

One risk, one error, one mistake, is one too many. But 100 mistakes, proven mistakes, qualifies as a crisis. And a crisis calls for action.

My distinguished colleague and chairman of the Judiciary Committee, Senator LEAHY, has introduced the Innocence Protection Act. This bill would reduce the risk of executing the innocent by allowing for post-conviction DNA testing and establishing certain minimum competency standards for defense counsel. And I support this bill and hope the Senate acts on it without delay.

But I submit that Congress can and must do more. For, if we recognize that the system is broken, that innocent people have been freed based on DNA testing, then it is only logical and right that we suspend executions while these reforms can be implemented and while all steps are taken to conduct a top-to-bottom review of the death penalty system.

My bill would do just that. The National Death Penalty Moratorium Act would create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. The bill would also suspend executions of Federal inmates and urges the States to do the same, while the commission does its work.

I am pleased that Senators LEVIN, WELLSTONE, CORZINE and DURBIN have joined me as cosponsors of this important legislation.

The expansion of the death penalty and increase in death penalty prosecutions during the last two decades have had literally life-or-death consequences. The people of Illinois have learned a serious lesson that the administration of the death penalty is plagued with errors. And as the events in Arizona just showed us, the people of Illinois are certainly not alone. But Illinois and Arizona account for only 19 of the 100 exonerations nationwide. The remaining 81 mistakes have occurred in other death penalty States. These 100 mistakes tell us, loudly and clearly, that it is past time for our Nation to have a thoughtful debate on capital punishment.

A commission, and pause in executions while the Commission does its work, is the only right and just response.

And, so, I urge my colleagues to join me in supporting the National Death Penalty Moratorium Act.

SNOW MACHINES IN NATIONAL PARKS

Mr. THOMAS. Mr. President, I rise to discuss an issue that is very important to those of us in Wyoming and to all of us who have an interest in national parks; that is, the winter use of snow machines in Yellowstone Park and Grand Teton Park.

As some of my colleagues may know, for a number of years we have had an opportunity in the wintertime for peo-

ple to go into the park, to engage in and tour the park in individual snow machines on a route that has been set forth. Of course, there has been a good deal of talk about it over the last several years and contentious debate over how that should be handled.

Some people believe we should not be in the park at all in the wintertime with snow machines. Others believe it ought to continue as it is.

We ended up about a year ago before the last administration moved out with a rule put into place that in 2 years the individual use of snow machines would be outlawed and eliminated.

That brought about a considerable response, particularly from people who live close to the park and have occasion to use it from time to time. The outcome was that we had an EIS underway. There was a suit brought, and we also passed in the Congress an extension of 1 year so we would have an opportunity for study. That has been underway, a supplemental EIS, to see how that could be handled and what could be done.

Of course, there are at least two primary missions of a national park; that is, to preserve the resource on the one hand, and then to let the owners enjoy it on the other hand. So we have to find some balance between protecting the resource and allowing people to enter the park and use it.

For a number of years, snow machines have been used. I don't think anyone suggests that they continue as they have in the past because there are some impacts both from noise and from exhaust.

One of the things that has changed and can change are improvements made to the machines. Some of them now go to four-cycle engines which are quieter, less exhaust oriented, and have been proven that way. In Jackson, WY, every year they have a contest to see who can improve the machines more. That has been a successful endeavor. We are in the process now of doing that.

I don't think anyone who is realistic suggests that we continue to do it as we have in the past. Certainly, we could apply some rules and regulations: No. 1, manage it; separate the cross-country skiers from the snow machines on the one hand. That can be done. I suspect if it were necessary, you could limit the number of passes that were made available. Sometimes the collection at Old Faithful gets pretty large. Nevertheless, that could be handled.

There have been suggestions that we limit the use in the night when animals are perhaps on the move. One of the arguments is that it distresses and disturbs the buffalo and the elk. I have been through the park with a machine and have ridden from here to the table from a big buffalo who paid no attention to me and had his nose down in about 3 feet of snow pushing along trying to find a little grass. So I suppose there might be instances. But the fact is, they really don't disturb the wildlife.

There has been now a regulation put into place, or an amendment that gives us another year to go through the supplemental EIS which is not yet completed. Then there would be, of course, probably about five alternatives that would be laid out in public. That is supposed to happen in November. We will have an opportunity to make some choices.

I am just saying I hope we can make the changes that will protect the environment, can protect the environment. I am persuaded that can be done. At the same time, I hope we can allow people to continue to enjoy the park. Quite frankly, if you didn't have this opportunity with the snow machine, there would be very little use of the park in wintertime because it is large. And, of course, you can't ski clear across the whole area, or very few people can.

That is in the process. I wanted to say I hope we do keep a couple of things in mind as we deal with our parks and our Federal lands.

One is that, of course, we should take care of the environment. No. 2, people ought to have access to these lands. It is really too bad if we set them aside so that people can't enjoy them and have access to them. Another is to manage it so that it really doesn't have an impact. Much of that is the result of management, and, quite frankly, we have not done as much of that and some of the park officials would rather not have any. So, therefore, they have not made an effort to manage their existence very well.

I hope we proceed on that and come out with a reasonable compromise that still allows access, and we can at the same time take care of the environment, both in Yellowstone and in Grand Teton, as well as other places where snow machines are used.

THE MIDDLE EAST

Mr. WELLSTONE. Mr. President, with a suicide bomber killing eight innocent Israeli civilians and wounding more than a dozen in Haifa today, and Palestinian gunmen and Israeli soldiers locked in battle in the Jenin refugee camp, the Middle East is under an intolerable siege of violence. The horrific practice of targeting innocent civilians must end. Even in this time of horrendous violence we cannot lose hope.

I spoke at Temple Israel back in Minnesota on Sunday. I was trying to figure out what to say. I remembered the story of an Israeli man murdered at a Seder meal. "Murdered" is the right word. An organ of his was given to save the life of a Palestinian woman. His children said that he would have been proud.

There is hope. We cannot lose hope, for the sake of both the Israeli and the Palestinian children. We have to continue to seek a pathway to peace. President Bush said this in a number of statements.

Last week President Bush made the right decision to send Secretary Powell