

relationships with Finland's leaders. During this trying time of international tension, Bonnie not only promoted unity between Finland and the United States in the face of terrorism, she helped to improve commercial ties between the two nations.

After the change of government in Finland, Bonnie worked to foster strong bonds with the new Finnish leadership. She developed a close relationship with Prime Minister Vanhanen, helping to ensure continued warm relations with the Finnish leadership. She met with every new minister in the Cabinet to emphasize the importance of our bilateral ties and to explore ways to enhance our partnership on key issues.

While serving as ambassador, Bonnie also worked on several "non-traditional" diplomatic items, including collaboration with Secretary of State Colin Powell to organize The Helsinki Women's Business Leaders Summit. This summit brought together American, Finnish, Russian, Estonian, Latvian, and Lithuanian entrepreneurs to share their business ideas across international borders. And she helped broker an arrangement that allowed women from Finland, the Baltics and Russia to shadow fifty of our country's top female business leaders.

Bonnie McElveen-Hunter has always had a keen interest and concern for her fellow man. As ambassador, she advanced the "child of Karelia" project, which helps Finnish and Russian charities assist children who are at risk for drugs, crime HIV/AIDs, and trafficking in the transborder region of Karelia. Bonnie is also one of the United Way's most effective fundraisers. And, when she and Bynum moved into a new home, they raised \$1 million for Habitat for Humanity as part of their housewarming.

I love a story Bonnie tells about her childhood. When she was 9 years old, her mother had her write the word "can't" on a piece of paper and bury it in a shoe box in the backyard of the home. She has not used the word since.

Bonnie McElveen-Hunter epitomizes the American spirit through her compassion and sense of entrepreneurship. She serves as an inspiration for us all. Congratulations, Madame Ambassador.

THE IMPORTANCE OF STATE AND FEDERAL FREEDOM OF INFORMATION LAWS

Mr. LEAHY. Mr. President, "We're just everyday people," said Linda Raymond of herself and her husband, Mike, of Woburn, MA. "But we stopped a landfill from expanding and raised environmental awareness. Any community can do what we did."

The Raymonds live in a blue-collar suburb of Boston where they both work in the public school system. Three years ago, while walking on a wooded trail in their neighborhood, they discovered that the city's landfill, which had been dormant for 15 years, was bus-

ting with truck traffic. They had cause for alarm. Woburn is the setting of the events that were described in the book, "A Civil Action." After rates of leukemia shot upward, local industries were sued in the 1980s for polluting the area water. The Raymonds, who had not previously been involved in environmental activism, sprang into action, determined to discover what was being planned for the landfill and how this would impact the community's public health.

The Raymonds' story was recounted in the January 25, 2004, issue of Parade magazine. "When Linda Raymond contacted town officials to find out what was going on, she hit a stone wall. 'I couldn't get a straight answer from anyone,' she says. 'It was very frustrating.'" The article describes what the Raymonds did next: "To get answers—and action—the Raymonds turned to a powerful set of tools: Federal and State Freedom of Information (FOI) laws."

With the information the Raymonds collected under Massachusetts State FOI laws, they educated the community and held public officials accountable. Their actions ultimately led to the city shelving plans to expand the size of the landfill by over a million tons of waste—plans that had been developed without public knowledge or debate, and which had not been evaluated for environmental or health impacts.

The Raymonds' triumph highlights the power of Government sunshine laws. It also demonstrates one of the most common uses of such laws by citizens and local community groups—that is, reliance on FOI laws to ensure that schools, neighborhoods and local industries are safe and secure. Our FOI laws are in danger, however, especially in the post-9/11 era. As noted by Parade, "Some journalists and civil liberties defenders believe that fences have gone up around FOI laws in the aftermath of 9/11. 'Freedom of Information is under threat,' says Woburn Daily Times Chronicle columnist Marie Coady. 'Across the country, it's becoming harder to access documents.'"

One of the most significant threats to American citizens' right to know about health and safety issues was enacted by Congress in 2002 in the form of a broad exemption to the Federal sunshine law, the Freedom of Information Act, FOIA. The Homeland Security Act of 2002, HSA, contained a subtitle purportedly designed to protect "critical infrastructure information." That broadly defined term applies to information regarding a variety of facilities—such as privately operated power plants, bridges, dams, ports, or chemical plants—that might be targeted for a terrorist attack. In exchange for the cooperation of private companies in sharing information with the government regarding vulnerabilities in the Nation's critical infrastructure, those companies would not have to share certain information with the public.

Encouraging cooperation between the private sector and the Government to keep our critical infrastructure systems safe from terrorist attacks is a goal we all support. Unfortunately, rather than increasing security by encouraging private sector disclosure to the Government, the law guts FOIA at the expense of our national security and public health.

The HSA created a new FOIA exemption for "critical infrastructure information." In HSA negotiations, House Republicans and the administration promoted legislative language that they described as necessary to encourage the owners of such facilities to identify vulnerabilities in their operations and share that information with the Department of Homeland Security, DHS. The stated goal was to ensure that steps could be taken to ensure the facilities' protection and proper functioning.

In fact, such descriptions of the legislation were disingenuous. These provisions, which were eventually enacted in the HSA, shield from FOIA almost any voluntarily submitted document stamped by the facility owner as "critical infrastructure." This is true no matter how tangential the content of that document may be to the actual security of a facility. The law effectively allows companies to hide information about public health and safety from American citizens simply by submitting it to DHS. The enacted provisions were called "deeply flawed" by Mark Tapscott of the Heritage Foundation. He argued that the "loophole" created by the law "could be manipulated by clever corporate and government operators to hide endless varieties of potentially embarrassing and/or criminal information from public view."

In addition, under the HSA, disclosure by private facilities to DHS neither obligates the private company to address the vulnerability, nor requires DHS to fix the problem. For example, in the case of a chemical spill, the law bars the Government from disclosing information without the written consent of the company that caused the pollution. As the Washington Post editorialized on February 10, 2003, "A company might preempt environmental regulators by 'voluntarily' divulging incriminating material, thereby making it unavailable to anyone else."

Last March, I introduced a bill to repeal this dangerously broad FOIA exemption and to replace it with a balanced measure that will protect our Nation's critical infrastructure without obliterating public oversight. The Restoration of Freedom of Information Act—Restore FOIA—would protect legitimate records pertaining to critical infrastructure safety, but would remove the free pass given by the HSA to industry for any information that a facility chooses to label "critical infrastructure."

Perhaps most important to people like the Raymonds, who relied on State

FOI laws to obtain information on the Woburn landfill, the Restore FOIA bill also allows local authorities to apply their own sunshine laws. Unlike the provisions of the HSA, the Restore FOIA bill does not preempt any State or local disclosure laws for information obtained outside the Department of Homeland Security. Likewise, it does not restrict the use of such information by State agencies.

By enacting Restore FOIA, we can protect the Nation's critical infrastructure without cutting the public out of the loop. James Madison said, "A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy or perhaps both." I urge my colleagues to support Restore FOIA so that this basic and fundamental principle is upheld.

I ask unanimous consent that the Parade article describing the Rayburns fight for open and accountable Government be printed in the RECORD.

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

[From Parade Magazine, Jan. 25, 2004]

HOW THEY UNCOVERED THE TRUTH
(By Micah Morrison)

At first glance, they don't look like activists. Mike and Linda Raymond of Woburn, Mass., a blue-collar community north of Boston, are both in their mid-50s. They have been married 35 years, with two grown sons and four grandchildren. Mike teaches computer and fitness classes at the local high school. Linda is a secretary with the public school system. But these self-described "everyday working people" took on City Hall in a battle to protect their community.

Family pictures are on proud display in the Raymonds' comfortable home on North Maple Street in one of Woburn's many close-knit neighborhoods. "It's a good place to raise kids," Mike Raymond says of his town. "It has excellent schools and a good health-care system." Yet, on an autumn day three years ago, the Raymonds discovered something about their community that troubled them deeply.

The Raymonds took a walk down the wooden path at the end of their street. Past small ponds and a rise of trees, they came upon an astonishing sight: Trucks loaded with debris were rumbling up the 60-foot slopes at the Woburn Landfill. The 40-acre mountain of trash had been dormant for more than 15 years—now, mysteriously, it was growing again.

"I worried," Linda Raymond recalls. "Who had opened the landfill? Was it toxic? Why hadn't people in the neighborhood been told?"

Given Woburn's history, the Raymonds had reason for concern. In the 1980s, the town was rocked by a lawsuit against local industries claiming that water pollution had led to an increase in leukemia deaths. The story was revived in the '90s with the book and movie *A Civil Action*. Today, Woburn Mayor John Curran says the city "has worked hard to overcome the Civil Action stigma. Our drinking water has been of the highest quality for over 20 years."

Getting no answers. But when Linda Raymond contacted town officials to find out what was going on, she hit a stone wall. "I couldn't get a straight answer from anyone," she says. "It was very frustrating." So, to get answers—and action—the Raymonds

turned to a powerful set of tools: federal and state Freedom of Information (FOI) laws.

As the Raymonds discovered, FOI requests can be made by anyone. "There are a million ways the public can use FOI laws," says Robert Freeman of the New York State Committee on Open Government. "When property taxes are raised, you can review the assessment rolls to ensure that you've been treated fairly. You can find out if your child's teacher is really certified to teach math. You can find out if a restaurant has health-code violations."

First steps. After researching FOI laws, Linda Raymond figured that her first letter should go to the Massachusetts Department of Environmental Protection. She wrote asking for "any and all documents pertaining to the Woburn Landfill," noting that she was making the request under the state's Freedom of Information laws. The agency quickly complied, inviting Linda to come review the files.

Speaky cooperation from government agencies is not always the norm. "There will be delays," Linda says. "Something you have to be persistent. And it's important to know your rights—including the right to an appeal when documents are denied."

Looking over the files, Linda made some important discoveries. Under state law, the city was required to bring in material to "cap" the landfill and close it with a protective lining of topsoil, loam and netting. She found that, to pay for the multimillion-dollar project, Woburn had hired a private contractor who was hauling in soil and debris from construction sites to cover the capping costs. In reading through the documents, Linda also discovered that the bottom of the landfill did not have a protective lining.

That's when the Raymonds really began to worry, because the landfill sits on top of a watershed feeding into the nearby Aberjona River. "We found medical waste, coal ash, construction debris and oil seeping into the wetlands," Mike recalls. Were contaminants polluting the watershed?

Digging deeper. The Raymonds zeroed in with more specific requests. A second FOI petition went to the Woburn city clerk for the contract the town had signed with the waste-management firm. The response brought some startling news: "The original contract called for 300,000 tons of waste to be brought in," Mike explains, "but the town was looking to expand the landfill by another million tons."

A third request, to the Woburn Board of Health, brought documents revealing that the former mayor had quietly assembled a panel to advise him on landfill issues, with no public input. The documents also showed discussions of plans for the future of the site, including turning it into a picnic area or police shooting range.

"We got very angry," Linda recalls. "We felt the politicians were making plans without anyone knowing about it. And there were possible health risks."

Taking action. The Raymonds swung into action. They organized their neighbors, contacted the media and raised the issue at public meetings. "The documents we obtained under FOI educated us," Linda says. "And we in turn were able to educate the community."

At first, their aims were modest. "We wanted to postpone the capping until the landfill could be tested and deemed environmentally safe," Mike says. But the Raymonds had hit a nerve. Under mounting pressure, plans for the landfill were shelved.

"Without FOI laws," Linda says, "we couldn't have done it."

A threat to access? Next time, it might be more difficult. Some journalists and civil liberties defenders believe that fences have

gone up around FOI laws in the aftermath of 9/11. "Freedom of Information is under threat," said Woburn Daily Times Chronicle columnist Marie Coady. "Across the country, it's becoming harder to access documents."

On the federal level, "there has been a major change in atmosphere since 9/11," says Lucy Dalglisch, executive director of the Reporters Committee for Freedom of the Press. Federal officials "are not releasing information they would have provided five years ago."

Still, thousands of Freedom of Information requests continue to be routinely processed every year. And with legal challenges under way, ultimately the courts will decide whether the new restrictions are a reasonable response to a changed world.

The Raymonds say they'll keep using FOI laws. Although the state of Massachusetts has given the Woburn Landfill a clean bill of health, the couple plan to closely watch the results of the elaborate pollution-monitoring procedures established at the site.

"We're just everyday people," Linda says, "but we stopped a landfill from expanding and raised environmental awareness. Any community can do what we did."

Mike agrees. He cites his favorite quote, from anthropologist Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

A POWERFUL TOOL EVERYONE CAN USE

It's not difficult to use Freedom of Information laws, and there's no telling what you might turn up. Here are some tips on getting the information you want:

Research First.—Who has the information you're seeking? Identify your targets. Ask your local librarian for help. Check municipal, state and federal Web sites. Most states have a designated office to help with public-records searches. Federal agencies have FOI officers. The Reporters Committee for Freedom of the Press (www.rcfp.org) publishes guides to using state and federal Freedom of Information laws.

Put It in Writing.—While some states allow oral requests, it's best to write a short letter stating what information you're seeking. Note that you're making the request under a State or Federal Freedom of Information statute. Be as specific as possible. The Reporters Committee for Freedom of the Press has a helpful sample letter at its Web site.

Show Them the Money.—Often there will be a photocopying fee and other costs related to your request. You can speed the process by stating in your letter how much you're willing to pay and asking to be notified if costs exceed that amount. You also can request a fee waiver. In some cases, you can go to a government office to view the documents and do your own copying.

Exemptions and Appeals.—Many public records are exempt from FOI laws. The U.S. Congress did not make itself or the courts subject to the statute. Most documents impacting minors, criminal investigations, trade secrets and personal privacy are off-limits. But you also may be denied documents that you have a right to see. If you are denied access, be sure to use the FOI appeals process. A brief letter to the agency head requesting a review of the decision will get the ball rolling. Meanwhile, make photocopies of everything you send out. Above all, be patient and persistent. You may be pleasantly surprised!

THERE'S MORE YOU CAN DISCOVER

There's a common belief that FOI laws are used mainly in environmental cases. Not true. Here are examples of other uses of this powerful tool:

In Grand Rapids, MI, a high school government class used Freedom of Information laws to expose flaws in the county's jury-selection system.

In Fulton, MO, a concerned citizen used State open-government laws—kissing cousins to FOI statutes—to force disclosure of town-council discussion about building a golf course at taxpayer expense.

In Washington, D.C., a woman used FOI laws to find out about the ownership of some drug-infested, abandoned buildings. The owner? The District of Columbia government!

The U.S. Department of Agriculture—as a result of an FOI request—revealed accounts of the mistreatment of circus elephants.

GUN SAFETY REPORT CARDS

Mr. LEVIN. Mr. President, earlier this month, the Brady Campaign to Prevent Gun Violence, united with the Million Mom March and the Nation's leading State-based gun violence prevention groups, published the annual gun safety report cards for every State in America. The report cards are the culmination of a comprehensive analysis of each State's gun safety laws.

The report cards rate each State on seven types of laws that protect children from gun violence. Extra credit and demerits are also assigned for other State gun laws. The Brady Campaign includes in its analysis such questions as: is it illegal for a child to possess a gun without supervision? Is it illegal to sell a gun to a child? Are gun owners held responsible for leaving loaded guns easily accessible to children? Are guns required to have child safety locks, loaded-chamber indicators and other childproof designs? Do cities and counties have authority to enact local gun laws? Are background checks required at gun shows? Is it legal to carry concealed handguns in public?

The report awarded 10 States with Sensible Safety Stars for protecting children from gun violence. Nine other States were sent to the "Time-Out Chair" for weakening State gun laws. Unfortunately, 31 States received grades of D or F in this year's report cards. Not surprisingly, according to the report, States receiving Ds and Fs tend to have child and teen firearm death rates that are higher than the national average. For example, the average firearms death rate of youth in the 8 States that received an F grade was 33 percent higher than the average firearms death rate for the 10 States that received an A or a B.

I applaud the efforts of the Brady Campaign to Prevent Gun Violence to keep the pressure on State and local legislators to enact sensible gun safety legislation, and I encourage my colleagues to review this report.

OBJECTION TO S. 1896 AND H.R. 1664

Mr. WYDEN. Mr. President, last November, I announced my intention to object to any unanimous consent request for the Senate to take up S. 1896,

the Tax Relief Extension Act, and H.R. 1664, the Armed Forces Tax Fairness Act. I did so because these bills were the only relevant amendable legislation expected to be taken up in the Senate before the need of the last session and, therefore, they provided the only opportunity to extend unemployment benefits before Federal unemployment benefits expired at the end of the year.

Oregon currently has the second highest unemployment rate in the Nation with an unemployment rate of 7.3 percent. Extension of unemployment benefits is critical for many Oregonians who have or will soon run out of unemployment.

In order to restore or continue benefits to unemployed workers in Oregon and many other States, I will be pushing for passage of S. 2006, the Emergency Unemployment Compensation Act. S. 2006 restores Federal unemployment benefits and reforms a "look back" rule that affects Oregon and other high unemployment States as part of the legislation.

Because there is now legislation before the Senate to restore Federal benefits for unemployed workers in Oregon and other States, I will no longer object to any unanimous consent request for the Senate to take up S. 1896 or H.R. 1664.

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.

One such crime occurred in Houston, TX, on January 26, 2002. Hugo Barajas was found dead from multiple gun shot wounds to the neck, arm and chest in a club that caters to the gay, lesbian, bisexual, and transgender community. Barajas, a man, was dressed as a woman at the time of the murder.

I believe that Government's first duty is to defend its citizens, to defend them against the harm 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.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 2053. A bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 2054. A bill to require the Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 489

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 1946

At the request of Mr. CORZINE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1946, a bill to establish an independent national commission to examine and evaluate the collection, analysis, reporting, use, and dissemination of intelligence related to Iraq and Operation Iraqi Freedom.

S. 1993

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1993, a bill to amend title 23, United States Code, to provide a highway safety improvement program that includes incentives to States to enact primary safety belt laws.

S. 2007

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2007, a bill to provide better protection against bovine spongiform encephalopathy and other prion diseases.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2272. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2272. Mr. LEAHY submitted an amendment intended to be proposed by