million over the budget request for Dam Safety and Seepage/Stability Correction Program An increase of \$2 Million over the budget request for Emergency Stream bank and Shoreline Protection An increase of \$10 Million over the budget request for Flood Control Projects An increase of \$3 Million over the budget request for navigation projects An increase of \$3 Million over the budget request for project modifications for improving the environment.</p>
<p>MICHIGAN \$200,000 for Genesee County \$250,000 for Negaunee \$2 Million for Sault Ste. Marie Lock Replacement \$388,000 for Twelve Towns Drain Retention Facility</p>	<p>OHIO \$2 Million for Holes Creek in West Carrollton \$3 Million for the metropolitan region of Cincinnati, Duck Creek</p>	<p>Mr. MCCAIN. I am confident that many of my colleagues will maintain the importance of the need to fully fund these and many of the other projects in their respective States. That is fine. I do not fault them for it. In fact, let me state clearly, that I do not question the merits of these projects. Most of them, I am sure, are very important and worthy of Federal funds.</p>
<p>MINNESOTA \$1 Million for Breckenridge \$250,000 for Upper Mississippi River, Mississippi Place, and St. Paul</p>	<p>OKLAHOMA \$2 Million for Canton Lake Dam Safety \$2.5 Million for Lawton</p>	<p>It is the process, with which I have a serious problem. The Appropriations Committee has effectively usurped the power of the authorizing committees and acts as one, all-powerful funding machine. Projects are often funded with little or no background study, and are approved after simply being requested by a fellow Senator. These same projects are directed to certain states and localities, completely circumventing the proper, competitive-based awards process. Additionally, as is the case throughout this bill, members of the Appropriations Committee use directive language to force cabinet secretaries and agency heads to use scarce taxpayer dollars to fund members' pet projects, while not allotting them a single dime with which to fulfill the requirements imposed upon them by the appropriators.</p>
<p>MISSISSIPPI \$11 Million for Desoto County \$2.5 Million for Gulfport Harbor \$8 Million for Mississippi Environmental Infrastructure</p>	<p>OREGON \$5 Million for Bonneville Powerhouse Phase II</p>	<p>Additionally, this bill deauthorizes 20 inactive corps projects, some dating as far back as 1946. While I appreciate the committee recognizing the need for inactive projects to be deauthorized, I</p>
<p>MISSOURI An increase of \$500,000 over the budget request for Blue River Basin An increase of \$4 Million over the budget request for Blue River Channel \$500,000 for Bois Brule Leves and Drainage An increase of \$1 Million over the budget request for Meramec River Basin \$3 Million for Missouri and Middle Mississippi Rivers Enhancement An increase of \$500,000 over the budget request for Table Rock Lake for Dam Safety</p>	<p>PENNSYLVANIA \$1 Million for the Schuylkill River Park</p> <p>SOUTH CAROLINA \$200,000 for Folly Beach \$350,000 for Lake Marion and Moultrie</p> <p>SOUTH DAKOTA An increase of \$6.2 Million over the budget request for the Cheyenne River Sioux Tribe and Lower Brule Sioux \$500,000 for Missouri River Restoration An increase of \$1.7 Million for Pierre</p>	<p>TENNESSEE \$1 Million for Black Fix, Oaklands, and Murfee Springs Wetlands \$1.7 for the Cumberland County Water Supply</p>
<p>MONTANA \$8 Million for Fort Peck Fish Hatchery \$3 Million for Rural Montana</p>	<p>TEXAS An increase of \$1.3 Million over the budget request for Brays Bayou \$9.28 Million for Dallas Floodway extension An increase of \$21 Million over the budget request for Houston Galveston Navigation Channels \$5 Million for North Padre Island Packery Channel \$2 million for Red River Chloride Control</p>	<p>VERMONT \$500,000 Lake Champlain Watershed Initiative</p>
<p>NEBRASKA \$1.5 Million for Antelope Creek \$500,000 for Sand Creek Watershed \$500,000 for Western Sarpy and Clear Creek</p>	<p>VERMONT \$500,000 Lake Champlain Watershed Initiative</p> <p>VIRGINIA \$3 Million for Embrey Dam \$3 Million for Lake Merriweather, Little Calfpasture</p>	
<p>NEVADA \$10 Million for rural Nevada An increase of \$3.3 Million over the budget request for the Tropicana and Flamingo Washes</p>	<p>NEW JERSEY \$500,000 for Brigantine Inlet to Great Egg An increase of \$9.6 Million over the budget request for the Delaware River Main Channel</p>	

must point out that an appropriations bill is simply not the place for this type of language. A project should be deauthorized in the same way it is supposed to be authorized—by the appropriate authorizing committee, not by the Appropriations Committee.

As I often do during consideration of the appropriations bills, I had planned to offer an amendment to this bill to strip a provision that is designed to benefit one specific water project in the State of New Mexico. I chose not to offer my amendment in this case for various reasons. But I am putting the Senate on notice—I will continue to offer amendments to the remaining appropriations bills if these bills continue to come before this body loaded with unrequested earmarks or other unnecessary or wasteful spending.

As all of my colleagues know, CBO recently projected a potentially debilitating \$480 billion deficit for 2004. More importantly, we are at war. President Bush is poised to request a supplemental appropriation of \$87 billion for the ongoing military operations in Iraq and Afghanistan. Every one of us has asked ourselves the same question: Where is that money going to come from? I have an idea. Let's start with this bill. Let's eliminate all of the unrequested earmarks, all of the special deals, all of the pork and all of the waste. Let's prove to the American taxpayer that we in Washington do not see them as simply a cash cow for our every financial whim.

Both the President and the Vice President have recently called on Congress to control spending at this crucial time. Is it too much to ask Congress to tighten their own belts in order to benefit the men and women of the armed forces who continue to fight—and die—so that others may live free of tyranny and oppression? I don't think it is a lot to ask, I think it is our responsibility. We simply cannot continue to spend hardworking American's tax dollars in such an irresponsible manner any longer.

#### MR. KIRK BLOODSWORTH

Mr. LEAHY. Mr. President, I rise today to talk about a man, Kirk Noble Bloodsworth, who was the victim of a grossly imperfect system. I first met Kirk Bloodsworth in 2000 when he came to me as a man who had been exonerated after almost 9 years of wrongful imprisonment. I am proud to say that we have become close friends and partners in the fight to reform capital punishment in America.

For 8 years, 11 months and 19 days, Kirk Bloodsworth served time in prison as an innocent man. And for the next 10 years, Mr. Bloodsworth lived in a jail without bars. He lived in a world where people questioned his innocence, where rumors followed him everywhere he went, and where he was unable to find stable employment.

On July 25, 1984, 9-year-old Dawn Hamilton was brutally raped and mur-

dered. Fifteen days later, Kirk Bloodsworth was arrested based on the testimony of several witnesses who said they had seen him near the spot where they found Miss Hamilton. There was no physical evidence linking Mr. Bloodsworth to the crime.

In March, 1985, Mr. Bloodsworth, a former Marine with no criminal background, was convicted and sentenced to death in Maryland. He was 24 years old. Subsequently, the Maryland Court of Appeals overturned Mr. Bloodsworth's conviction. However, a second jury trial found him guilty, and sentenced him to two consecutive life terms. In 1992, at the request of Mr. Bloodsworth and his attorney, the evidence from his trial—Miss Hamilton's shirt and underpants—was tested for DNA. By June 1993, two DNA fingerprinting tests—one conducted by the Federal Bureau of Investigation and one conducted by Forensic Science Associates concluded that Mr. Bloodsworth's DNA was not the same as DNA found on Miss Hamilton's underpants.

On June 28, 1993, Mr. Bloodsworth was released from prison; in December, 1993, Maryland Governor William Schaefer pardoned him; and in June, 1994, the State of Maryland awarded him \$300,000 in compensation.

The wheels of justice broke down in this case, but we cannot pretend that what happened to Kirk Bloodsworth was an exceptional occurrence. Mr. Bloodsworth's nightmare of wrongful conviction has been repeated again and again across the country. To date, 111 individuals convicted and sentenced to death have been released from death row with evidence of their innocence, according to the Death Penalty Information Center.

Today Mr. Bloodsworth is outspoken about the importance of making post-conviction DNA testing available to defendants with a credible claim of innocence, something I have fought hard to accomplish as part of the Innocence Protection Act. People of good conscience can and will disagree on the morality of the death penalty. But we can all agree that a system that sentences innocent persons to death has no place in a civilized society, much less in 21st century America.

While DNA testing freed Mr. Bloodsworth from prison in 1993, the test results did not convince everyone that Kirk Bloodsworth was not guilty. Prosecutors refused to lift the veil of suspicion over him, in effect saying that the DNA tests might be sufficient to undermine his conviction, but not to prove his innocence. Mr. Bloodsworth told the Baltimore Sun that he spent years asking the county to run the DNA found on Dawn Hamilton's clothing through the State DNA database. Finally, last week, the State ran the DNA evidence through its database and the black cloud that had followed Mr. Bloodsworth for 10 years was lifted.

On September 5, 2003, Mr. Bloodsworth was told that the State tests implicated Mr. Kimberly Shay

Ruffner, a convicted sex offender, as the rapist and murderer of Dawn Hamilton. Mr. Ruffner has now been charged with first-degree murder. The prosecutor who previously refused to acknowledge Mr. Bloodsworth's innocence went to his home to apologize to him.

I know that I am joined by many others when I say that I am delighted that Mr. Bloodsworth can finally feel truly free. His fight to prove his own innocence has been won. I am certain that he will continue with his efforts to fix the broken machinery of capital punishment in America and especially to assist others who experienced wrongful conviction.

I ask unanimous consent that a Baltimore Sun article detailing the recent events in Mr. Bloodsworth's case be printed in the RECORD.

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

[From the Baltimore Sun, Sept. 6, 2003]

DNA THAT FREED MAN LEADS TO NEW SUSPECT; KILLING: KIRK BLOODSWORTH, CONVICTED AND THEN CLEARED IN THE RAPE-MURDER OF A CHILD, LEARNS A MAN HE KNEW IN PRISON IS CHARGED WITH THE CRIMES

(By Stephanie Hanes)

The same DNA evidence that freed Kirk Bloodsworth from prison 10 years ago has now implicated another man in the 1984 rape and murder of 9-year-old Dawn Hamilton of Rosedale, quashing any lingering questions about Bloodsworth's involvement in the crime.

Kimberly Shay Ruffner, a 45-year-old convicted sex offender who went to prison for an attempted rape and attempted murder in Fells Point only weeks after Dawn Hamilton was killed, was charged yesterday with first-degree murder.

The Baltimore County state's attorney's office—which has never publicly acknowledged Bloodsworth's innocence—announced the development, and a prosecutor apologized to Bloodsworth in person.

"Even though I was cleared, there were so many people who didn't believe me," said Bloodsworth, 42, who was reached at his home in Cambridge. "This is the proof everyone needs."

Ruffner is still in prison for the Fells Point attack, with a release date of 2020. Baltimore County State's Attorney Sandra A. O'Connor said prosecutors will seek the death penalty in Dawn's killing.

"This was a horrendous rape-murder of a 9-year-old girl," O'Connor said. "Whether or not he is incarcerated, he will be held accountable."

While Bloodsworth's supporters said they were delighted with the outcome, they criticized Baltimore County law enforcement officials for not testing the DNA earlier.

In June, The Sun wrote that the DNA in Bloodsworth's case had not been compared to the state's DNA database of convicted felons. As a convicted sex offender, Ruffner's DNA would have been in the state's database as early as 1994.

Baltimore County police spokesman Bill Toohey said the comparison was made last month.

"I can't tell you how pleased I am for Kirk, but what happened here today should have happened earlier," said Barry C. Scheck, the co-founder of the New York-based Innocence Project, which tries to free the wrongly convicted.