

new, more stringent 8-hour standard or the new fine particulate standard. The States will revise those plans for the new standards, including adjusting "permitted" levels, but that will be done in 2007-2008.

In the meantime, the powerplants and industrial sources exempted by this rule can make huge modifications that increase emissions. These pollution increases will be locked in for many, many years and make it harder to achieve the new air quality standards.

I am not opposed to making the New Source Review program work better through constructive changes. But it is important to know the costs and benefits related to a program before doing radical surgery. An EPA memo estimated that just a small portion of the NSR program may have health benefits worth more than \$1.8 billion annually. We can ill afford to throw away all the lives represented by that number.

Beginning in May 2001, I have repeatedly sought, and most often been denied, full information on the public health and environmental impacts of the administration's agenda on New Source Review.

I agreed not to subpoena this information, while chairman of the Environment and Public Works Committee, in exchange for promises that most of it would be forthcoming. Those promises have been broken and I am still waiting.

And Congress is still waiting for EPA to comply with the Supplemental Appropriations bill for fiscal year 2004 passed in February. That Act directed EPA to fund a study by the National Academy of Sciences to look at the effects on public health of the other NSR changes made on New Year's Eve last year. After 6 months of delay, EPA authorized the Academy to start.

A recent General Accounting Office report, which I requested, demonstrates that the administration does not collect and has not collected valid, credible information on the New Source Review program.

The Agency has no factual basis to determine that their regulation changes will be beneficial, as they have claimed. Indeed, GAO said that EPA and an electric utility industry group think that post-rule modifications may increase efficiency at some facilities, but will also encourage greater emissions at those same facilities due to expanded production.

The hypocrisy of the Bush administration is stunning. They want to exempt thousands of major sources of pollution from using modern control technology. This is based on flimsy and unsubstantiated anecdotes.

At the same time, they pretend to support "sound science" and hide behind the Data Quality Act when choosing not to regulate in the face of abundant proof of potential environmental harm.

This new NSR rule has been a time-consuming waste of taxpayer's dollars.

EPA's resources would have been better spent in saving lives by taking some kind of regulatory action, any kind of action, over the last 2½ years to halt powerplant pollution.

There is real and legitimate authority under the Clean Air Act to do that now. There is even real and legitimate authority to make the New Source Review program work better and more efficiently. But the administration has failed to use that authority correctly and squandered their opportunities.

Using his father's model, this President Bush could have worked with me and my staff and Democrats in Congress to develop a strong tripartisan, multi-pollutant bill to control emissions of sulfur dioxides, nitrogen oxides, mercury, and carbon dioxide. But they have refused requests for technical assistance, evaded legitimate oversight, politicized every possible matter, and avoided any real policy discussions.

They have spent their time ignoring the people's representatives in Congress, pandering to polluters and wishing away the abundant evidence that increasing air pollution causes increases in death, disease and illness.

Pollution is an indiscriminate weapon. It should be emitted only as a last resort. Instead, this Bush administration brandishes it, boasting about flexibility and "sound science" while more people die prematurely and the Earth warms. If we were dealing with the first administration, I would breathe easier about the future.

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#### HONORING OUR ARMED FORCES

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##### OKLAHOMA LOSS IN IRAQ

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one month's time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being suc-

cessfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a 2-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The council will name Iraqi ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us to the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But today I rise to honor a man who made the ultimate sacrifice one can make for his country.

On August 27, Specialist Rafael L. Navea, of Pittsburgh, PA was killed in Fallujah when an improvised explosive device struck his vehicle.

Specialist Navea was stationed at Fort Sill and therefore an adopted Oklahoman. He was assigned to C Battery, 2nd Battalion, 5th Field Artillery Regiment, a Paladin unit in 212th Field Artillery Brigade. The unit deployed to Southwest Asia in support of Operation Iraqi Freedom on April 12.

Specialist Navea served his country well. Fort Sill and Oklahoma mourn his tragic death and now our prayers are with his family and friends. He is survived by his wife and children who reside in Lawton and his mother in Florida.

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

Specialist Navea did not die in vain. He died so that many others would live

freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

#### 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 such a crime committed on July 30, 2001. In Santa Ana, CA, a 22-year-old man stabbed his 17-year-old Asian neighbor, Kenneth Chiu, as the victim was returning from a date. Before dying, Mr. Chiu identified his attacker who later confessed that he targeted Mr. Chiu because of his identity. He told investigators that he hated Asians and other ethnic minorities.

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.

#### MOVING TO SUSPEND RULE XVI

Mr. LUGAR. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer the amendment No. 1974 to that bill.

(The amendment is printed in today's RECORD under "Morning Business.")

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO PACHY BURNS

• Mr. BURNS. Mr. President, today I bring to your attention a truly remarkable program. In America, at this point in our history, most people are so far removed from their agrarian roots, they have lost all understanding of true ties to the land. This is one of the many problems that agricultural producers face in their battle for survival.

There is a sheep producer in Montana who is working to correct this problem. Pachy Burns is a true Western woman. There is nothing that she is not willing to face and, if need be, challenge. Pachy has created a program called Jam to Lamb. It is an all-women's lambing party that involves women from all over the United States. Women from every walk of life experience the true meaning of ranching by learning through doing.

Women who visit Pachy learn about delivering lambs, branding lambs, nurs-

ing bums, and all of the other necessities of daily ranch life. They learn the truth about issues impacting agriculture such as Federal lands and predators.

I ask that you all join me in recognition of Pachy Burns, a woman who is trying to open not only the eyes but also the hearts of people, who should have a better understanding of where their food comes from. Pachy is accomplishing this through leadership and friendship the true mark of a Westerner.●

#### MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 21. Joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 627. A bill to prevent the use of certain payments instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes (Rept. No. 108-173).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1610. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".

H.R. 1882. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

H.R. 1883. A bill to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office".

H.R. 2075. A bill to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

H.R. 2254. A bill to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".

H.R. 2309. To designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".

H.R. 2328. A bill to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2396. A bill to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2452. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2533. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2746. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

H.R. 3011. A bill to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street, Moline, Illinois, as the "David Bybee Post Office Building".

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

S. 1590. A bill to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building".

S. 1659. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building".

S. 1671. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J. C. Lewis Post Office Building".

S. 1692. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building".

S. 1718. A bill to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office".

S. 1746. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

#### ADDITIONAL COSPONSORS

S. 349

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 698

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 698, a bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.