

Today I rise to honor who made the ultimate sacrifice one can make for his country.

A few days ago I stood in Arlington National Cemetery to honor the memory of 2LT Luke S. James.

Lieutenant James, 24, was a native of Hooker, OK, and a graduate of Oklahoma State University. He was killed in Iraq on January 27 during a roadside ambush near Iskandariyah.

Lieutenant James was assigned to the 2nd Battalion, 505th Infantry out of Fort Bragg, NC. He'd only been in Iraq a few days.

Our prayers and debt of appreciation now go to his family. He is survived here on the homefront by his wife Molly, his 6-month-old son, Bradley, his parents Brad and Arleen James, his sister Sharla, and his brother Kirby.

"That was his dream (to serve in the Army)," Molly James said in a recent interview. "He wasn't afraid to go. He was able to do his duty and die with honor."

As we watch the dawn of a new day in Iraq, we must never forget that the freedom we enjoy every day in America is bought at a price.

2LT Luke James did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family and with the troops who are putting their lives on the line in Iraq.

#### CONTROL AND DISPOSAL OF RADIOACTIVE SOURCES

Mr. AKAKA. Mr. President, I rise today to express my concern that the threat posed by the detonation of a "dirty bomb" has not been adequately addressed. Controlling access to the radioactive materials needed to fabricate such a weapon remains a challenge today, just as it did in the days immediately following the terrorist attacks of September 11, 2001. Security improvements have been slow to come. Dirty bombs continue to threaten the people and the economy of the United States.

Radioactive sealed sources are all around us. They are used widely in medicine, research, industry, and agriculture. Some of these sources are more risky than others, and Congress must take action to ensure the control and safe disposal of those sources that pose the greatest risk. These sources, known as "greater-than-Class-C" sealed sources, are of major concern because of their potential for use in the fabrication of a dirty bomb.

To address this risk, I introduced S. 1045, the Low-Level Radioactive Waste Act of 2003, this past May. My bill addresses the efforts made by the Department of Energy, DOE, to recover and dispose of thousands of domestic greater-than-Class-C radiological sources. This measure was developed after three different U.S. General Accounting Office reports I requested showed that the efforts being made by DOE and

other Federal agencies to control and dispose of these radioactive sources, both domestically and internationally, have not gone far enough.

Provisions of S. 1045 were included in H.R. 6, the Energy Policy Act of 2003, but as debate over the energy bill continues, radioactive sources remain a threat to our country. Over the holidays, there was a serious concern about the possible detonation of a dirty bomb at one of the large open-air New Year's Eve celebrations around the country. The DOE took serious and prudent action to detect possible terrorist activities and thankfully this situation did not end in tragedy. However, next time we may not be so lucky. The lack of a safe, secure, and permanent disposal site for unwanted radioactive sealed sources places our country at risk.

Thousands of sealed sources await disposal, some requiring security measures greater than those in place at current storage facilities. The problem posed by these sources will not go away by itself. Universities and industry do not have the means or facilities to secure these materials and are seeking Federal Government assistance. In my own State, the University of Hawaii is currently seeking the assistance of the DOE to remove large unwanted radioactive sources, belonging to DOE, that are no longer useful for their research. While DOE is working on a solution, the sources remain in Hawaii awaiting disposal. My bill would require the DOE to fulfill their statutory obligation to develop a disposal facility for all of these sources, in consultation with Congress, and would also require that DOE explore Federal and non-Federal alternative disposal options to make sure that the best disposal method is chosen.

However, my concern over radioactive material does not end here. I will continue my work to improve Federal oversight of radioactive sources and devices. Just a few weeks ago in New Jersey, a gauge containing radioactive material was damaged, and its radioactive material is still missing. Creating a disposal facility for this class of radioactive waste is only the beginning of getting this problem under control. We need to improve the licensing and tracking of these widely used sources and devices, so that they will not fall into the wrong hands.

When the United States began non-proliferation efforts in the former Soviet Union, one of the first jobs was to begin consolidating nuclear weapons and fissile materials in secure facilities to await disposal or destruction. Due to worries about terrorists acquiring dirty bombs, the DOE is now working to secure radiological sources in many countries overseas. I support these efforts. A theft this month of cesium-137 in China re-emphasizes the need to work with other countries to collect and dispose of unwanted radiological materials. The cesium, stolen by scrap metal thieves, ended up being melted by a steel mill. The mill is now con-

taminated and will have to undergo expensive clean-up efforts. While this type of incident is less likely to happen in the U.S., we must learn from this, and take steps to protect our nation from these materials. We should take the lead in helping other nations secure their radioactive material, for the good of us all.

The bill that I introduced and which is cosponsored by Senators BINGAMAN and LANDRIEU, will give radiological sources and waste on American soil a safe and secure, permanent disposal facility. Before September 11, 2001, collecting and securing these sources was a matter of public safety, now it is a national security concern that demands the attention of Congress. I urge my colleagues to support the Low-Level Radioactive Waste Act of 2003, to ensure that our nation is better protected from the dangers of dirty bombs.

#### LESSONS FROM A CLEAN AIR LISTENING TOUR

Mr. JEFFORDS. Mr. President, I have spoken many times about my serious concern for our Nation's deteriorating air quality. I would like to speak today on behalf of those Americans who are working tirelessly at the regional and local levels to protect our air quality, and who have expressed their concerns to me. Many Americans across the country feel that the Clean Air Act has not done enough to protect their health and their environment. They also worry that, under the leadership of our President, things will only get worse. They are taking action at the local and State levels, and State government is responding with real leadership. We need to support these actions with strong, Federal legislation to protect our current laws and improve our air quality.

On a nationwide Clean Air Listening Tour I initiated in 2003, I heard firsthand from Americans who are tired of getting sick from breathing dirty air, and tired of putting their children's health at risk from eating mercury-contaminated fish. In Asheville, NC, and in Boston, MA, the public demands that the Federal Government work immediately to clean their air.

Asheville is situated in close proximity to the Great Smoky Mountains National Park, the most visited National Park in the Nation at nine million visitors every year. Sadly, this majestic park is also the Nation's most polluted, as reported by the National Parks Conservation Association. Its visibility is tied for the worst with Mammoth Cave National Park, at a mere 14-mile range during the summer months. Under natural conditions, the vista should average around 80-miles.

The Smokies have the highest rate of acid precipitation among the parks, at thirty-five kilograms per hectare. This is six to seven times the nitrogen pollution that local soils can process. In fact, the highest peak in the Smokies can be as acidic as vinegar.

The total number of hourly ozone exceedences in the Smoky Mountains far outnumbers other parks at over one hundred and thirty-three thousand per year. Ozone exposure in the Smokies is twice that of the region's most ozone-ridden cities—Knoxville, TN, and Atlanta, GA.

These statistics mean that in the Smoky Mountains, dozens of tree and plant species are damaged, streams are dying, aquatic wildlife populations are declining, and area residents face increased mortality and chronic lung ailments. Plus, the fish that people consume are poisoned with toxic mercury, which can cause a number of birth defects and health problems in adults.

What is causing all this dreaded pollution? While cars and industry contribute substantially to the problem, old, dirty power plants are my greatest concern. About 30,000 premature deaths occur every year due to power plant pollution alone. Incredibly, North Carolina loses 1,800 people each year because of this pollution. And, hundreds of thousands of children are born annually at risk of birth defects and neurological damage from their mothers' exposure to mercury.

These are shocking figures, and we should be responding immediately to this crisis. Power plants are still the Nation's single largest source of air pollution in this country. They are responsible for most of our Nation's smog and haze pollution, and asthma- and lung disease-causing particulate matter, by emitting 60 percent or more of national sulfur dioxide emissions, and 25 percent of nitrogen oxides. In fact, the country's oldest and dirtiest plants are responsible for 75 to 85 percent of the haze in the southwestern Appalachians. Power plants also emit more than one-third of the Nation's poisonous mercury into the air.

We should also know that power plants emit 25 percent of our country's emissions of carbon dioxide—the greatest greenhouse gas. Our Nation's utilities alone send forth 10 percent of the world's carbon dioxide emissions. They are, in part, responsible for the global warming that is occurring today and will continue into the future. Global warming will seriously affect the 130 species of trees and the 4,000 other plant species in the Smokies, as well as worsen the already dangerously unhealthy ozone pollution problem. Many local residents are not only highly concerned, but they are frustrated with our Federal Government's absent leadership.

State officials and others in Asheville and the Smoky Mountain region are tired of waiting on the Federal Government to protect their air and their climate. They are already acting to reduce this power plant pollution. The North Carolina legislature has made great strides with the passage of the Clean Smokestacks Act. Other States are quickly following suit. However, States are keenly aware that since much of the pollution they expe-

rience blows in from elsewhere, a national solution is crucial. In my listening session at the Grove Park Inn on May 19, 2003, I heard witnesses testify in compelling language how air pollution affects Smoky Mountain communities, and how citizens are banding together to protect public health.

North Carolina State Senator Steven Metcalf, Buncombe County Commissioner and Chair of the Land of Sky Regional Council David Gantt, as well as John Stanton, Vice President of the National Environmental Trust, joined me in a press conference to launch the listening session. Hugh Morton, Owner of Grandfather Mountain, which is a scenic travel attraction near Linville, NC, began the public forum with a slide show illustrating the devastation that air pollution has on his business. Slide after slide showed trees made bare by acid rain, and vistas clogged with haze. There is no doubt in his mind that such pollution threatens the environmental health and economic productivity of the mountain.

Don Barger, Senior Director of the Southeast Regional Office of the National Parks Conservation Association, Brownie Newman, Executive Coordinator of the Western North Carolina Alliance, Elizabeth Ouzts, State Director of the North Carolina Public Interest Research Group, and Michael Shore, Managing Director of the local Environmental Defense, added to the dialogue by describing how grassroots action has led to a high level of public awareness about air pollution and its effects, and how that action has resulted in State legislation to begin cleaning the air.

Dr. Clay Ballantine, an Asheville physician and medical expert on power plant-related health damage, also provided excellent testimony. Given that air pollution decreases lung function, causes pneumonia and respiratory infection, increases lung cancer rates similar to those of second-hand smoke exposure, causes asthma and asthma attacks, and leads to premature death, Dr. Ballantine is concerned about the suffering he sees first-hand. I am grateful to all of these witnesses for participating in the listening session, and for sharing their expertise with me.

Since Asheville ranks sixth in the Nation in per capita deaths caused by power plant pollution, and since North Carolina is facing millions of dollars in additional pollution-related health costs, local citizens there have every reason to be concerned, and every right to be outraged that this administration plans to do nothing to help them. The administration has worked to effectively neutralize and eviscerate nearly all major protections in the Clean Air Act. From dropping all enforcement cases against the worst violators of New Source Review, to the recent proposal to delist utilities for mandatory mercury control, this administration should make all of us angry. These actions are an insult to all Americans, and a slap in the face. From Asheville,

NC to Boston, MA, Americans made clear to me their desperation and frustration at being told they have to wait a decade or more for this administration and this Congress to clean their air, while the hundreds of thousands of asthma attacks and birth defects continue across the country.

Residents of Boston, MA are especially worried about the potential dangers of mercury pollution from power plants, as the Boston economy, which is highly reliant on commercial and recreational fishing and tourism, may become affected by declining consumer confidence in the safety of local fish. Fortunately for some New England residents, states such as Massachusetts and Connecticut are already moving ahead with emission reduction plans.

I sincerely appreciate the participation and support of my distinguished colleagues Senator TED KENNEDY and Congressmen MIKE CAPUANO, JIM MCGOVERN, and BILL DELAHUNT, and Massachusetts Attorney General Tom Reilly in standing with me on September 22, 2003, at the New England Aquarium to bring attention to the serious mercury pollution problem facing New England. Also lending their support during the press conference were Ed Toomey, Aquarium President and CEO, and Armond Cohen, Executive Director of the Clean Air Task Force in Boston. The Aquarium and Task Force have been leaders in mercury and air pollution-related research, education, and advocacy.

At the public forum, Cindy Luppi, Organizing Director of Clean Water Action in Boston, and Jane Bright of HealthLink in Marblehead, Massachusetts spoke about the grassroots Northeast Clean Power Campaign, representing over 300 organizations from Maine to Connecticut that are all fighting to reduce power plant pollution in the region.

Ms. Luppi also provided compelling findings from a Tufts University study: direct costs of environmentally-attributable neurobehavioral disorders, such as those caused by mercury pollution, in Massachusetts alone total between \$40 million and \$150 million each year, with indirect costs totaling an additional \$100 million to \$400 million. Also, Ms. Luppi presented the findings of a 2002 Massachusetts Department of Environmental Protection study which determined, "The Department believes that the removal of 85 to 90-plus percent of mercury in flue gas has been demonstrated to be technologically and economically feasible." In other words, there is no excuse to delay mandating tough national mercury reductions under the Clean Air Act.

Massachusetts and Connecticut are moving now to require an 85 to 95 percent reduction in mercury emissions in the next 5 to 9 years. Like in Asheville, the witnesses stressed that such State-level progress is encouraging, but that real relief from air pollution can only come from reductions made across the country.

During the listening session, Dr. Jill Stein, a physician and President of the Massachusetts Coalition for Healthy Communities, and Dr. Bill Bress, State Toxicologist for the Vermont Department of Health, detailed the serious and often life-threatening health effects of mercury exposure through consumption of contaminated fish. Nearly 10 percent of American women have high mercury blood levels above EPA's safe health threshold. Pregnant women who consume even small amounts of fish can inadvertently put their developing babies at risk of mental retardation, seizures, cerebral palsy, vision and hearing problems, abnormal gait and speech, and learning disabilities. EPA has estimated that 630,000 children are born at risk each year due to mercury exposure in the womb. This is twice EPA's previous estimate.

An astonishing 50 percent of Americans who eat fish regularly exceed the mercury health limit, and 10 percent exceed the limit by a factor of four. Adults are also susceptible to developing heart, kidney, and immune system disorders due to mercury consumption. Anglers and certain ethnic groups who eat large amounts of fish face two to five times these health risks. Clearly, dramatically curbing mercury pollution will improve all of our lives.

Dr. Steve Petron, Board Member of the National Wildlife Federation and Senior Ecosystems Scientist for CH2M Hill, demonstrated how toxic mercury pollution from power plants harms our Nation's aquatic wildlife. Those species that depend on fish for food are the most at risk. Because of this, loons, bald eagles, otters, amphibians, and other animals are already facing or could soon face decline. And lastly, Dr. Praveen Amar, Director of Science and Policy for the Northeast States for Coordinated Air Use Management, NESCAUM, represented State air quality regulators by stressing that mercury control technologies are available and affordable, and by expressing the need for smart Federal environmental laws to drive technology innovation and application. As a recent NESCAUM report found, "Where strong regulatory drivers exist, substantial technological improvements and steady reductions in control costs follow."

That's where Congress comes in. We are elected to serve the people of this Nation. Where people are becoming sick and are dying because of air pollution, something must be done. We must never knowingly allow such suffering to continue if we have the ability to act, and we do. Time and time again, mothers and fathers, doctors, scientists, and community members ask for our help.

At the bare minimum, we should be protecting current law. But to truly benefit the public good, we must pass tough legislation to force dirty power plants and other polluters to start behaving like good citizens. The air is not their toxic waste dump. It is not theirs to pollute for free, even though

this administration is encouraging them to think that way. If it belongs to anyone, the air belongs to those children who play outdoors, or those families who go fishing and take trips to our scenic national parks, or to the poorest of us who are unlucky enough to live next to a smokestack. The air belongs to all of us. We should treat it like the most precious resource we know. Americans from around the country have learned this important lesson. Congress and this administration must now do the same.

#### 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.

In February 1999, Steve Garcia was returning to his home from a party wearing women's clothing and shoulder length hair. He died of a gunshot wound to the shoulder and because none of his jewelry was stolen, police suspect that he was targeted because of the way he was dressed.

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.

#### RETIREMENT OF TOM RYAN

Mr. SPECTER. Mr. President, March 1 marks a very special occasion—although it is with mixed feelings I report that Tom Ryan, the key Department of Labor Budget Analyst for employment and training programs is retiring following more than 32 years of a most distinguished career. As the members of the Appropriations Committee can attest, Mr. Ryan's work in this area has been extraordinary, in its breadth, its depth, and in its effectiveness. As needs arose and even when crisis has come to the lives of so many job seekers throughout our Nation, Mr. Ryan has been a pillar of strength in helping people as he worked tirelessly with us to ensure that funding for the right training opportunities were available when job seekers needed them.

On behalf of the members of the Appropriations Committee, I would like to take this opportunity to express our heartfelt thanks to Mr. Ryan for his vision which has so often guided us in formulating creative solutions to funding jobs training programs, in caring for the people we serve—many of those who are in critical need of assistance. The complexities of funding these programs during the challenging years of

fiscal austerity have been met with a determination to find solutions, and the countless people receiving job training and employment assistance are well-served, due in no small measure, to Mr. Ryan's efforts and his devotion to these endeavors. For these efforts and so many more, we extend our congratulations to Mr. Ryan and wish him an enjoyable and well-deserved retirement.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ERNIE MARX

• Mr. BUNNING. Mr. President, I take a moment today to pay tribute to Ernie Marx of Louisville, KY for his service to the people of Kentucky and his willingness to teach understanding and compassion to our Commonwealth's youth.

Mr. Marx is a survivor of the Holocaust and has used this tragic event in human history as an inspiration to educate the youth of our country about tolerance and respect. He has focused his efforts on middle and high school students, speaking about his experiences before hundreds of different groups.

One such event was on Tuesday, April 29, 2003, when Mr. Marx spoke at the annual Yom HaShoah commemoration at Fort Knox, KY. Yom HaShoah, or Holocaust Remembrance Day, is an important day of reflection for Americans and people throughout the world. His own message to our soldiers at Fort Knox was about hate and tolerance. He told the soldiers that they can prevent a Holocaust, saying, "You are our hope and are fight for our freedom."

This fall Mr. Marx led his 54th trip to Washington, DC to educate children and citizens about the Holocaust. He brings these groups, primarily students, to visit the Holocaust Museum and teaches them about tolerance and understanding. I am certain he will continue to lead these trips in the tradition of the Holocaust Museum's mission of education.

From Atherton High School in Louisville, KY to the Henry County Middle School in New Castle, KY, Ernie Marx has had a profound impact on the youth of the Louisville region. I would like to honor his dedication, leadership and commitment to the people of Kentucky. •

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3783. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with